

The Kalyani University Act, 1981 Act 40 of 1981

Keyword(s):

Affiliated, College, Convocation, Employee, Government College, Governor, Hall, Librarian, Non-teaching Staff, Minister, Principal, Registered Graduate, Regular Student, Statutes, Teacher, Teacher of University, University, University Laboratory, University Professor

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West Bengal Act XL of 1981

THE KALYANI UNIVERSITY ACT, 1981.

AMENDED

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West Ben. Act XXIII of 1983.
West Ben. Act VII of 1985.
West Ben. Act XXV of 1985.
West Ben. Act XX of 1986.
West Ben. Act VIII of 1988.
West Ben. Act XII of 1995.
West Ben. Act IX of 1998.
West Ben. Act XVII of 1999.
West Ben. Act XVII of 2001.

[22nd December, 1981.]

An Act to provide for the reconstitution of the University of Kulyani and for certain matters incidental thereto and connected therewith.

Whereas it is expedient to reconstitute the University of Kalyani to enable it to function more efficiently as a University encouraging and providing for instruction, teaching, training and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of society and to make the constitution of various authorities or bodies of the University more democratic;

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

CHAPTER I

Preliminary

- (1) This Act may be called the Kalyani University Act, 1981.
- (2) This section and section 55 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Short title and commencement.

(Chapter 1.—Preliminary.—Section 2.)

Definitions.

- 2. In this Act, unless there is anything repugnant in the subject or context,—
 - "affiliated" in relation to a college or an institution means affiliated to the University of Kalyani as constituted prior to the appointed day and continuing as such immediately before such day or affiliated to the University under this Act:
 - "appointed day" means the date referred to in subsection (5) of section 55;
 - "college" means a college established or maintained by, or affiliated to, the University;
 - (4) "convocation" means a meeting of the Court for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions;
 - 1(4A) "districts" means the districts of Nadia and Murshidabad;
 - (5) "employee" in relation to the University means any person employed by the University;
 - (6) "financial year" means the year ending on the 31st day of March;
 - (7) "Government College" means a college maintained and managed by the State Government;
 - (8) "Governor" means the Governor of the State of West Bengal;
 - (9) "hall" or "hostel" means a unit of residence for students, teachers, officers or non-teaching staff recognised by the University;
 - (10) "Librarian" means,---
 - (a) in relation to the University, a Librarian, Deputy Librarian, Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognised as such by the University, and
 - (b) in relation to a college affiliated to the University, a Librarian, Deputy Librarian, Assistant Librarian or any other person discharging the functions of a Librarian on whole-time basis, by whatever name called, appointed or recognised by the University or appointed by such college;

¹Clause (4A) was inserted by s, 2 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act 1X of 1998).

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(Chapter I.-Preliminary.-Section 2.)

- (11) "Minister" means the Minister-in-charge of Higher Education appointed as such by the Governor;
- (12) "non-teaching staff" means,-
 - (a) in relation to the University, the non-teaching staff, not holding any teaching post (including part-time teaching post), appointed or recognised as such by the University, and
 - (b) in relation to an affiliated college, the non-teaching staff, not holding any teaching post (including parttime teaching post), appointed or recognised by the University or appointed by such college,

but does not include an officer or a Librarian;

- (13) "prescribed" means prescribed by the Statutes, Ordinances, Regulations or Rules made under this Act;
- (14) "Principal" means the head of a college or of an institution, by whatever name called;
- (15) "registered graduate" means a graduate registered under this Act, at least three months prior to the date of election of members to the Court, on application in the prescribed form and on payment of a fee of one rupee:

Provided that no person shall be eligible to be registered under this Act unless he has graduated himself from the University at least three years prior to the date of election of members to the Court;

- (16) "regular student" means,-
 - (a) in relation to the University, a student who has been prosecuting his studies in a post-graduate or undergraduate department of the University under any of the '[Faculty Councils for post-graduate studies or Councils for undergaduate studies, as the case may be.] and who is not in default of payment of prescribed tuition fees and other dues of the University till such date as may be notified by the University in this behalf, and
 - (b) in relation to an affiliated college, a student who has been prosecuting his studies in an undergraduate or post-graduate degree class of such college and who is not in default of payment of prescribed tuition fees and other dues of such college till such date as may be notified by the University in this behalf;

^{&#}x27;Words within the square brackets were substituted for the words "Fuculty Councils for post-graduate and undergraduate studies" by s. 2 of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999).

(Chapter II.—The University and its Officers.—Section 3.)

- (17) "Statutes", "Ordinances", "Regulations" and "Rules" mean, respectively, the Statutes, Ordinances, Regulations and Rules of the University made under this Act;
- (18) "Students' Union", in relation to the University or an affiliated college, means the Students' Union constituted in the manner prescribed;
- (19) "Teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Tutor, Instructor or any other person appointed or recognised as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research in the University or in any affiliated college or institution;
- (20) "Teacher of the University" means a Professor, Reader, Lecturer or any other person, appointed or recognised as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research in the University;
- (21) "University" means the University of Kalyani as constituted under this Act;
- (22) "University Laboratory", "University Library", "University Museum" or "University Institution" means a laboratory, a library, a museum or an institution, as the case may be, maintained and managed by the University, whether established by it or not;
- (23) "University Professor", "University Reader" or "University Lecturer" means a Professor, Reader or Lecturer appointed or recognised as such by the University.

CHAPTER II

The University and its Officers

The University.

- 3. (1) The Chancellor and the Vice-Chancellor of the University and the members of the Court and the Executive Council, for the time being, shall constitute a body corporate by the name of the University of Kalyani.
- (2) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the University of Kalyani.

(Chapter II.—The University and its Officers.—Section 4.)

- 4. The University shall have the following powers, namely:—
 - to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge and learning, and the extension of higher education;
 - (2) to establish, maintain and manage colleges, libraries, laboratories, museums and such other institutes, institutions or centres for study and research as it may deem necessary;
 - (3) to provide for specialisation of studies in colleges and for organisation by colleges of common laboratories, libraries, museums and such other institutes, institutions or centres for study and research work;
 - (4) to affiliate to itself or to recognize any college, institute, institution or centre;
 - (5) to disaffiliate any college, institute, institution or centre in any subject or subjects or to withdraw affiliation or recognition, if necessary;
 - (6) to prescribe for colleges, other than Government Colleges,—
 - (a) the constitution, powers and functions of their Governing Bodies, and
 - (b) with the approval of the State Government,—
 - (i) the terms and conditions of service of Teachers, Librarians and non-teaching staff, and
 - (ii) rules for provident fund;
 - (7) to prescribe for colleges the rules for Teachers' Councils

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 - (8) to provide for the inspection, or investigation into the affairs, of colleges or institutions or centres recognized by it or affiliated to it and to exercise general supervision and control over them;
 - (9) to take for a period not exceeding twelve months the management of any affiliated college, institution or centre, other than a Government College, institution or centre, in order to ensure that proper standard of teaching, training or instruction is maintained therein:

Provided that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

Powers of the University.

^{&#}x27;Sub-clause (b) was substituted for original sub-clause by s. 8(a)(i) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben. Act VIII of 1988), w.c.f. 9.8.1985.

^{*}The words "and Provident Funds" was omitted by s. 8(a)(ii), ibid.

(Chapter II.-The University and its Officers.-Section 4.)

(10) to dissolve the Governing Body of any affiliated college or institution or centre, other than a Government College, and, pending reconstitution of the Governing Body thereof in such manner as may be prescribed, to appoint an Administrator or an ad hoc Governing Body:

Provided that the reconstitution of the Governing Body shall be made within a period of twelve months from the date of its dissolution:

Provided further that the University may, if it considers necessary so to do, extend such period so, however, that the aggregate period shall not exceed eighteen months;

- (11) to institute and make appointment to Professorship, Readership, Lectureship and other posts required by the University for the purpose of imparting instruction or conducting research in the University;
- (12) to create posts, as and when required, of officers and employees of the University besides those provided for in this Act;
- (13) to prescribe, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies;
- (14) to prescribe the powers and duties of officers of the University;
- (15) to prescribe, subject to the provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for all posts of Teachers and other employees of the University;
- (16) to make provisions for provident fund and other funds for the Teachers, officers and other employees of the University;
- (17) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (18) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall have pursued an approved course of study in the University or in an affiliated college unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examinations of the University, or
 - (b) shall have carried on research under conditions prescribed;

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(Chapter II.—The University and its Officers.—Section 4.)

- (19) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (20) to confer honorary degrees or other academic distinctions under conditions prescribed;
- (21) to prescribe, demand and receive fees, fines and other charges for examinations and other purposes;
- (22) to establish, maintain, manage or recognize Halls, Hostels and other places of residence for the students, Teachers, officers or non-teaching staff of the University, to withdraw such recognition, and to take over the management and maintenance of the existing Halls, Hostels or places of residence, recognized by the University, with the consent of the authorities thereof;
- (23) to provide for the promotion of the health and welfare of students and of discipline among them;
- (24) to make grants to the National Cadet Corps and the National Service Scheme from the University Fund;
- (25) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (26) to acquire, hold and dispose of property, movable and immovable, and to make grants and advances for furthering any of its objects;
- (27) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects for the University or on behalf of any college or institution established by, affiliated to, or recognized by, the University;
- (28) to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (29) to accept grants from the Central or any State Government or the University Grants Commission, and, with the approval of the State Government, also from other sources, to raise loans, or to accept loans from the Central or the State Government or the University Grants Commission and from other sources:

(Chapter II.—The University and its Officers.—Section 5.)

Provided that raising of loans and acceptance of loans from other sources shall require the approval of the State Government;

- (30) to co-operate with other universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (31) generally to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.

Jurisdiction of the University.

5. '(1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the limits of the districts and the local limits of the police station of Bijpur in the district of North 24-Parganas.

Explanation.—For the purpose of this sub-section, "local limits of the police station of Bijpur" shall mean the local limits of the police station of Bijpur as declared generally or specifically by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973, and in force on the date of commencement of this Act.

2 of 1974.

- (2) No other University shall have jurisdiction to recognize or grant affiliation to any college or institution or centre within the aforesaid limit.
- (3) Notwithstanding anything contained in sub-section (1), any college, institution or centre situated beyond the limits of ³[the police station] referred to therein may, with the sanction of the State Government, apply to the University for affiliation and the University may, subject to such conditions and restrictions as it may with the approval of the State Government think fit to impose, affiliate to itself such college, institution or centre and admit the same to all the privileges of the University.
- ³(4) Notwithstanding anything contained in any other law for the time being in force, with effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf (hereinafter referred to in this section as the said date),—
 - (a) such colleges existing on the said date within the limits of the districts as may be specified in the notification, shall—
 - (i) be deemed to be affiliated to the University and shall continue to be so affiliated until the University otherwise directs; and

¹Sub-section (1) was substituted for original sub-section by s. 3(1) of the Kalyani University (Amendment) Act, 1998 (West Hen. Act 1X of 1998).

[&]quot;The words within the square brackets were substituted for the words "any police-station" by s. 3(2), ibid.

Sub-section (4) was inserted by s. 3(3), ibid.

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(Chapter II.—The University and its Officers.—Sections 6.8.)

- (ii) cease to be affiliated to the University of Calcutta or any other University to which they may have been affiliated before the said date;
- (b) any Teacher, Principal or member of the Governing Body of any such college holding, by virtue of his being such Teacher, Principal or member, any office in or under the University of Calcutta or any of the authorities of the said University, shall cease to hold such office, and the vacancy so caused shall be deemed to be a casual vacancy for the purposes of the Calcutta University Act, 1979;
- (c) no college or institution situated within the local limits of the jurisdiction of the University, but not admitted to its privileges, shall be associated with, or be admitted to, the privileges of any other university except with the previous approval of the State Government.
- 6. The University may delegate such of its powers as it may deem expedient to any of its authorities referred to in section 16 or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.

Delegation of powers.

Officers of

University.

- 7. The following shall be the officers of the University:-
 - (1) the Vice-Chancellor;
 - (2) the Registrar;
 - (3) the Finance Officer;
 - ¹(4) persons holding such other posts as may be approved by the State Government and declared by Statutes to be posts of officers of the University.
- 8. (1) The Governor shall, by virtue of his office, be the Chancellor of the University. He shall be the head of the University and the President of the Court and shall, when present, preside at the meetings of the Court.
- (2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.
- (3) Where power is conferred upon the Chancellor to make nominations to any authority or body of the University, the Chancellor shall, to the extent necessary, nominate persons to represent interests not otherwise adequately represented.
- (4) Every proposal to confer any honorary degree shall be subject to confirmation by the Chancellor.

The Chancellor.

¹Clause (4) was substituted for original clause by s. 4 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

West Ben. Act XXXVIII of 1979.

(Chapter 11.—The University and its Officers.—Section 9.)

The Vice-Chancellor.

- 9. (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Court. If the Court fails to make any such recommendation, the Vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister from a panel of three persons to be elected by the Court in accordance with the system of proportional representation by means of the single transferable vote.
- (2) (a) The Vice-Chancellor shall hold office for a term of four years or till he attains the age of 65 years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of 65 years, whichever is earlier.
- (b) The Chancellor may, notwithstanding the expiration of the term of the office of the Vice-Chancellor or his attaining the age of 65 years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.
- (3) The Vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.
- (4) The Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.
- (5) (a) If the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, then, during the period of such temporary inability the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor.
- (b) When a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation or expiry of the term of his office or otherwise, then, pending the appointment of a Vice-Chancellor, the Chancellor in consultation with the Minister may appoint any person to exercise the powers and perform the duties of the Vice-Chancellor for any period not exceeding six months.
- (6) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-section (1) within a period of six months from the date of occurrence of the vacancy and such period shall be held to include any period for which a Vice-Chancellor is allowed to continue in office under clause (b) of sub-section (2) or a person is appointed to exercise the powers and perform the duties of the Vice-Chancellor under clause (b) of sub-section (5).

(Chapter II.-The University and its Officers.-Section 10.)

- 10. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at the meeting of the Court. He shall, by virtue of his office, be a member and the Chairman of the Executive Council ¹[, the Faculty Councils for post-graduate studies and the Councils for undergraduate studies] and also the Chairman of any other authority or body of the University of which he may be a member. He shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote thereat.
- (2) The Vice-Chancellor shall have the power to convene meetings of the Court, the Executive Council, ²[the Faculty Councils for post-graduate studies, the Councils for undergraduate studies] and of any other authority or body of the University.
- (3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, the Ordinances, the Regualtions and the Rules, are faithfully observed, and to take such action as may be necessary for this purpose.
- (4) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers of the University and over all Teachers and other employees of the University and generally over all the affairs of the University.
- (5) The Vice-Chancellor shall exercise such other powers and discharge such other duties as may be delegated to him by any authority or body of the University or as may be prescribed by Statutes, Ordinances, Regulations or Rules.
- (6) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting of the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(7) The Vice-Chancellor may, with the approval of the Executive Council, at any time delegate any of his powers other than the powers referred to in sub-section (6) to any other officer subordinate to him.

Powers and duties of the Vice-Chancellor.

^{&#}x27;Words within the square brackets were substituted for the words "and the Faculty Councils for post-graduate and undergraduate studies" by s. 3(1) of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999).

²Words within the square brackets were substituted for the words "the Faculty Councils for post-graduate and undergraduate studies" by s. 3(2), ibid.

(Chapter II.—The University and its Officers.—Sections 11-14.)

The Registrar,

- 11. (1) The Registrar shall be a whole-time officer of the University. He shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government for such period and on such terms and conditions as may prescribed by Statutes.
- (2) The Registrar may resign his office by writing under his hand addressed to the Vice-Chancellor.
- (3) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Vice-Chancellor may, with the approval of the Executive Council, appoint a Teacher of the University or an officer of the University, temporarily for a total period not exceeding six months, to exercise the powers and perform the duties of the Registrar.

Powers and duties of the Registrar.

12. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary of the Court as also of the Executive Council and shall exercise such powers and perform such duties as may be prescribed, or delegated to him by or under this Act and the Statutes, the Ordinances or the Regulations, as the case may be.

The Finance Officer.

- 13. (1) The Finance Officer shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Committee consisting of the Vice-Chancellor as Chairman, two nominees of the Executive Council, a nominee of the Chancellor and a nominee of the State Government, for such period and on such terms and conditions as may be prescribed by Statutes.
- (2) The Finance Officer may resign his office by writing under his hand addressed to the Vice-Chancellor.
- (3) If the Finance Officer is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Vice-Chancellor may, with the approval of the Executive Council, appoint a person temporarily for a total period not exceeding six months, to exercise the powers and perform the duties of the Finance Officer.

Powers and duties of the Finance Officer.

14. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Finance Officer shall be in charge of the administration of the funds, the finances and the properties and assets of the University and of all trusts and endowments; and he shall take special interest in activities that aim at raising funds for the purposes of the University and augmenting the resources of the University.

(Chapter II.—The University and its Officers.—Section 15.— Chapter III.—Authorities of the University.—Sections 16, 17.)

- (2) The Finance Officer shall exercise such other powers and perform such other duties as may be prescribed, or delegated to him by or under this Act and the Statutes, the Ordinances or the Regulations, as the case may be.
- 15. In their respective spheres of duties, the Registrar and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act and the Statutes, the Ordinances or the Regulations, as the case may be.

Supervisory powers of the Registrar and the Finance Officer.

CHAPTER III

Authorities of the University

- 16. The following shall be the authorities of the University:-
- Authorities.

- (1) the Court;
- (2) the Executive Council;
- ¹(3) the Faculty Councils for post-graduate studies;
- ¹(3A) the Councils for undergraduate studies;
 - (4) the Boards of Studies;
 - (5) the Finance Committee;
 - (6) such other authorities as may be established under the Statutes.
- 17. (1) The Court shall consist of the following members:—

The Court.

- (a) ex officio members
 - (i) the Chancellor;
 - (ii) the Vice-Chancellor;
 - (iii) the immediately preceding Vice-Chancellor;
 - (iv) the Deans of the ²[Faculty Councils for post-graduate studies;]
 - J(v) the Secretary, Department of Higher Education, Government of West Bengal, or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;

¹Chauses (3) and (3A) were substituted for original chause (3) by s, 4 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

^{&#}x27;Words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies;" by s. 5(1), ibid.

^{*}Clause (v) was substituted for previous clause by s. 5(a) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Prior to this substitution the words "or his nominee not below the mark of Deputy Secretary to the Government of West Bengal" were inserted, in original clause (v), by s. 8(a) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

(Chapter III,-Authorities of the University.-Section 17.)

- (vi) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
- (vii) the President, West Bengal Council of Higher Secondary Education;
- (viii) the President, West Bengal Board of Secondary Education;
- (ix) the Chairman of the Kalyani [Municipality;]
- 2(x) six Professors of the University Departments, one each belonging to any Department under each Faculty Council for post-graduate studies, elected jointly by the Professors of the University:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Professor of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Professor until such election takes place;

- J(xi) twelve Teachers of the University Departments other than Professors, elected by such Teachers of the University from amongst themselves, of whom—
 - (a) four shall be from the Departments under the Faculty Council for Post-Graduate Studies in Arts and Commerce including one from the Commerce Department,
 - (b) four shall be from the Departments under the Faculty Council for Post-Graduate Studies in Science,

^{&#}x27;Word within square brackets was substituted for the words "Notified Area Authority;" by s. 2(1) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995).

³Clause (x) was substituted for previous clause (x) by s. 5(2)(a) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999). Prior to this substitution there occurred following changes, namely:—

⁽i) the word "four" was substituted for the word "three" by s, 2(2)(a)(i) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995), and

⁽ii) a proviso was added by s. 2(2)(a)(ii), ibid.

^{&#}x27;Clause (xi) was substituted for previous clause by s. 5(2)(b) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999). Prior to this substitution the clause faced the following changes, namely:—

the word "ten" was substituted for the word "nine" by s. 2(2)(b)(i) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995),

⁽ii) in sub-clause (b), the word "Science," was substituted for the words "Science, and" by s. 2(2)(b)(ii), ibid,

⁽iii) in sub-clause (c), the words "Education, and" were substituted for the word "Education;" by s. 2(2)(b)(iii), ibid, and

⁽iv) after clause (c), clause (d) was inserted by s. 2(2)(b)(iv), ibid.

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(Chapter III.—Authorities of the University.—Section 17.)

- (c) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Education,
- (d) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management,
- (e) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Law, and
- (f) one shall be from the Departments under the Faculty Council for Post-Graduate Studies in Music and Fine Arts:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Teacher of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Teacher until such election takes place;

- '(xii) ³[seven] Teachers, not being Principals, of whom not more than one shall belong to any affiliated college, elected by the Teachers of affiliated colleges from amongst themselves;
- '(xiii) four Principals of affiliated colleges, of whom one shall belong to a Teachers' training college and one shall belong to a college teaching in engineering and technology, elected by the Principals of the affiliated colleges;
- (xiv) two persons elected by registered graduates from amongst theinselves;
- (xv) ⁴[two members] of the West Bengal Legislative Assembly representing the territorial jurisdiction of the University elected by the members of the West Bengal Legislative Assembly;

^{&#}x27;Clause (xii) was substituted for original clause by s. 2(c) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995).

[&]quot;The word "seven" was substituted for the word "five" by s. S(2)(a) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

^{&#}x27;Clause (xiii) was first substituted for original clause by s. 2(d) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995). Then the word "four" was substituted for the word "three" by s. 5(2)(b) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Finally, the present clause was substituted by s. 5(c) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

Words within the square brackets were substituted for the words "one member" by s. 5(2)(e) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

(Chapter III.—Authorities of the University.—Section 17.)

'(xvi) four regular post-graduate students of the University, of whom not more than one shall belong to any Faculty Council for post-graduate studies, elected jointly by such students from amongst themselves.

Explanation.—Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of two years from the date of his election or till he ceases to be a regular student, whichever is earlier:

(xvii) ²[two regular students, not belonging to the same college, prosecuting studies] in undergraduate or postgraduate degree classes of affiliated colleges elected by an electoral college constituted in the manner prescribed.

Explanation.—Notwithstanding anything contained elsewhere in this Act, a member elected under this clause shall hold office for a period of three years from the date of his election or till he ceases to be a regular student, whichever is earlier;

(xviii) one Research Scholar or Research Fellow elected jointly by Research Scholars and Research Fellows.

Explanation 1.—"Research Scholar" or "Research Fellow" shall mean a whole-time Research Scholar or Research Fellow of the University who receives a stipend from the University.

Explanation II.—Notwithstanding anything contained elsewhere in this Act, a Research Scholar or a Research Fellow elected under this clause shall cease to hold office on the expiration of the term of Research Scholarship or Research Fellowship, as the case may be;

- (xix) three members elected by the members of the nonteaching staff of the University from amongst themselves;
- (xx) one member elected by the officers of the University from amongst themselves;

^{&#}x27;Clause (xvi) was substituted by s. 5(2)(d) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999). Prior to this substitution, there were following changes in original clause (xvi), namely:—

⁽i) the word "four" was substituted for the word "three" by s. 2(2)(e)(i) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995), and

⁽ii) a proviso was added by s. 2(2)(e)(ii), ibid.

^{*}Words within the square brackets were substituted for the words "one regular student prosecuting his studies" by 8: 2(2)(f), ibid.

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- '(xxa) one member elected by the Librarians of the University and of the colleges affiliated to the University from amongst themselves;
- (xxi) ²[three members] elected by the members of the non-teaching staff of the colleges affiliated to the University from amongst themselves;
- (xxii) four persons to be nominated by the State Government of whom---
 - (a) one shall be a member of a registered trade union within the territorial jurisdiction of the University,
 - (b) one shall be member of a peasants' association within the territorial jurisdiction of the University,
 - (c) one shall be a member of a primary school teachers' association within the territorial jurisdiction of the University, and
 - (d) one shall be a member of a secondary school teachers' association within the territorial jurisdiction of the University;
- (xxiii) two persons having special interest in the University education nominated by the Chancellor.
- (2) All elections to the Court shall be held in the manner prescribed by Statutes.
- 18. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Court shall exercise the following powers and perform the following functions:—

Powers and functions of the Court.

- 3(i) to initiate proposals for the establishment of any Faculty Council for post-graduate studies or any Council for undergraduate studies and to establish University Departments, institutions, centres, libraries, laboratories, workshops and museums for study and research;
- (ii) to create and institute, with the approval of the State Government, Professorships, Readerships, Lectureships, and such posts including posts of officers as may be necessary for the establishment of the University Departments, institutions, centres, libraries, laboratories ⁴[, workshops] and museums referred to in clause (i);

^{&#}x27;Clause (xxa) was inserted by s. 5(2)(d) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

²Words within the square brackets were substituted for the words "one member" by s. 5(2)(e), *ibid*.

^{*}Clause (i) was first substituted by s. 3(1) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995). Thereafter the present clause (i) was resubstituted by s. 6 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

Word within the square brackets was inserted by s. 3(2) of the Kalyani University (Antendment) Act, 1995 (West Ben. Act XII of 1995).

(Chapter III.—Authorities of the University.—Section 18.)

- (iii) to institute degrees, titles, diplomas, certificates and other academic distinctions;
- (iv) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (v) to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examinations as may be prescribed; or
 - (b) have carried on research in accordance with such conditions as may be prescribed;
- (vi) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be prescribed by Statutes and after giving the person affected a reasonable opportunity to present his case;
- (vii) to confer honorary degrees or other academic distinctions;
- (viii) to consider the Annual Statement of Accounts, the Audit Report in respect of the Annual Statement of Accounts, the Internal Audit Report and the Annual Budget approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary:

Provided that for the purpose of passing a resolution adopting, modifying or rejecting the Annual Budget, it shall be necessary for a majority of the total membership of the Court to vote in favour of the resolution;

- (ix) to consider the Annual Report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (x) to consider, and advise on, such other reports from the Executive Council or any other body as may be made to it;
- (xi) to consider, and advise on, proposals from the Executive Council for entering into agreement with the Government or, with the approval of the State Government, with any person, body or authority for

(Chapter III.—Authorities of the University.—Section 19.)

the taking over by the University of the management of any college or institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;

- (xii) to consider, and advise on, proposals from the Executive Council for co-operation with other universities, institutions and educational authorities in matters that relate to or further the educational objectives of the University;
- (xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xiv), to make rules for the transaction of its own business;
- (xv) to exercise all other powers and perform all other functions conferred and imposed on the Court by or under this Act.
- (2) The Court shall not exercise the powers and perform the functions referred to in clauses (i) to (vii) of sub-section (1) except on the recommendation of the Executive Council, but may send proposals in respect thereof to the Executive Council for its recommendation.
- (3) The Court shall have the power to review the action of the Executive Council, save where the Executive Council has acted in accordance with the powers conferred on it by or under this Act:

Provided that if any question arises as to whether the Executive Council has acted in accordance with the powers conferred on it by or under this Act, the matter shall be decided by reference to the Chancellor whose decision shall be final.

- 19. (1) The Court shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Court may also meet at such other times as it may, from time to time, decide.
- (2) One-third of the total number of members of the Court plus one shall be a quorum for a meeting of the Court:

Provided that such quorum shall not be required at a convocation.

(3) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of members of the Court, convene a meeting of the Court. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Vice-Chancellor.

Meeting of the Court. (Chapter III.—Authorities of the University.—Section 20.)

The Executive Council.

- 20. (1) The Executive Council shall consist of the following members:—
 - (a) ex officio members
 - (i) the Vice-Chancellor;
 - (ii) the Deans of the ¹[Faculty Councils for post-graduate studies;]
 - 2(iii) the Secretary, Department of Higher Education, Government of West Bengal, or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
 - (iv) the Secretary, Finance Department, Government of West Bengal or his nominee not below the rank of Deputy Secretary to the Government of West Bengal;
 - (v) the President, West Bengal Council of Higher Secondary Education;
 - (b) other members
 - J(vi) six Professors of the University not belonging to the same Faculty Council for post-graduate studies elected jointly by the Professors of the University:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the election of a Professor of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Professor until such election takes place;

^{&#}x27;Words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies;" by s. 7(1) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act_XVII of 1999).

^{&#}x27;Clause (iii) was substituted for previous clause (iii) by s. 6 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Prior to this substitution, the words "or his nominee not below the rank of Deputy Secretary to the Government of West Bengal" were inserted, in original clause (iii), by s. 8(b) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben. Act XX of 1986).

^{&#}x27;Clause (vi) was substituted for previous clause (vi) by s. 7(2)(a) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999). Prior to this substitution, there were some amendments in original clause (vi), namely:—

the word "four" was substituted for the word "three" by s. 4(1)(a) of the Kalyani University (Amendment) Act, 1995 (West Ben, Act XII of 1995), and

⁽ii) a proviso was added by s. 4(1)(b), ibid.

(Chapter III.—Authorities of the University.—Section 20.)

(vii) ¹[six Teachers of the University] other than Professors of whom at least one shall be from each of the ²[Faculty Councils for post-graduate studies], elected jointly by such Teachers of the University as are members of the ²[Faculty Councils for post-graduate studies] from amongst themselves:

³Provided that if there is no Department under Faculty Council for post-graduate studies concerned, the election of a Teacher of a Department under such Faculty Council for post-graduate studies shall be held after the establishment of such Department or Departments, and there shall be deemed to be a vacancy in the office of the member to be filled up by such Teacher until such election takes place;

- 4(viii) two Teachers of the University, other than Professors, not belonging to the same ³[Faculty Council for post-graduate studies.] elected by such Teachers as are members of the Court from amongst themselves;
 - (ix) one person, other than a Teacher or a student or a member of the non-teaching staff or an officer, elected by the members of the Court from amongst themselves;
 - (x) the member elected under clause (xv) of subsection (1) of section 17;
 - (xi) the member elected under clause (xx) of subsection (1) of section 17;
- (xii) one non-teaching staff of the University elected jointly by such non-teaching staff of the University and the affiliated colleges as are members of the Court from amongst themselves;
- (xiii) ⁶(a) (i) two Teachers, other than Principals, of affiliated colleges, elected by such Teachers, other than Principals, of affiliated colleges as are members of the Court from amongst themselves,

The words within the square brackets were substituted for the words "Tive post-graduate Teachers" by s. 4(2)(a) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

[&]quot;The words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies" by s. 7(2)(b)(i), ibid.

³The proviso was first substituted by s. 4(2)(b) of the Kalyani University (Amendment) Act. 1995 (West Ben. Act XII of 1995). Thereafter, the same was resubstituted by s. 7(2)(b)(ii) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

^{*}Clause (viii) was substituted for original clause by s. 4(3) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995).

⁵Words within the square brackets were substituted for the words "Faculty Council for post-graduate and undergraduate studies," by s. 7(2)(c) of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999).

^{*}Sub-clause (a) was first substituted by s, 4(4) of the Kalyani University (Amendment) Act, 1995 (West Ben, Act XII of 1995). Then, the same was resubstituted by s, 7(2)(d) of the Kalyani University (Amendment) Act, 1999 (West Ben, Act XVII of 1999).

(Chapter III.—Authorities of the University.—Section 21.)

- (ii) two Principals of affiliated colleges elected by such Principals of affiliated colleges as are members of the Court from amongst themselves, and
- (iii) five Teachers, other than Principals, of whom—
 - (A) four shall be the members of the Council for Undergraduate Studies in Arts, Science, Commerce, Education, Law, Music and Fine Arts, and
 - (B) one shall be the member of the Council for Undergraduate Studies in Engineering and Technology,

elected by such Teachers as are members of the Councils for undergraduate studies:

Provided that if there is no Teacher who is a member of the Council for undergraduate studies concerned, the election of a Teacher shall be held after the office of the member of such Council for undergraduate studies is filled up, and there shall be deemed to be a vacancy in the office of the member of the Executive Council to be filled up by such Teacher until such election takes place;

- (b) one post-graduate student elected by such students as are members of the Court from amongst themselves;
- (xiv) one person nominated by the Chancellor.
- (2) All elections to the Executive Council shall be held in the manner prescribed by Statutes.
- (3) One-third of the total number of members of the Executive Council plus one shall be a quorum for a meeting of the Executive Council.

Powers and functions of the Executive Council

- 21. Subject to the provisions of this Act, the Executive Council shall exercise the following powers and perform the following functions:—
 - (i) to initiate proposal for the making of Statutes and Ordinances including proposals for amendment or repeal thereof, in the manner hereinafter provided;

(Chapter III.—Authorities of the University.--Section 21.)

- (ii) to recommend to the Court the initiation of action for the establishment of a Faculty Council for post-graduate studies or Council for undergraduate studies and, after consulting the respective Faculty Council for post-graduate studies, the establishment of the University Departments, institutions, centres, libraries, laboratories and museums for study and research;
- (iii) to maintain University Departments, University institutions, University libraries, University laboratories and University museums;
- (iv) to establish, maintain, manage and recognize Halls and Hostels:
- (v) to direct the inspection of University libraries, University laboratories, ²[University workshops,] University museums, Halls and Hostels;
- '(va) to approve the results of examinations on the recommendation of the Faculty Councils for post-graduate studies and the Councils for undergraduate studies, as the case may be;
- (vi) to recommend to the Court, after consulting the respective ¹[Faculty Council for post-graduate studies,] the institution of fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund, and to award the same after institution thereof by the University:
- (vii) to recommend to the Court after consulting the respective ⁵[Faculty Council for post-graduate studies,] the creation and institution of Professorships, Readerships, Lectureships and such posts as may be necessary for the establishment of the University Departments, institutions, centres, libraries, [aboratories ⁶[, workshops] and museums referred to in clause (i) of subsection (1) of section 18;

^{&#}x27;Clause (ii) was substituted for original clause by s. 8(1) of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999). Prior to this substitution, there occurred some changes in the original clause (ii), namely:—

⁽i) the words "the initiation action for the establishment of Faculty Councils for Post-Graduate and Undergraduate Studies and," were inserted by s. 5(1)(a) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995), and

⁽ii) the word ", workshops" was inserted by s. 5(1)(b), ibid.

The words within the square brackets were inserted by s. S(1)(b), ibid.

³Clause (va) was inserted by s. 7(1) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act 1X of 1998).

Words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies." by s. 8(2) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

⁵The words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies," by s. 8(3), *ibid*.

[&]quot;Word within the square brackets was inserted by s. 5(3) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995).

(Chapter III.-Authorities of the University.-Section 21.)

- (viii) to create, with the approval of the State Government, posts of officers, Teachers and other employees of the University or to recommend to the Court for creation of posts of officers and Teachers of the University;
 - (ix) to prescribe '[, with the approval of the State Government,] the minimum qualifications for posts of officers, Teachers and other employees of the University;
 - (x) to appoint Teachers, officers and other employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Teachers, officers and other employees;
- (xi) to pass appropriate orders on the basis of the recommendation of the respective ²[Council for undergraduate studies] regarding affiliation of a college or an institution in one or more subjects or withdrawal of affiliation or recognition of a college or an institution or temporary take over of the management of an affiliated or a recognised college or institution;
- (xii) to make draft of Statutes, on the recommendation of the respective ³[Council for undergraduate studies] for colleges other than Government Colleges, prescribing the constitution, powers and functions of their Governing Bodies;
- (xiii) to determine, with the approval of the State Government, the terms and conditions of service of [Teachers,] Librarians and non-teaching staff of all colleges; other than Government Colleges;
- 5(xiv) to make rules for Teachers' Council for colleges and, with the approval of the State Government, rules for provident fund for colleges other than Government Colleges;

^{&#}x27;Words within the square brackets were inserted by s. 7(2) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

²Words within the square brackets were substituted for the words "Faculty Council for post-graduate and undergraduate studies" by s. 8(4) of the Kaiyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

³Words within the square brackets were substituted for the words "Faculty Council for post-graduate and undergraduate studies," by s. 8(5), ibid.

^{*}Word within the square brackets was inserted by s. 8(b)(i) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben, Act VIII of 1988), w.e.f. 9.8.1985...

^{&#}x27;Clause (xiv) was substituted by s. 8(b)(ii), ibid.

(Chapter III.—Authorities of the University.—Section 21.)

- (xv) to prescribe and collect fees or charges for the registration of students and their admission to courses of studies organised by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (xvi) to recommend to the Court after consulting the respective [Faculty Council for post-graduate studies or Council for undergraduate studies, as the case may be,] the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xvii) to recommend to the Court, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued prescribed courses of studies or have been exempted therefrom in the prescribed manner, and have passed such examinations, or have carried on research under such conditions, as may be prescribed;
- (xviii) to approve the constitution or reconstitution of the respective department of teaching in the University on the recommendation of the respective ²[Faculty Council for post-graduate studies;]
- (xix) to recommend to the Court the conferment of honorary degrees and other academic distinctions;
- (xx) to make regulations regarding the courses of studies and the division of subjects after obtaining and considering the recommendation of the ³[Faculty Council for post-graduate studies or the Council for undergraduate studies, as the case may be,] in this regard;
- (xxi) to make regulations regarding the examinations which shall be recognized as the equivalent examinations held by the University;
- (xxii) to make regulation regarding all other matters which may be or are required to be prescribed or provided for by regulations;
- (xxiii) to make regulations regarding the conduct of examinations held by the University and the condition under which students may be admitted to the different course of studies of, and the examinations held by the University;

The words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies," by s. 8(6) of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999).

The words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies," by s. 8(7), ibid.

³The words within the square brackets were substituted for the words "Faculty Councils for post-graduate and undergraduate studies" by s. 8(8), *ibid*.

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- (xxiv)) to provide for co-operation and reciprocity among colleges, institutions and laboratories and the University so as to foster the development of academic life and to ensure the fullest utilisation of the teaching resources available on the recommendation of the respective [Faculty Council for post-graduate studies or the Council for undergraduate studies, as the case may be:]
- (xxv) to give directions regarding the form, custody and use of the common seal of the University;
- (xxvi) to acquire, hold and dispose of property, moveable and immovable, and to administer all assets, properties and funds of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University;

Provided that for the purpose of disposing of any property valued at not less than one takh of rupees, previous approval of the Court shall be necessary;

- (xxvii) to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xxviii) to accept grants and, with the approval of the State Government, to raise or accept loans on behalf of the University and to make grants or advances from the University Fund or other special funds maintained by the University;
- (xxix) to enter into an agreement with the State Government or with the approval of the State Government with any other Government or with any person, body or authority for the taking over by the University of the management of any college, institution or centre including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act on the recommendation of the Faculty Council for post-graduate and undergraduate studies concerned;
- (xxx) to manage the Press Establishment, the Publication Bureau and the Employment Bureau of the University, if any, and to exercise general supervision over Students' Unions, University Extension Boards, University Sports Board and other bodies instituted by the University;
- (xxxi) to approve the Annual Statement of Accounts, the Audit Report in respect of the Annual Statement of Accounts, the Internal Audit Report and the Annual Budget of the University and to submit the same to the Court for consideration:

¹The words within the square brackets were substituted for the words "Faculty Council for post-graduate and undergraduate studies;" by s. 8(9) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

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(Chapter III.—Authorities of the University.—Section 22.)

- (xxxii) to prepare the annual report and submit the same to the Court for consideration:
- (xxxiii) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
- (xxxiv) to co-operate with other universities, institutions, associations, societies or bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, as if may determine;
- (xxxv) to make rules for the transaction of its own business;
- (xxxvi) to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act;
- (xxxvii) to exercise general supervision over '[the Faculty Council for post-graduate studies and the Council for undergraduate studies] and give such directions to these Councils for the due discharge of their respective duties as it may consider necessary.
- ²22. (1) There shall be the following Faculty Councils for post-graduate studies:—
 - (a) the Faculty Council for Post-Graduate Studies in Arts and Commerce;
 - (b) the Faculty Council for Post-Graduate Studies in Science;
 - (c) the Faculty Council for Post-Graduate Studies in Education;
 - (d) the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management;
 - (e) the Faculty Council for Post-Graduate Studies in Law; and
 - (f) the Faculty Council for Post-Graduate Studies in Music and Fine Arts.

¹The words within the square brackets were substituted for the words "the Faculty Councils for post-graduate and undergraduate studies" by s. 8(10) of the Kalyani University (Amendment) Act. 1999 (West Ben. Act XVII of 1999).

The Faculty Councils for postgraduate studies.

^{*}Section 22 was first substituted for original section by s. 8 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Thereafter, the present section 22 was resubstituted by s. 9 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999). Prior to this substitution, there were some changes in the original section 22, namely:—

clause (d) was added to sub-section (1) by s. 6 (1) of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995), and

⁽ii) sub-section (3A) was added by s. 6(2), ibid.

(Chapter III.—Authorities of the University.—Section 22.)

- (2) Each Faculty Council for Post-Graduate Studies, other than-
 - (a) the Faculty Council for Post-Graduate Studies in Education,
 - (b) the Faculty Council for Post-Graduate Studies in Engineering, Technology and Management,
 - (c) the Faculty Council for Post-Graduate Studies in Law, and
 - (d) the Faculty Council for Post-Graduate Studies in Music and Fine Arts,
 - shall consist of the following members:-
 - (i) the Vice-Chancellor-Chairman:
 - (ii) the Dean of the Faculty Council for post-graduate studies concerned;
 - (iii) the Head or Heads of the Department or Departments concerned, if any;
 - (iv) the Professor or Professors of the Department or Departments concerned, if any;
 - (v) one Teacher participating in the post-graduate teaching in the subject or subjects concerned, if any, from constituent colleges or professional colleges, nominated by the Vice-Chancellor;
 - (vi) five Teachers of the University, not being Professors, from the Departments of the University under the Faculty Council for post-graduate studies concerned, elected jointly by such Teachers from amongst themselves:
 - Provided that not more than one such Teacher shall be elected from any such Department;
 - (vii) one person having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor;
 - (viii) three Teachers participating in undergraduate teaching in the subject or subjects concerned, elected by the members of the Council for undergraduate studies concerned.
- (3) A Faculty Council for Post-Graduate Studies in-
 - (a) Education, or
 - (b) Engineering, Technology and Management, or
 - (c) Law, or
 - (d) Music and Fine Arts,
 - shall consist of the following members:-
 - (i) the Vice-Chancellor-Chairman;
 - (ii) the Dean of the Faculty Council for post-graduate studies concerned;
 - (iii) the Head or Heads of the Department or Departments concerned, if any:

^{&#}x27;Sub-clause (vi) was substituted for the previous sub-clause (vi) by s. 2(a) of the Kalyani University (Amendment) Act, 2001 (West Ben. Act XII of 2001).

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(Chapter III.—Authorities of the University.—Section 22.)

(iv) the Professor or Professors of the Department or Departments concerned, if any:

Provided that if there is no Department under the Faculty Council for post-graduate studies concerned, the Professor or Professors of such Department or Departments of constituent colleges or professional colleges, as the case may be, shall be the member or members of the Faculty Council for post-graduate studies concerned, and shall cease to be such member or members on the establishment of any such Department or Departments of the University, and any vacancy caused by such cesser of membership shall be a casual vacancy;

- (v) two Teachers, not being Professors, participating in postgraduate teaching in the subject or subjects concerned, if any, in constituent colleges or professional colleges, as the case may be, nominated by the Vice-Chancellor;
- '(vi) two Teachers of the University, not being Professors, from the Departments of the University under the Faculty Council for post-graduate studies concerned, elected jointly by such Teachers from amongst themselves:

Provided that not more than one such Teacher shall be elected from any such Department;

- (vii) one person having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor;
- (viii) three Teachers participating in undergraduate teaching in the subject or subjects concerned, elected by the members of the Council for undergraduate studies concerned.
- (4) Each Faculty Council for post-graduate studies shall have a Secretary to be appointed by the Executive Council.
- (5) One-third of the total number of members of a Faculty Council for post-graduate studies shall be a quorum for a meeting of the Faculty Council.

^{&#}x27;Sub-clause (vi) was substituted for the previous sub-clause (vi) by s. 2(b) of the Kalyani University (Amendment) Act, 2001 (West Ben. Act XII of 2001).

(Chapter III.—Authorities of the University.—Section 23.)

Powers functions of the Faculty Councils for postgraduate studies.

- '23. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Faculty Council for post-graduate studies shall exercise the following powers and perform the following duties:—
 - (i) to make proposals to the Executive Council for the establishment of University Departments, institutions, centres, libraries, laboratories and museums for study and research to be maintained by the University;
 - (ii) to recommend to the Executive Council the creation and institution of Professorships, Readerships, Lecturerships and other teaching posts and the duties and emoluments thereof;
 - (iii) to make proposals to the Executive Council for the promotion of research and, through special committees, if any, constituted for the purpose, to call for reports on such research work from persons engaged therein, and to make recommendations to the Executive Council thereon;
 - (iv) to recommend to the Executive Council the minimum qualifications for the posts of Teachers and Teachers of the University;
 - (v) to make proposals to the Executive Council regarding provisions to be made for enabling the University to undertake specialisation of studies and for organisation of common laboratories, libraries, museums, institutes of research and other institutions, maintained by the University;
 - (vi) to constitute or reconstitute the departments of teaching with the approval of the Executive Council;
 - (vii) to make provisions for lectures and instructions for students of constituent colleges and University Laboratories and also for other persons who are not such students;
 - (viii) to advise the Executive Council on the institution of degrees, titles, diplomas, certificates and other academic distinctions;
 - (ix) to consider the results of examinations leading to the conferment of any post-graduate degree, diploma or certificate of the University, and to recommend such results to the Executive Council for approval;
 - (x) to provide for the inspection or the investigation into the affairs of any Department of the University or any institution established, maintained or managed by the University and submit report to the Executive Council;

^{&#}x27;Section 23 was substituted for original section by s. 9 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Prior to this substitution, the word "workshops" was inserted, in clause (vii), by s. 7 of the Kalyani University (Amendment) Act, 1995 (West Ben. Act XII of 1995).

(Chapter III.—Authorities of the University.—Section 23A.)

- (xi) to have general supervision over the Boards of Studies attached to the Faculty Council;
- (xii) to frame rules relating to the courses of post-graduate studies and the division of subjects in regard thereto and to recommend to the Executive Council the making of Regulations in this behalf;
- (xiii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to post-graduate studies, including the subjects for doctoral thesis and prizes and medals;
- (xiv) to call for such reports or information as the Faculty Council may consider necessary for efficient discharge of its duties from the teaching departments, research units or Boards of Studies;
- (xv) to consider any educational matter relating to the Faculty Council and to arrive at decisions or make recommendations pertaining thereto to the appropriate authority or officer;
- (xvi) to maintain contact with the corresponding Council for undergraduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xvii) to submit each year its annual report to the Executive Council;
- (xviii) to make rules for the transaction of its own business;
- (xix) to exercise all other powers and perform all other functions conferred and imposed on it by or under this Act;
- (xx) to delegate to the teaching departments, research units, and Board of Studies attached to it the responsibility for such academic matters as respectively concern such departments, units and Boards;
- (xxi) to recommend to the Executive Council the conferment of post-graduate degrees, diplomas and certificates.
- ¹23A. (1) There shall be the following Councils for undergraduate studies:—
 - (a) the Council for Undergraduate Studies in Arts, Science, Commerce, Education, Law, Music and Fine Arts;
 - (b) the Council for Undergraduate Studies in Engineering and Technology.

The Councils for undergraduate studies.

Sections 23A and 23B were first inserted by s. 10 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998). Thereafter, section 23A was substituted by s. 10 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

(Chapter III.-Authorities of the University.-Section 23A.)

- (2) The Council for Undergraduate Studies in Arts, Science, Commerce, Education, Law, Music and Fine Arts shall consist of the following members:—
 - (a) the Vice-Chancellor---Chairman;
 - (b) the Deans of the Faculty Councils for Post-Graduate Studies in Arts and Commerce, Science, Education, Law, and Music and Fine Arts:
 - (c) ten Teachers of affiliated colleges imparting teaching in Arts, Science, Commerce, Education, Law, and Music and Fine Arts, of whom one shall be from a Teachers' training college, one shall be from a Law college, and one shall be from a college, if any, teaching Music and Fine Arts, elected by the Teachers of such colleges;
 - (d) five Teachers participating in post-graduate teaching in the subject or subjects concerned, one each from each Faculty Council for post-graduate studies concerned, elected by the members of the Faculty Councils for post-graduate studies concerned from amongst themselves;
 - (e) five Principals, of whom three shall be from the undergraduate colleges of Arts, Science, and Commerce, one shall be from a Teachers' training college, and one shall be from a Law college or from any college teaching Fine Arts or Music or both, elected jointly by the Principals of such colleges;
 - (f) two persons having special knowledge in the subject or subjects concerned, nominated by the Vice-Chancellor.
- (3) The Council for Undergraduate Studies in Engineering and Technology shall consist of the following members:—
 - (a) the Vice-Chancellor—Chairman;
 - (b) the Deans of the Faculty Council for Post-Graduate Studies in Science and Engineering, Technology and Management;
 - (c) six Teachers, not belonging to the same Department, participating in teaching in the subject or subjects concerned, elected by the Teachers of engineering and technological colleges from amongst themselves;
 - (d) two Principals of engineering and technological colleges, elected jointly by the Principals of such colleges;
 - (e) the Head or Heads of the Department or Departments concerned, if any;
 - (f) two persons having special knowledge in the subject concerned, nominated by the Vice-Chancellor.
- (4) Each Council for undergraduate studies shall have a Secretary to be appointed by the University.

(Chapter III.—Authorities of the University.—Section 23B.)

- (5) All elections to the Councils for undergraduate studies shall be held in the manner prescribed by the Statutes.
- (6) One-third of the total number of members of a Council for undergraduate studies shall be a quorum for a meeting of the Council.
- ¹23B. Subject to the provisions of this Act, and the Statutes, the Ordinances and the Regulations, a Council for undergraduate studies shall exercise the following powers and perform the following functions:—
 - (i) to recommend to the Executive Council the affiliation of a college or an institution in one or more subjects;
 - (ii) to ensure annual inspection of colleges;
 - (iii) to exercise general supervision over the colleges to ensure that the conditions of affiliation are properly fulfitled, the standard of teaching is uniformly maintained and syllabuses as prescribed are properly completed within the academic year;
 - (iv) to fix the last date of admission of students to different courses of studies and the date of commencement of examinations in consultation with other Councils for undergraduate studies;
 - (v) to appoint Head Examiners, Examiners, Paper-setters, Scrutineers, Co-ordinators Convenors, Tabulators and other persons under the general supervision of the Executive Council;
 - (vi) to consider the results of examinations below the postgraduate level leading to the conferment of any degree, diploma or certificate of the University, and to recommend such results to the Executive Council for approval;
 - (vii) to recommend to the Executive Council the disaffiliation or withdrawal of affiliation of any college in respect of any subject or subjects, if, on receipt of a written report from a team of Inspectors appointed by the University, the Council is of opinion that proper standard of teaching is not maintained or conditions of affiliation are not properly fulfilled or the results of the candidates sent up by the college for any examination are unsatisfactory or the college has failed to comply with the directives of the Councils;
 - (viii) to establish, maintain and manage halls and hostels of undergraduate colleges;

Powers and functions of the Councils for undergraduate studies.

(Chapter III.—Authorities of the University.—Section 23B.)

- (ix) to recommend to the Executive Council the temporary take over of the management of an affiliated or a recognised college or institution, other than a Government College, in consultation with the Executive Council in order to ensure that proper standards of teaching, training or instruction are maintained therein;
- (x) to provide for the inspection or investigation into the affairs
 of undergraduate colleges or institutions, recognised by the
 Council or affiliated to the University, and to exercise general
 supervision and control over them;
- (xi) to make due provision for health, welfare, residence, and discipline of students and their relationship with colleges and the University and to provide for such training of students as may be considered desirable;
- (xii) to recommend to the Executive Council the dissolution of the Governing Body of an affiliated college or institution, other than a Government College, and pending reconstitution of the Governing Body, the appointment of an Administrator or an ad hac Governing Body;
- (xiii) to collect fees for examination, condonation of short percentage for appearing at an examination as non-collegiate student, mark sheet, late admission, change of examination centre, scrutiny of answer script, and change of name or surname, and any other charge for registration and migration of students and grant of diplomas, certificates or any other documents at such rate as may be prescribed by the Executive Council;
- (xiv) to exercise supervision to ensure that all properties and funds of the Council are property controlled and administered;
- (xv) to extend facilities and other assistance including exhibits of records, books of accounts, ledgers and any other documents to officers deputed by the University for inspection;
- (xvi) to approve the annual report of the activities of the Council during the previous academic year and submit the same to the Executive Council on or before such date as may be fixed by the Executive Council;
- (xvii) to abide by, and implement promptly, the decisions that may be arrived at by the University from time to time in ragard to the Council;

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(Chapter III.—Authorities of the University.--Section 24.)

- (xviii) to follow the guidelines and the rules framed by the University from time to time;
- (xix) to have general responsibility for academic affairs in relation to undergraduate studies with which the Council is concerned;
- (xx) to have general supervision over the Board of Studies attached to the Council in accordance with the rules framed for the purpose;
- (xxi) to maintain contact with the corresponding Council for post-graduate studies for the purpose of sharing ideas and ensuring co-ordination;
- (xxii) to frame rules relating to the courses of undergraduate studies and the division of subjects in regard thereto, and to recommend to the Executive Council the making of Regulations in this behalf.
- 24. (1) There shall be a Dean for each Faculty Council for post-graduate studies who shall be a Professor of the University:

- Dean.

Provided that every Dean of a Faculty Council for post-graduate studies or Council for undergraduate studies holding office as such Dean on the date immediately before the date of coming into force of the Kalyani University (Amendment) Act, 1998 (herinafter referred to as the said Act), shall continue, and shall be deemed to have continued, to hold his office as such Dean on and from the date of coming into force of the said Act, and shall cease to hold office as such Dean on the expiry of the term of his office or till the office of the Dean is filled up by election in the prescribed manner, whichever is earlier.

- (2) The Dean shall be elected by the members of the Faculty Council ²[for post-graduate studies] and shall act as Vice-Chairman of the Faculty Council. He shall exercise such powers and perform such functions as may be prescribed by Regulations.
- ³(2A) The Dean or the seniormost Dean, as the case may be, shall act as the Vice-Chairman of the Council for undergraduate studies concerned.
- (3) The Dean shall hold office for such term as may be prescribed by Statutes.

West Ben. Act IX of

¹Sub-section (1) was first substituted for original sub-section by s. 11(1) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act 1X of 1998), Thereafter, the sub-section was re-substituted by s. 11(1) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

The words within the square brackets were inserted by s. 11(2) of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

³Sub-section (2A) was insetted by s. 11(3), ibid.

(Chapter III.—Authorities of the University.—Sections 25-27.)

The Boards of Studies.

25. There shall be Boards of Studies attached to every '[Faculty Council for post-graduate studies or Council for undergraduate studies.] The constitution of the Boards of Studies shall be prescribed by Statutes and the powers and functions of the Boards of Studies shall be prescribed by Regulations.

The Finance Committee.

26. There shall be a Finance Committee with the Vice-Chancellor as the Chairman. The constitution, powers and functions of the Finance Committee shall be prescribed by Statutes and its procedure in financial matters, including the delegation of its powers, shall be prescribed by Ordinances.

Selection Committee for teaching posts.

- 27. (1) A University Professor shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of—
 - (i) the Vice-Chancellor as Chairman;
 - (ii) the Dean of the Faculty Council concerned;
 - (iii) a person, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Chancellor;
 - (iv) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Professor will teach, nominated by the Executive Council.
- (2) A University Reader or a University Lecturer shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of—
 - (i) the Vice-Chancellor as Chairman;
 - (ii) the Dean of the Faculty Council concerned;
 - (iii) the Head of the Department concerned, if any;
 - (iv) a person, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Chancellor;
 - (v) two persons, not holding any office of profit under the University and having special knowledge of the subject which the Reader or the Lecturer will teach, nominated by the Executive Council.

[&]quot;The words within the square brackets were substituted for the words "Faculty Council for post-graduate and undergraduate studies" by s. 12 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

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(Chapter III.—Authorities of the University.—Sections 28-31.)

- 28. (1) There members, of whom at teast two shall be persons having special knowledge in the subject concerned, shall be a quorum for a meeting of a Selection Committee.
- (2) If the Executive Council does not accept the recommendation of a Selection Committee, it shall refer the recommendation back to the Selection Committee with reasons for reconsideration and if the Executive Council does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons and the decision of the Chancellor shall be final.
- 29. (1) Every Teacher, every officer and every employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed by Ordinances.
- (2) A Teacher or an officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may, at the discretion of the appropriate authority of the University, be extended for a further period not exceeding one year.
- (3) If, at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.
- (4) On satisfactory completion of the period of probation, a Teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

- 30. The services of a temporary Teacher or officer or employee shall not be terminated before the expiration of the period for which he is appointed except after serving one month's notice or paying him one month's salary in lieu thereof.
- ¹31. The Executive Council may, subject to the provisions of this Act, prescribe by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University and the procedure and the method of such selection.

Procedure for holding meetings of Selection Committee

Letter of appointment of Teachers, officers and employees.

Termination of service of temporary Teacher, officer or employee.

Standing committee for selection of officers and nonteaching employees.

Section 31 was inserted by s. 8(c) of the West Bengal University Laws (Amendment) Act, 1988 (West Ben, Act VIII of 1988).

(Chapter III.—Authorities of the University.—Section 32.— Chapter IV.—General provisions governing all authorities or bodies of the University.—Section 33.)

Tribung).

- 32. (1) If in the case of any dispute between the University and any Teacher, officer or employee of the University no final order has been passed by the University within a period of one year from the date on which the dispute was referred to the University by such Teacher, officer or employee, such dispute shall, on the request of such Teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:—
 - a Chairman, who shall be nominated by the Chancellor in consultation with the Minister;
 - (ii) one person to be nominated by the Executive Council;
 - (iii) one person to be nominated by the Teacher, officer or employee concerned.
- (2) Any appeal from an employee of the University in a disciplinary matter shall be referred to the Tribunal and shall be decided and disposed of by the Tribunal.
- (3) The Tribunal may call for any record, report or other information from the University if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information to the Tribunal.
- (4) The decision of the Tribunal shall be final and no suit or proceeding shall lie in any civil court in respect of the matters decided by the Tribunal.
- (5) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all the provisions of that Act with the exception of section 2 thereof shall apply accordingly.

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CHAPTER IV

General provisions governing all authorities or other bodies of the University.

Disqualifica-

- 33. (1) No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he—
 - (i) is of unsound mind or a deaf-mute, or
 - (ii) is an undischarged insolvent, or
 - (iii) has been convicted by a court of law for an offence involving moral turnitude.

(Chapter IV.—General provisions governing all authorities or bodies of the University.—Sections 33A, 34.)

- (2) In case of any doubt or dispute, the Chancellor's decision whether a person is disqualified under the provisions of sub-section (1) shall be final
- (3) No person shall be entitled to stand as a candidate for election to any authority or body of the University from more than one constituency.
- (4) No person shall be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University from more than one constituency:

Provided that this sub-section shall not apply in the case of an election of members of the Court to the Executive Councils or of members of the ¹[Faculty Councils for post-graduate studies or the Councils for undergraduate studies] to the Executive Council.

²33A. Notwithstanding anything contained elsewhere in this Act, no person shall,—

- (a) if he is a Teacher, not holding any whole-time teaching or post, appointed for a specified period, or
- (b) if he is a member of the non-teaching staff, not appointed on a regular scale of pay, or not holding any whole-time non-teaching post,

be entitled to be enrolled as a voter for, or to cost his vote at, an election to any authority or body of the University or of any college or institution affiliated to the University or to be nominated to any such authority or body.

Explanation.—"Regular scale of pay" shall mean pay which, subject to any conditions prescribed by the University, rises by periodical increments from a minimum to a maximum.

34. (1) Save as otherwise provided in sub-section (4), an elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections and nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections and nominations.

'The words within the square brackets were substituted for the words "Faculty Council for post-graduate studies and undergraduate studies" by s. 10 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

Part-time teachers or part-time non-teaching staff not to be entitled to be enrolled as volers or to be nominated.

Term of office of members.

²Section 33A was inserted by s. 8(c) of the West Bengal University Laws (Amendment) Act, 1986 (West Ben, Act XX of 1986).

(Chapter IV.—General provisions governing all authorities or bodies of the University.—Sections 35-37.)

- (2) The term of office of members other than ex officio members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time.
- (3) When elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.
- (4) Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so elected or nominated.

Cessation of membership in certain cases.

- 35. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other.
- (2) When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

Filling of vacancies.

- 36. (1) Any casual vacancy among the elected members of any authority or body of the University shall be filled, in such manner and within such time as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented.
- (2) Any vacancy among the nominated members of any authority or body of the University shall be filled, within such time as may be prescribed, by nomination by the person or authority that nominated the member whose seat has become vacant.
- (3) Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify so however that the aggregate period shall not exceed one year, from the date on which the vacancies arise, as the Vice-Chancellor may fix.
- 37. No Act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.

Proceedings of the University or the authorities or bodies of the University not invalidated by vacancies.

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(Chapter IV.—General provisions governing all authorities or bodies of the University.—Sections 38, 39.)

¹Explanation.—For the avoidance of doubt, it is hereby declared that when the office of any member of any authority or body of the University cannot be filled up, when there has been an addition to the number of members of any existing authority or body or when such authority or body is created or constituted for the first time, on account of an election or appointment not being feasible for any reason whatsoever, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made, provided that the term of office of any member of any authority or body of the University filled up by election in the manner prescribed by Statutes or otherwise shall, when such authority or body is created or constituted for the first time, be co-terminous with the term of office of any other member of the Court or the Executive Council, as the case may be, filled up by election or otherwise.

- 38. (1) There shall be an Election Tribunal to which shall be referred any question as to whether any person is eligible under this Act for election or nomination or has been duly elected or nominated as, or is entitled to be, a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.
- (2) The constitution of the Election Tribunal shall be prescribed by Statutes.
- (3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practice, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the Statutes, the Ordinances and the Regulations, from such stage as may be specified in the order and such order of the Election Tribunal shall be final.
- (4) No suit or proceeding shall lie in any civil court against a decision or an order of the Election Tribunal under sub-section (1) or sub-section (2), as the case may be.
- 39. At a meeting of the Court, the Executive Council, ²[the Faculty Council for post-graduate studies, the Council for undergraduate studies] or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

Election Tribunal.

Casting vote by the Chairman,

¹This 'Explanation' was substituted for original 'Explanation' by s. 13 of the Kalyani University (Amendment) Act, 1999 (West Ben, Act XVII of 1999).

The words within the square brackets were substituted for the words "the Faculty Councils for post-graduate studies and undergraduate studies" by s. 14, *ibid*.

(Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Sections 40-43.)

CHAPTER V

Funds of the University, Accounts, Audit and Inspection

The University Fund. 40. The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, grants, donations, loans and advances and from any other source whatsover. The University may also create, by Ordinances made in this behalf, separate special funds for the administration of endowments, trusts or specific grants or grants for other special purposes.

General limitation of financial powers of the University.

- 41. (1) The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.
- (2) The State Government shall, within [[three months] of commencement of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall, from time to time, release grants to the University to incur expenditure till the budget is approved.

(3) Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account in excess of the amount specified in the budget on that account.

Provident Fund. 42. Any Provident Fund instituted by the University for the benefit of its employees shall be governed by the provisions of the Provident Funds Act, 1925, as if such Fund were a Government Provident Fund and the Executive Council shall have power to frame Ordinances, not inconsistent with the provisions of that Act, for the administration of the Fund.

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Annual Accounts and Audit.

- 43. (1) The Annual Statement of Accounts of the University shall, after examination by the Executive Council, be subjected to such audit as the State Government may direct.
- (2) Such Annual Statement of Account shall, together with copies of the audit report thereon, be submitted to the Court and to the State Government and shall thereupon be published by the University.

¹The words within the square brackets were substituted for the words "lifteen days" by s. 13 of the Kalyani University (Amendment) Act, 1998 (West Ben. Act IX of 1998).

(Chapter V.—Funds of the University, Accounts, Audit and Inspection.—Section 44.)

- (3) The University shall have a continuous internal audit, and the report of such audit shall be submitted to the State Government as soon as possible after the end of every financial year.
 - 44. (1) The State Government shall have the right-

Inspection.

- (a) to cause an inspection to be made, by such person or persons as it may direct,—
 - (i) of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment,
 - (ii) of any college or institution maintained by or affiliated to the University, and
 - (iii) into all affairs of the University and of such college or institution including examination and other work conducted or done by the University or such college or institution, and
- (b) to cause an enquiry to be made into the income, expenditure, properties, assets and libilities of the University and of any college or institution maintained by or affiliated to the University.
- (2) The State Government shall, in every such case of inspection or enquiry, give previous notice to the University, and, if the inspection or enquiry relates to such college or institution, both to the University and the college or the institution, as the case may be, of its intention to cause such inspection or enquiry.
- (3) The State Government shall communicate to the Court and the Executive Council or to such college or institution, as the case may be, its views on the results of such inspection or enquiry and may, after considering the opinion of the Court and the Executive Council or of such college or institution thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or by such college or institution in the matters concerned and the University or such college or institution shall report to the State Government, within such time as the State Government may direct, the action which is proposed to be taken or has been taken by the University or by such college or institution to give effect to such advice of the State Government.
- (4) The State Government may, after considering the report referred to in sub-section (2), advise the University or such college or institution, as the case may be, to take such further action in the matters concerned as may, in the opinion of the State Government be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

(Chapter VI,—Statutes, Ordinances, Regulations and Rules,— Section 45.)

CHAPTER VI

Statutes, Ordinances, Regulations and Rules

Statutes.

- 45. Subject to the provisions of this Act, Statutes may be made to provide for all or any of the following matters:—
 - (a) the declaration of posts as posts of officers of the University referred to in clause (4) of section 7;
 - (b) the establishment of authorities of the University referred to in clause (6) of section 16;
 - (c) the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;
 - (d) the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
 - (e) the rules and procedure for holding elections to the Court, the Executive Council and other authorities and bodies of the University;
 - (f) the terms and conditions of affiliation or recognition of colleges or institutions, including terms and conditions for continuance of such affiliation or recognition and rules for disaffiliation or withdrawal of recognition of such colleges or institutions;
 - (g) the terms and conditions of recognition of colleges as professional colleges;
 - (h) the constitution, powers and functions of the Governing Bodies of colleges, other than Government Colleges;
 - (i) the terms and condition of service and the minimum emoluments for posts of Principals, Teachers and such other employees as the University may deem fit, of all affiliated colleges, other than Government Colleges;
 - (j) the rules for Provident Funds for Teachers of colleges, other than Government Colleges;
 - (k) the rules for the grant of pension (including gratuity) to the Teachers of the University;
 - the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
 - (m) the conditions for the registration of graduates of the University and for the maintenance of a Register for registered graduates;

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(Chapter VI.—Statutes, Ordinances, Regulations and Rules.— Sections 46, 47.)

- (n) all other matters which under this Act are required to be or may be prescribed by Statutes.
- 46. (1) The Executive Council may of its own motion, and shall, when required by the Court, make a draft of any Statute and submit the same to the Court. The draft so submitted shall be considered by the Court at a meeting or meetings to be held within a period of six weeks from the date of such submission (hereinafter referred to as the said period), and the draft so submitted shall, unless rejected or amended by the Court before the expiry of the said period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Court. If the Court so rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Court for reconsideration. Thereuopn, the Executive Council shall reconsider the draft and resubmit it to the Court with such changes as it may deem necessary. On such resubmission of the draft, it shall again be considered by the Court at a meeting or meetings to be held within a period of six weeks from the date of such submission (hereinafter referred to as the latter period) and the draft so resubmitted shall, unless rejected by the Court before the expiry of the latter period by a majority of the total number of its members existing at the time, be deemed to have been passed by the Court without any amendment, or be passed by the Court with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.
- (2) A Statute, passed in the manner provided in sub-section (1), shall be presented to the Chancellor for assent and shall come into force on being assented to by the Chancellor in consultation with the Minister.
- (3) A Statute shall remain in force until repealed or amended by a now Statute similarly passed and assented to by the Chancellor.
- 47. Subject to the provisions of this Act and the Statutes, Ordinances may be made to provide for all or any of the following matters:—
 - (a) the admission of students to the University and the colleges affiliated to or recognized by it and their enrolment as such;
 - (b) the levy of fees in University Laboratories;
 - (c) the conditions of residence and rules of discipline of the students of the University, including students of the colleges affiliated to or recognized by it, and the levy of fees for residence in Halls;
 - (d) the appointment of Teachers, officers and other employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this Act or in the Statutes;

How to make Statutes.

Ordinances.

(Chapter VI.—Statutes, Ordinances, Regulations and Rules,— Section 48.)

- (e) rules for the institution of Provident Fund or other funds for the benefit of the employees of the University;
- (f) rules for the establishment, maintenance and management of University Libraries. University Museums, Halls and other University Institutions for study, research and residence;
- (g) rules for the recognition of libraries, laboratories, museums, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;
- (h) rules for the taking over of the management of an affiliated or a recognized college or institution, other than a Government College or institution, in order to ensure that proper standards of teaching, training and instruction are maintained therein;
- (i) rules for the exercise of general supervision and control over affiliated or recognized colleges or institutions and for the giving of financial aid to them;
- (j) rules for the inspection or investigation into the affairs of colleges or other institutions, affiliated to or recognized by the University, to ensure that proper standards of teaching, training and research are maintained therein;
- (k) rules for the imposition and collection of fees, fines and other dues payable to the University;
- (l) the duties and functions of the teachers of the University including the Heads of Department;
- (m) rules for the registration of students;
- (n) the appointment, duties and remuneration of examiners;
- (o) rules for the administration of gifts, endowments and benefactions, and for the institution and award of fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (p) rules and procedure for accepting grants and for realising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;
- (q) all other matters which under this Act or the Statutes are required to be or may be prescribed by Ordinances.

How to make Ordinances 48. (1) The Executive Council shall take into consideration drafts of Ordinances proposed to be passed, after notice thereof has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council. The Vice-Chanellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

(Chapter VI.—Statutes, Ordinances, Regulations and Rules.— Sections 49, 50.)

- (2) An Ordinance shall be deemed to be passed by the Executive Council if it is agreed to by a majority of the total number of members of the Executive Council existing at the time.
- (3) An Ordinance passed by the Executive Council in the manner provided hereinbefore in this section shall be submitted to the Chancellor for assent and shall come into force on being assented to by the Chancellor and shall be reported to the Court at its next meeting.
- (4) The Chancellor may direct that the operation of any Ordinance shall be suspended until such time as the Court has had an opportunity of considering the same.
- (5) An Ordinance shall, unless cancelled or modified by the Chancellor, remain in force until repealed or amended by a new Ordinance similarly passed and brought into force.
- 49. Subject to the provisions of this Act and the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters:—

Regulations.

- (a) the powers and functions of the Boards of Studies;
- (b) the functions and duties of Teachers' Councils in Universities and in Colleges and institutions other than Government Colleges and institutions;
- (c) the conditions for admission to the different courses of study and examinations of students;
- (d) the rules for the conduct of University examinations;
- (e) the courses of study and the division of subjects upon the recommendations of '[the respective Faculty Council for post-graduate studies or Council for undergraduate studies, as the case may be;]
- (f) the minimum qualifications for Principals, other Teachers and Teachers of the University;
- (g) all other matters which under this Act or the Statutes or the Ordinances are required to be or may be prescribed by Regulations.
- 50. (1) The Executive Council or a Committee appointed by it shall take into consideration drafts of Regulations, consistent with this Act and the Statutes and the Ordinances after notice of the proposed Regulations has been given to the members of the Executive Council at least three weeks in advance of the date fixed for consideration of the same by the Executive Council or the Committee appointed by it. The Vice-Chancellor may direct a shorter notice in a matter which in his opinion is of an emergent nature.

How to make Regulations,

[&]quot;The words within the square brackets were substituted for the words "the Faculty Council for post-graduate and undergraduate studies;" by s. 15 of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

(Chapter VI.—Statutes, Ordinances, Regulations and Rules.— Section 51.—Chapter VII.—Miscellaneous and Transitory Provisions.—Section 52.)

- (2) A Regulation shall be deemed to be passed by the Executive Council if it is agreed to at a meeting of the Executive Council by a majority of the total number of members of the Executive Council existing at the time. A Regulation shall come into force immediately on being passed unless otherwise directed by the Chancellor.
- (3) The Court shall have the power, by a resolution passed by a majority of its total number of members existing at the time, to cancel or modify any Regulation.
- (4) A Regulation shall, unless concelled or modified by the Court under sub-section (3), remain in force until repealed or amended by a now Regulation similarly passed and brought into force.

Rules.

51. Subject to the provisions of this Act and the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER VII

Miscellaneous and Transitory Provisions

Delegation.

- 52. (1) The Vice-Chancellor or, with the approval of the Vice-Chancellor, the Registrar, may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act as may be prescribed by the Statutes to an officer of the University under his direct administrative control.
 - (2) Subject to the provisions of this Act,—
 - (a) the Court may delegate any of its powers or duties, conferred or imposed by or under this Act, to---
 - (i) the Vice-Chancellor,
 - (ii) the Executive Council,
 - (iii) a committee constituted from among its own members, or
 - (iv) a committee appointed in accordance with the Statutes;
 - (b) the Executive Council may delegate any of its powers or duties conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Statutes or the Ordinances.

(Chapter VII.—Miscellaneous and Transitory Provisions.— Sections 53, 54.)

- ¹(iv) any of the Faculty Councils for post-graduate studies or Councils for undergraduate studies, or
 - (v) the Finance Committee;
- (c) ²[the Faculty Council for post-graduate studies or the Council for undergraduate studies] may delegate any of its powers or duties, conferred or imposed by or under this Act, to—
 - (i) the Vice-Chancellor,
 - (ii) a committee constituted from among its own members,
 - (iii) a committee constituted in accordance with the Regulations, or
 - (iv) any of the Boards of studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to---
 - (i) the Vice-Chancellor, or
 - a committee constituted from among its own members.
- 53. All properties and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in or held in trust by or for, the University of Kalyani as constituted prior to the appointed day (hereinaster referred to as the former University) as well as all liabilities legally subsisting against the former University shall pass to the University as constituted under this Act.

Passing of properties and rights, etc.

54. '(1) Notwithstanding anything contained in this Act, the Statutes, the Ordinances and the Regulations, any student of a college affiliated to the former University, who was studying for any examination of the former University, shall be permitted to complete his course in preparation therefor and the University shall hold, for such students, examinations in accordance with the curricula of study in force in the former University for such period as may be prescribed.

Completion of courses of studies in colleges affiliated to the former University.

"(2) Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, or the Statutes, or the Ordinances, or the Regulations, made under this Act, or the Calcutta University Act, 1979 (hereinafter referred to as the said Act), or the Statutes, or the Ordinances, or the Regulations, made under the said Act, any student of a college in the district of Murshidabad or Nadia, affiliated to the University of Calcutta as constituted under the said Act (hereinafter referred to as the said University), before the date referred to in the notification published in the Official Gazette under sub-section (4) of section 5 of this Act, who

West Ben. Act XXVIII of 1979.

^{&#}x27;Sub-clause (iv) was substituted for original sub-clause by s. 16(1) of the Kalyani University (Amendment) Act, 1999 (West Ben. Act XVII of 1999).

⁵The words within the square brackets were substituted for the words "the Faculty Council for post-graduate and undergraduate studies" by 5, 16(2), *ibid*,

³Section 54 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, sub-section (2) was inserted by s. 17, *ibid*.

(Chapter VII.—Miscellaneous and Transitory Provisions.— Section 55.)

was studying for any examination of the said University, shall be permitted to complete his course in preparation therefor, and the said University shall hold, for such students, examinations in accordance with the Regulation in force in the said University, and shall declare results and confer degree, diploma or other academic distinction of the said University upon the qualified students on the results of the examinations.

Transitory provisions and repeal.

- 55. (1) The Vice-Chancellor holding office at the date of publication of this Act in the Official Gazette shall be the first Vice-Chancellor of the University and he shall be deemed to have been appointed under this Act and he shall hold office for a period of two years from the date of publication of this Act in the Official Gazette or till he attains the age of 65 years, whichever is earlier.
- (2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a committee consisting of not less than nine members nominated by the State Government, cause the Statutes, the Ordinances and the Regulations of the former University to be reviewed and, if he considers it necessary, cause them to be amended.
- 1(3) The first Vice-Chancellor shall, within six months from the date of publication of this Act in the Official Gazette or within such longer period as the State Government may, from time to time, by notification direct, cause arrangements to be made so as to complete, within the period of his office as the first Vice-Chancellor appointed under subsection (1), the constitution of the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies in accordance with the provisions of the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2), as if they had already come into force.
 - (4) If, for any reason,—
 - (a) the constitution of the Court, the Executive Council and other bodies referred to in sub-section (3) cannot be completed within the period of office of the first Vice-Chancellor appointed under sub-section (1), then, on the expiry of such period, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint the first Vice-Chancellor whose period of office has expired or another person to be the Vice-Chancellor for the purposes of this section for such period ²[not exceeding two years] as the Chancellor thinks fit, or

¹Sub-section (3) was substituted for original sub-section by s. 2(a) of the Kalyani University (Amendment) Act, 1983 (West Ben. Act XXIII of 1983).

[&]quot;The words within the square brackets were substituted for the words "not exceeding eighteen months" by s. 2(1) of the Kalyani University (Second Amendment) Act, 1985 (West Ben. Act XXV of 1985). Prior to this substitution, the words "not exceeding eighteen months" were substituted for the words "not exceeding one year" by s. 2(1) of the Kalyani University (Amendment) Act, 1985 (West Ben. Act VII of 1985).

(Chapter VII.—Miscellaneous and Transitory Provisions.— Section 55.)

- (b) a vacancy occurs in the office of the first Vice-Chancellor before the expiry of the period of his office, then, the Chancellor may, in consultation with the Minister, on such terms and conditions as he thinks fit, appoint another person to be the Vice-Chancellor for the purposes of this section for the unexpired portion of such period or such further period [not exceeding two years] as the Chancellor thinks fit, and references in this Act to the first Vice-Chancellor shall be deemed to include references to the Vice-Chancellor appointed under this sub-section.
- (5) The State Government shall, by notification in the Official Gazette, appoint a date and on and from such date the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies shall commence to exercise their respective functions and the Statutes, the Ordinances and the Regulations of the former University as reviewed or amended under sub-section (2) shall come into force ²[and shall be the first Statutes, the first Ordinances and the first Regulations of the University.]

West Ben. Act III of 1978

- (6) (a) The Kalyani University (Temporary Supersession) Act, 1978 (hereinafter referred to in this sub-section as the said Act) shall stand repealed with effect from the date of publication of this Act in the Official Gazette.
 - (b) Notwithstanding such repeal,-
 - (i) until the appointed day, the Kalyani University Council, referred to in clause (b) of section 4 of the said Act, shall continue to exercise all the powers and perform all the duties in the manner and on the terms and conditions provided in the said Act, and
 - (ii) anything done or any action taken under the said Act shall be deemed to have been validly done or taken under this Act.
- (7) '{The first Statutes, the first Ordinances and the first Regulations} of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

^{&#}x27;The words within the square brackets were substituted for the words "not exceeding eighteen months" by s. 2(2) of the Kulyani University (Second Amendment) Act, 1985 (West Ben. Act XXV of 1985). Prior to this substitution, the words "not exceeding eighteen months" were substituted for the words "not exceeding one year" by s. 2(2) of the Kulyani University (Amendment) Act, 1985 (West Ben. Act VII of 1985).

The words within the square brackets were substituted for the words "and shall be the Statutes, the Ordinances and the Regulations of the University," by s. 2(b) of the Kulyani University (Amendment) Act, 1983 (West Ben. Act XXIII of 1983).

³The words within the square brackets were substituted for the words "The Statutes, the Ordinances and the Regulations" by s. 2(c), *ibid*.

(Chapter VII.—Miscellaneous and Transitory Provisions.— Section 55.)

- (8) The first Vice-Chancellor may, subject to the approval of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.
- (9) On and from the appointed day the Kalyani University Act, 1960 shall stand repealed and thereupon—
- West Ben. Act. XIII of 1960.
- (a) the Statutes, the Ordinances and the Regulations of the former University shall, subject to the provisions of subsection (5), stand repealed and all authorities or bodies of the former University shall cease to function;
- (b) all colleges and institutions affiliated to or recognised by the former University and continuing as such immediately before the appointed day shall be deemed to be affiliated to, or recognized by the University;
- (c) all colleges or institutions of whatever kind established, maintained or managed by the former University prior to the appointed day shall be deemed to be colleges or institutions established, maintained or managed by the University under this Act;
- (d) all affairs, functions or activities of the former University including studies and examinations, commenced and in progress before the appointed day, shall be deemed to be in progress as if they had been commenced by the University under this Act;
- (e) all things done or deemed to have been done, and all action taken or deemed to have been taken and all appointments made by the former University under the Kalyani University Act, 1960 shall be deemed to be things done or actions taken or appointments made by the University under this Act as if this Act had been in force when such things were done or such actions were taken or such appointments were made:
 - Provided that until such repeal, references to the Vice-Chancellor under the said Act shall be deemed to be references to the first Vice-Chancellor under this Act.
- (10) In construing the provisions of section 17, section 20 and section 22 and in construing the provisions of the Statutes, the Ordinances and the Regulations of the University in relation to the Constitution, under this section, of the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies and the Boards of Studies, references to the heads of departments of teaching of the University, the

(Chapter VII.—Miscellaneous and Transitory Provisions.— Sections 55A, 56.)

University Professors, University Readers and University Lecturers, and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Kalyani, immediately '[before the date of publication of final list of voters for election under the Act and the Statutes to the Court, the Executive Council, the Faculty Councils for post-graduate and undergraduate studies or Boards of Studies, as the case may be.]

- (11) The provisions of this section shall have effect notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.
- ²55A. Notwithstanding anything contained in this Act or in any other law for the time being in force, any person who was a member of any authority or body of the University on the date immediately before the date of coming into force of the Kalyani University (Amendment) Act, 1998, shall continue, and shall be deemed to have continued, to be a member of such authority or body till the ceases to be a member of such authority or body on the expiry of the term of his office as such member or, upon the creation of any office of member of any Faculty Council for post-graduate studies or Council for undergraduate studies by virtue of coming into existence thereof, till the office of such member is filled up in the prescribed manner, whichever is earlier.

Special provision for continuance in office.

56. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions on this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purposes of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law.

Removal of difficulties.

²Section 55A was inserted by s. 18 of the Kalyani University (Amendment) Act, 1999

(West Ben. Act XVII of 1999).

West Ben. Act IX of 1998,

The words within the square brackets were substituted for the words "before the date of appointment of the first Vice-Chancellor." by s. 2(d) of the Kalyani University (Amendment) Act. 1983 (West Ben. Act XXIII of 1983).

The



Gazette

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THURSDAY, JULY 6, 2017

[SAKA 1939

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL LAW DEPARTMENT

Legislative

NOTIFICATION

No. 780-L.—6th July, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVII of 2017

THE KALYANI UNIVERSITY (AMENDMENT) ACT, 2017.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*, *Extraordinary*, of the 6th July, 2017.]

An Act to amend the Kalyani University Act, 1981.

WHEREAS it is expedient to amend the Kalyani University Act, 1981, for the purposes and in the manner hereinafter appearing;

West Ben. Act X of 1956.

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

Short title and commencement.

- 1. (1) This Act may be called the Kalyani University (Amendment) Act, 2017.
- (2) It shall come into force at once.

The Kalyani University (Amendment) Act, 2017.

(Sections 2, 3.)

Amendment of section 7 of the West Ben. Act XL of 1981.

- 2. In section 7 of the Kalyani University Act, 1981 (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted:—
 - '(1a) the Pro-vice-Chancellor;'.

Insertion of new section 10A after section 10.

- 3. After section 10 of the principal Act, the following section shall be inserted:—
- "The Pro-vice-Chancellor in the University and the allocation of work, powers and functions of the Pro-vice-Chancellor shall be such as may be prescribed by the Statutes.
- (b) The Pro-vice-Chancellor shall be a distinguished academician with proven competence and integrity and having a minimum of ten years experience in a University system of which at least five years shall be as Professor or ten years of experience in a reputed research or academic administrative organization of which at least five years shall be in a position equivalent to that of Professor.
- (c) The Pro-vice-Chancellor shall be appointed by the Chancellor in consultation with the Minister. The term of office shall be for four years and he shall be eligible for re-appointment for another period not exceeding four years but shall not hold office beyond the age of sixty-five years.
- (d) The Chancellor may, notwithstanding the expiration of the term of the office of the Pro-vice-Chancellor or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months.
- (2) The Pro-vice-Chancellor shall be a whole-time officer of the University and shall be paid from the University Fund such salary and allowances as the Chancellor may decide in consultation with the State Government.
- (3) The Pro-vice-Chancellor may resign from office by writing under his hand to the Chancellor.
 - (4) If---
 - (a) the Pro-vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his offices, or
 - (b) a vacancy occurs in the office of the Pro-vice-Chancellor by reason of death, resignation, removal, expiry of the term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister, appoint a person to exercise the powers and perform the duties of the Pro-vice-Chancellor.
- (5) The vacancy in the office of the Pro-vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-vice-Chancellor in accordance with the provision of sub-section (1) within a period of six months from the date of occurrence of the vacancy, and such period shall be held to include any period for which a Pro-vice-Chancellor is allowed to continue in office under clause (d) of sub-section (1), or a person is appointed by the Chancellor in consultation with the Minister to exercise the powers and perform the duties of the Pro-vice-Chancellor under sub-section (4).
- (6) The Pro-vice-Chancellor may be removed from his office by the Chancellor if he is satisfied that the incumbent—
 - (a) has become insane and adjudged by a competent court to be of unsound mind; or

The Kalyani University (Amendment) Act, 2017.

(Section 3.)

- (b) has become an undischarged insolvent and stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if the continuance in the office of the Pro-vice-Chancellor is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him under this Act; or
- (g) has been convicted by a Court of law for any offence within the concept and meaning of the Code of Criminal Procedure, 1974; or

2 of 1974.

(h) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office:

Provided that the Pro-vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f), (g) and (h).

Explanation.—For the purpose of sub-clause (h), whether any party is a political party or any association is a political association or any act of the Pro-vice-Chancellor is partisan, the decision of the Chancellor thereon shall be final.".

By order of the Governor,

MADHUMATI MITRA, Secy. to the Govt. of West Bengal, Law Department.

West Bengal Act XXXVI of 1975'

THE

Service) Act, 1975.

WEST BENGAL COLLEGE TEACHERS (SECURITY OF SERVICE) ACT, 1975.

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West Ben. Act XLIV of 1975.

[1st October, J975.]

An Act to provide far the security of sen-ice of teachers of affiliated, constituent and Government Sponsored Colleges in West Bengal.

Whereas ii is expedient to provide for the security of service of teachers of aFfiliated. constituent and Government Sponsored Colleges in West Bengal;

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

- (1) This Act may be called the West Bengal College Teachers (Security of
 - (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint,
 - 2. In this Act, unless the context otherwise requires,—
 - "college" means a college or an institution affiliated to a University
 in accordance with the provisions of the Act constituting such
 University or the Statutes made thereunder and includes a
 constituent college or it Government Sponsored College but does not
 include a Government College;
 - (2) "constituent college" means a college recognised as such by the University but does not include a Government College;
 - (3) "Governing Body", in relation to a college, means the managing committee or any other body charged with the management of the affairs of that college and recognised as such by the University to which such college is affiliated;
 - (4) "Government college" means a college maintained and managed by the State Government;
 - (5) "Government Sponsored College" means a college declared by the State Government as such;

'ForSiaicmeruorObjccis and Reasons, teethe Calcutta Gazelle, Extrtinnlmary, Part IV. oflhc28tli November. 1975.

This Act came into force on ihe9(h October, 1975 *vide* noiificniion No. 1051 -Edn. (CS). dated I he 9lh October. 1975. miblished in the *Ctilruriit Gnrrttr. F.xtrtttirdinitrv*. Part 1.

Shon liilc, extent and conuiKnccircm.

Definitions.

[West Ben. Act

(Sections 3-5.)

- (6) "prescribed" means prescribed by rules made under this Act:
- (7) "Principal" means Lhe head of a college by whatever name called;
- (8) "Statutes", "Ordinances" and "Regulations" means respectively the Statutes, Ordinances and Regulations of the affiliating University;
- (9) "teacher" means Professor, Assistant Professor, Lecturer, Tutor, Demonstrator, Physical Instructor or any other person holding a teaching posL recognised by lhe affiliating University and appointed as such by a college and includes its Principal and Vice-Principal.
- 3. Appointment to the post of a leacher shall be made by the Governing Body on the recommendation or the University and College Services Commission 10 be constituted by the State Government in the manner prescribed:

Provided that pending formation of such Commission such appointment shall be made on the recommendation of a Selection Committee to be constituted for the purpose in the manner prescribed:

Provided further that no recommendation of the University and Collegc Services Commission or the Selection Committee will be necessary with respect to filling up fora period not exceeding six months of any pemiancul or temporary vacancy in lhe post of a leacher:

Provided also lhaL in cases of permanent vacancies or temporary vacancies for a period exceeding six months, if no recommendation of the University and College Services Commission or Selection Committee, as the case may be, is forthcoming, it shall be lawful for the Governing Body of the college to extend, with the prior approval of the University to which such college is affiliated, the period of temporary appointment of a teacher from time to time, so, however, that the total period of such temporary appointment shall not exceed two years.

4. Every teacher of a college shall, on his appointment as such, be provided with a Idler of appointment containing such terms and conditions of appointment as may be prescribed.

Probation.

5. (1) A teacher appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may at the discretion of the Governing Body be extended for a further normal not exception on nor vevir

Lcllcrof appointment of [cacher,

Appointment of leather.

XXXVI of 1975.]

(Sections 6-9.)

- (2) If at any lime during the period of probation the probationer's work is not considered satisfactory, the probationer shall be discharged by the Governing Body.
- (3) On satisfactory completion of the period of probation, a teacher shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the Governing Body and lhe fact of such confirmation shall be communicated to such teacher:

Provided that if on completion of (he period of probation of a teacher no such order of cofirmation is passed and communicated within a period of two months of the completion of the period of probation, the teacher shall be deemed to have been confirmed with effect from the date of his appointment on probation.

6. The services of a temporary teacher shall not be lerminaictl before the expiration of the period for which he was appointed except J Tier serving one month's notice or paying him one month's salary in lieu thereof.

Term malign of siuvioe of temporary leather.

7. (I) A Service Register in respect of every teacher of a college shall be maintained by such authority and in such form and shall contain such particulars of service as may be prescribed.

Maintenance
□f Service
Register,

- (2) The Service Register so maintained shall, on demand, be shown to the teacher concerned.
- 8. Every teacher shall co-operate with and assist the Principal in Oiherduiics carrying out such functions as appraising applications for admission, olm[cacher] conducting co-curricular activities and holding University and college examinations including supervision thereof.
- 9. (I) The following penalties may, for good and sufficient reasons Penally, and in the manner prescribed, be imposed on a teacher by the Governing Body of a college, namely:—
 - (i) censure;
 - (ii) recovery of the whole or part of any pecuniary loss caused to the college by negligence or breach of any lawful order of the Governing Body;
 - (iii) withholding of increments;
 - (iv) suspension;
 - (v) compulsory retirement;
 - (vi) removal from scrvice which shall not be a disqualification for future omnlnvmpnt-

Service) Act, 1975.

[West Ben. Act

(Sections 10, J J.)

- (vii) dismissal from scrvigc which shall ordinarily be a disqualification for Future employment as a teacher.
- (2) No order imposing any of the aforesaid penalties shall be made without informing the teacher concerned of ihe charges against him and giving him an opportunity of being heard and except after an inquiry held in the manner prescribed:

Provided that penal lies specified in clause (vi) or clause (vii) of subsection (1) shall not be imposed on a confirmed teacher except on ground of being persislenly engaged in activities prejudicial to the academic or financial interest of the college or habitual dereliction of duty or physical infirmity likely to interfere with ihc normal discharge of his duties or mental derangement or moral turpitude.

- 10. An order of the Governing Body of a college imposing any or the penalties referred to in sub-sec lion (1) of section 9 shall be communicated to the teacher concerned and shall also be reported to the University to which such college is affiliated,
 - 11. (I) The Governing Body of a col lege may place a leacher under suspensionfa) where an inquiry against him under sub-section (2) of section 9 is contemplated by the Governing Body or such an inquiry is pending; or (b) where a case against him in respect or any criminal offence involving moral turpitude is under investigation or trial.
 - (2) Every order of suspension under sub-section (I) shall be communicated lo the Vice-Chancel lor of the University to which the college is affiliated within a fortnight from the date of such order,
 - (3) A teacher who is placed under suspension shall be entitled to receive from the Governing Body of ihc college a monthly subsistence allowance-
 - (a) during the first six months of the period of suspension at the rate of fifty percent, of his total monthly emoluments,
 - (b) during Ihc next six months of the period of suspension at the rate of seveniy-five per cent, of his total monthly emoluments, and
 - (c) during the balance of the period of suspension at the rale of ninety percent, of his total monthly emoluments.

Explanation.—For the purpose of this sub-section the expression "total monthly emoluments" means the total monthly emoluments which the tcacher had been drawing immediately before his suspension.

Communication of order imposing

Suspensio

penally

ofleacher.

XXXVI of 1975.]

(iSections 12-16.)

- 12. (1) A teacher againsi whom an order imposing any of lhe penalties Appeal, referred lo in subsection (1) of section 9, has been passed, may prefer an appeal within thirty days from the dale of receipt of such order to the University Lo which the college is affiliated.
- (2) The University shall, after giving the leacher and the Governing Body of lhe college an opportunity of being heard, pass such order as ii thinks fit.
- 13. The University may, by order, delegate the power conferred upon it by section 12 to such authority or officer not below the rank of a Deputy Inspector of Colleges as the University may specify.

Pcwer to dc legale.

14. (1) The Slate Government shall, for the purposes of this Act, constitute an Appellate Tribunal consisting of the following members, namely:—

Appellate Tribunal.

- (a) a Chairman who shal I be a person who holds or has held the office of a Judge not below the rank of a District Judge, and
- (b) iwo other members, one of whom at least, shall be an educationist, to be nominated by lhe Slate Government.
- (2) The Governing Body of a college or a teacher, may prefer an appeal againslan order passed under scciion 12. to lhe Appellate Tribunal within a period of thirty days from the date of the order,
- (3) The Appellate Tribunal may, on application made in this behalf, call for the records of an appeal from lie University if no final order has been passed therein by the University under sub-section (2) of section 12 within a period of one year from the date of Tiling an appeal under sub-section (1) of the said section.
- (4) The Appellate Tribunal shall dispose of an appeal referred lo in sub-section (2) or sub-section (3) in such manner as may be prescribed.

25 or 1961. 15, No legal practitioner as defined in the Advocates Act. 1961, shall be allowed to represent either a leacher the Governing Body of a college in any proceedings under section 12or section 14, as the case may be:

Bar lo re prese nla- li on by legal practitioners.

Provided that a teacher or any member of the Governing Body of a college who is also a legal practitioner shall be entitled to represent himself or lhe college, as lhe case may be, in such proceedings.

16. The decision of the Appellate Tribunal shall be final and no suit or proceeding shall lie in any civil court in respect of the matters required to be referred In lhe snir) Tribunnl

Decision or ibeTribunat lo be final.

The West Bengal College Teachers (Security of Sen'ice) Act, 1975.

[West Den. Act XXXVI of1975.]

(Sections J7-20.)

ComjK'risalion in case ofinjuryor death of a teacher.

- 17. (I) If any personal injury or death is caused to a icacher in lhe course of discharge of his duties, the Governing Body of the college in which lhe teacher is employed shall be liable to pay compensation the amount of which will be assessed by such authority and in such manner as may be prescribed.
- (2) In the ease oFdeath of a Icachcr lhe compensation shall be payable lo his legal heirs.
- IS, The terms and conditions of service of a icacher employed before the commencement of this Act shall, lo the extent of any inconsistency with lhe provisions of this Act or the rules made thereunder, be deemed to have been modified by lhe said provisions.

Modification of the existing tenns and conditions of service.

Special provisions.

- 19. The provisions of such Acts or Statutes, Ordinances, Regulations or rules made thereunder as are applicable to a leacher other ihan that of a Government Sponsored College, and of such rules and orders made by the State Government as are applicable to a teacher of a Government Sponsored College, in respect of selection, appointment, promotion, terms and conditions of service including leave and retirement benefits, shall continue to apply except in so far as ihey are not repugnant to the provisions of this Act or rules made thereunder.
- '19A. Nothing contained in this Act shall apply in relation to any college established and administered by a minority, whether based on religion orlanguage.

Acl not la apply in relation lo certain colleges.

Power to make rules.

- 20. (1) The Slate Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of lhe foregoing power, such rules may provide for all or any of the matters which, under any provisions of this Acl are required lo be prescribed or to be provided by rules.

'Scciion 19A was inserted by s. 2 or the West Bengal College Teachers (Securily of Service) (Amendment) Acl, 1975 (West Bun. Acl XL1V of 1975).

NOTIFICATION

No. 3857F., dated 15th August 1971.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules:

CHAPTER I—EXTENT OF APPLICATION

1. These rules may be called the West Bengal Service Rules, Part I. Except where it is otherwise stated, they shall be deemed to have come into force with effect from the 1st October 1971.

Short title and commencement.

2. Subject to the provisions of the Constitution of India and except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of West Bengal are competent to prescribe. Subject as aforesaid they also apply *to*—

To whom the rules apply.

- (i) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force;
- (ii) any person in respect of whose service, pay and allowances or pension or any of them special provision has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement.
- Note 1: The conditions of service of the subordinate ranks of the various police forces in West Bengal are determined by or under the Acts relating to those police forces respectively. Orders governing the application of these rules to the subordinate ranks of the police forces of West Bengal are issued by Government in the Home (Police) Department.
- Note 2: The position with relation to these rules of officers to whom Article 312 [and 314] of the Constitution of India apply is explained in the Preface.
- **3.** The power of interpreting these rules is reserved to Government.

Interpretations

- Note 1: Whenever in these rules a power is ascribed to Government only, that power may not, unless expressly provided by other rules, orders or notifications, be exercised except after consultation with the Finance Department.
- **3A.** Nothing in these rules shall be Construed to limit or abridge the power of the Governor to dispense with or relax the requirement of any of these rules *to* such extent and subject to such conditions as he may consider necessary for dealing with a case in a just and equitable manner.
- **3B.** Notwithstanding anything contained elsewhere in these rules or in any other rules for the time being in force, if a Government employee, being present at the place of his duty, abstains from work without permission or refuses to work at any time during the

Relaxations.

Abstaining from, or refusal of, work to be treated as absence without leave.

prescribed hours of work on any day, he shall, in addition to, being liable to such disciplinary action as may be taken against him for dereliction of duty, be deemed to be absent without leave for such day and shall not be entitled to draw any pay or allowances for such day¹.

Resorting to strike.

- **3C.** Notwithstanding anything contained elsewhere in these rules or in other rules for the time being in force:
- (a) If any Government employee resorts to or in any way abets any form of strike for any period in connection with any matter pertaining to his service or the service of any other Government employee, be shall, in addition to being liable to such disciplinary action as may be taken against him in that connection, be deemed to be absent without leave during such period and shall not be entitled to draw any pay or allowance for that period,
- (b)The authority empowered to grant leave may either commute retrospectively such period of absence without leave into extra-ordinary leave or may treat such period of absence without leave as amounting to a break in service entailing forfeiture of his previous service, and may pass orders accordingly.
- **3D.** Where under these rules any authority has been given power to issue any order, the exercise of that power shall be subject to such directions as Government may from time to time issue in this behalf².
- **4.** Repeal and Savings: All rules, orders or notifications corresponding *to* these rules in force immediately before the commencement of these rules and applicable to Government employees to whom these rules apply are hereby repealed:

Provided that in respect of anything done, any act committed or any omission made before the commencement of these rules, the rules, orders or notifications 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.

CHAPTER II—DEFINITIONS

Definitions.

Directions of

Government.

Repeal and Savings.

- **5.** Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in these rules in the sense here explained:—
- (1) Apprentice means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from

¹ Notification No. 3205-F, dated 19th October 1966, and No. 5242-F, dated 3rd December 1966.

² Notification No. 1539-F, dated 1st May1968.

Government during such training, but who is not employed in or against a substantive vacancy in the cadre of a department. It includes a "recruit boy" enlisted in the Eastern Frontier Rifles.

**(2) Average pay means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided .that—

- (a) in respect of any period spent¹ on deputation (i) in Europe, (ii) elsewhere out of India under conditions declared by Government to be quasi-European, the pay which the Government employee would have drawn if on duty in India shall be substituted for the pay actually drawn;
- (b) pay drawn in foreign service, less in the case of a Government employee paying his own contribution to leave-salary such part of pay as may be paid as such contribution, will count as pay for the purpose of this rule; and
- (c) in the case of a Government employee on foreign service out of India lasting for more than 12 months, who, on reversion to service under Government, immediately takes leave under these rules, the calculation of average pay in respect of the leave earned while in Government service, shall be based on the pay drawn by him during the 12 or 36 complete months, as the case may be, preceding the month in which he was transferred to foreign service.

**Note 1: [Omitted]

**Note 2: [Omitted]

**Note 3: [Omitted]

Note 4: In the case of Government employees who are exempted from the payment of contribution towards leave-salary while in foreign service, leave-salary should be based on *the* actual pay in foreign service without regard to contribution which would have been payable but for the exemption.

**Note 5: See note below rule 176.

- **Note 6: The definition of average pay will not apply in cases of drawl of leave salary while under re-employment under this Government.
- (3) Basic pay means the pay, other than special pay and any other emoluments which may be specially classed as pay by Government or pay granted in view of personal considerations or qualifications, which has been sanctioned for a post held by a

Government employee substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre.

**(4). West Bengal State Services means those services and posts under the administrative control of the Government which have been classified as Group «A', Group 'B', Group 'C, and Group 'D'.

Note 1: (a) Subject to the provisions of sub-paragraph (b), services or posts, Group 'A', Group 'B', Group 'C' and Group 'D' shall consist of the services or posts specified respectively against them in the Table below:—

TABLE

SI. No.	Classification of posts and Services	Description of the service and post
1.	Group 'A'	All Government employees drawing pay or a scale of pay with the maximum above Rs. 1,170.
2	Group 'B'	All Government employees drawing a pay or a scale of pay with a maximum of Rs. 1,170 or below but above Rs. 700.
3.	Group 'C'	All Government employees drawing pay of a scale of pay with a maximum of Rs. 700 or below but above Rs. 415.
4.	Group 'D'	All Government employees drawing a pay or a scale of pay with a maximum of Rs. 415 or below.

Provided further that the aforesaid classification of posts any other class of posts carrying any pay or scale of pay in a class of service consisting of posts or services carrying a higher pay or scale of pay:

(b) If a service consists of posts with more than one time-scale or if there be a Selection Grade pay attached to a service or post, posts carrying the different time-scales or the Selection Grade pay may be classified in different services according to the pay or the maximum scale of pay of the post.

Explanation—

- (a) "Pay" has the same meaning as in sub-clause (i) of clause (28) of rule 5 of these rules; and
- **(b) Reference to "scales of pay" shall be construed as references to the unrevised scales of pay specified in the West Bengal Services (Revision of Pay and Allowance) Rules, 1970 or the West Bengal Services (Revision of Pay and Allowance) Rules, 1981, as the case may be, and "pay" should be construed accordingly.

^{**}Provided further that the aforesaid classification of posts and services shall not interfere with other existing framework of duties, functions, responsibilities and facilities of Government employees on the basis of the existing classification.

^{**}Note 2: [Omitted].

**Note 3: Consequent on the abolition of the system of classification of Government employees under this rule making control of the State Government into gazetted and non-gazetted and Class I, II, III and IV and dividing all Government employees under the rule making control of the State Government into Groups namely Group A, Group B, Group C and Group D, it has been decided that all the employees under the State Government and under the rule making control of the State Government drawing pay or a scale of pay with the maximum above Rs. 1170 per month i.e. the State Government employees belonging to Group A will be authorized and competent to grant certificates which are required to be granted by gazetted officer or to attest papers where such attestation is required to be done by "gazetted officer" in other States or at the Centre. While granting certificates or attesting papers a Group A employee of the State Government will indicate; his designation and further add that he belongs to Group A under the State Government.

**Note 4: Consequent on the abolition of the system of classification of Government employees into Gazetted and non-Gazetted service, a 'question has been raised as to whether orders relating to the appointment, transfer, posting, etc., of the officers in Group A and Group B, the appointing authority in respect of whom is the Governor would continue to be issued in notification form and published in the "Calcutta Gazette".

It has been decided that orders may be issued in the form of notification, but unless there is a statutory stipulation requiring publication of notifications concerning appointment, transfer and leave of officers of Group A or Group B in the Official Gazette, printing of such notification in the Official Gazette need not be done;

- (5) [Omitted].
- (6) Cadre means the strength of a service or a part of a service sanctioned as a separate unit
- (7) [Omitted].
- **(8) Clerical staff means those Government employees in-Group 'B' and Group 'C' services and posts whose duties are entirely clerical and includes any other class of Government employees specially defined as such by order of the Government.
- Note 1: The classes of Government employees that have been defined as members of the clerical staff are given in Appendix 2.
- (9) Compensatory allowance means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a traveling allowance and an allowance granted to a medical Government employee who is denied the privilege of private practice but it does not include the grant of a free passage by sea to or from any place outside India.

- (10) Day means a calendar day beginning and ending at midnight, but an absence from headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.
- (11) Duty includes—
- (a) Service as a probationer or apprentice, provided that such service is followed by confirmation.

Note: Service as a probationer is "Suigeneris"—neither substantive nor officiating. A Government employee who is recruited as a probationer with a view to substantive appointment to the cadre of a service or department does not, therefore, acquire a lien on a post in that cadre until he is confirmed in the service or department.

(b) Joining time.

*Note: If a Government employee on return from leave, deputation, Foreign Service or while on transfer or on reinstatement after suspension or on similar other occasion, is compelled to wait for order of posting under circumstances beyond his control, Government may treat the period of such compulsory waiting as a period of duty.

The authority making an order in this behalf shall record the reasons for which delay in issue of the order of posting could not be avoided.

- **During such period the Government employee concerned shall be allowed to draw pay and allowances at the rates which would have been admissible to him had he remained on duty in his old post or the pay and allowances which he will draw on taking over charge of his new post, whichever is less.
- **(c) [Omitted].
- (d) The period spent on a duly authorised course of instruction or training in India including the time reasonably required for the journeys to and from the place of instruction or training.
- Note 1: An officer appearing at a departmental examination ordered to go direct-from the place of examination to settlement camp for training shall be considered to be on duty during the period between the conclusion of his examination and the date on which he joins the settlement camp.
- (e) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, the interval between the date on which the final qualifying examination passed by him ends and the date on which he assumes his duties, provided he assumes his duties within such time as may be prescribed by the appointing authority.

- (f) In the case of an officer permitted to appear at an optional examination prescribed by Government in any of the oriental languages the reasonable period occupied in the journey to and from the place of examination and the day or days of the examination in addition to the time allowed for preparation.
- (g) In the case of an officer required to attend an obligatory departmental examination the reasonable time required for the journey to and from the place of examination and the day or days of the examinations.
- (h) In the case of an officer permitted to present himself at any examination which must¹ be passed before a person is eligible for a higher subordinate appointment in any service, the number of days actually necessary to enable him to attend at¹ the examination subject *to* the condition that this concession is not allowed more than twice for each standard of examination.
- (i) and (j) [Omitted.]
- (k) In the case of a relieving officer of the Departments of Public Works, Irrigation and Waterways or of any other department specifically entrusted by Government with the work of construction and/ or maintenance of roads, buildings, bridges, etc., when *the* charge *to* be transferred consists of several scattered works which the relieving and relieved officers are required by the orders of a superior officer to inspect together, the period taken in carrying out these inspections provided it is not considered by the Superintending Engineer or other superior authority to be excessive.

(1) [Omitted.]

Note.—No leave can be treated as duty for the purpose of any of these rules unless the contrary is expressly stated therein.

- (12) Fee means a recurring or non-recurring payment to a Government employee from a source other than the consolidated fund of India or of a State or of a Union Territory whether made directly to the Government employee or indirectly through the intermediary of Government.
- **(13) Foreign service means service in which a Government employee receives his pay with the sanction of Government from any source other than the consolidated fund of India or the consolidated fund of a State or the consolidated fund of a Union Territory.
- (14) Government means the Government of West Bengal.
- (15) Government employee in permanent employ means a Government employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on such a post had the lien not been suspended** or who is confirmed

and made permanent in terms of West Bengal Service (Appointment, Probation and Confirmation), Rules, 1979.

(16) Head of Departments are Government employees declared to be such by Government.

Note.-A list of Heads of Departments is contained in Appendix No. 1.

- (16A) Head of Offices are Government employees declared to be in administrative charge of an office or establishment. It also includes the "Head of a Department" if he himself is the Head of an office or establishment³.
- (17) Holiday means—
 - (a) a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881 as amended by Act No. XXXVII of 1955, and
 - (b) in relation to any particular office, a day on which such office is ordered to be closed, by notification of Government or of the High Court, as the case maybe, in the "Calcutta Gazette", for the transaction of public business without reserve or qualification.
- (18) Honorarium means a recurring or non-recurring payment granted to a person from revenues as remuneration for special work of an occasional character⁴.
- (19) [Omitted.]
- (20) Joining time means the time allowed to a person under the conditions prescribed in Chapter XI of these rules to enable him—
- (a) to join the post to which he has been appointed, or
- (b) to proceed on leave from a remote station which is not easy of access.
- **(21)
 - (a) [Omitted.]
 - **(b) [Omitted.]
- **(22) Leave salary means the monthly amount paid by Government to a Government' employee on leave.
- 3) Lien means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

Note.—Vide note below, sub-rule (11) (a) of Rule 5.

(24) Local Fund means—

³ Corrigendum No. 375IF, dated the 5th October 1966.

⁴ 'Notification No. 289F. dt. 18th January 1965.

- (a) revenues administered by bodies which by law or rule having the force of law, come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and
- (b) the revenues of any body which may be specially notified as such by the President or by the Governor, as the case may be.
- (25) Month means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each should first be calculated and the odd number of days calculated subsequently.
- Note 1.-In calculating a period of* say 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February.
- (26) Officiate-A Government employee officiates in a post when he performs the duties of a post on which another person holds a lien, or when he is appointed by the authority competent to make a substantive appointment to the post to officiate in a vacant post on which no other person holds a lien:

Provided that in the circumstances regulated by role 39, 68 or 100, a Government employee may be appointed to officiate in a post without actually performing the duties of the post.

- (27) [Omitted.]
- (28) Pay means the amount drawn monthly by a Government employee as—
 - (i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and
 - (ii) special pay and personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by Government.
- (29) Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.
- (30) Personal pay means additional pay granted to a Government employee—

- (a) to save him from a loss of substantive pay in respect a permanent post other than a tenure post, due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.
- (31) Presumptive pay of a post, when used with reference to any particular Government employee, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.
- (32) *Probationer* means a Government employee employed on (trial in or against a substantive vacancy in the cadre of a department.

Note-Vide Note below Clause (a) of sub-rule (11) of Rule 5.

- (33) Special pay means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of-
 - (a) the specially arduous nature of the duties; or
 - (b) a specific addition to the work or responsibility; or
 - (c) the unhealthiness of the locality in which the work is performed.

Note—Deputation allowance granted to officers of this Government sent out on deputation is classed as "special pay" within the meaning of this rule and shall be deemed as pay as defined in rule 5(28) ibid.

- (34) Subsistence grant means a monthly grant made to a Government employee who is not in receipt of pay or leave salary during a period of suspension.
- (35) Substantive pay means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-clause (iii) of clause (28) of this rule, to which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.
- (36) [Omitted.]
- (37) *Temporary post* means a post carrying a definite rate of pay or monthly honorarium sanctioned for a limited time.
- (38) Tenure post means a permanent post which an individual Government employee may not hold for more than a limited period.

Note-If a question arises whether a post is or not a tenure post, the decision of Government thereon will be final.

- (39) (a) *Tune-scale pay* means pay which, subject to any conditions prescribed in these rules rises by periodical increments from a minimum to a maximum.
- (b) Time-scales' are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.
- (c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales arc identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of* the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post
- (40) *Transfer* means the move of a Government employee from one place to another or from one post to another, either-
- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.
- (41) *Traveling- allowance* means an allowance granted to a Government employee to cover the expenses which he incurs in traveling in the interest of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.
- (42) A vacation department is a department or part of a department to which regular vacations are allowed during which "Government employees serving in the department are permitted to be absent from duty. In case of doubt as to whether a Government employee is serving in a vacation department or not, the decision of Government shall be final.

Note I.-The following classes of Government employees serve in vacation departments when the conditions of this sub-rule are fulfilled:—

(i) Judicial Officers.

- (ii) Educational Officers in teaching institutions and their establishments.
- (iii) All Professors/ Associate Professors/ Readers/ Assistant Professors/ Lecturers (excepting one) of the Departments of Anatomy, Physiology of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and B. S. Medical College, Bankura⁵.

⁵ The selection of the officers under item (iii), who will remain as non-vacation department officers will be made by the Principals of the Medical Colleges concerned.

- (iv) All Demonstrators excepting two of the Departments of Anatomy of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and Bankura Sammilani Medical College, Bankura.
- (v) All Demonstrators of Chemistry excepting one of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and Bankura Sammilani Medical College, Bankura⁶.
- (vi) Teachers and Demonstrators of the Pharmacy Training Centre, Jalpaiguri, excepting the senior most teacher who acts as ex officio Deputy Superintendent of the Institution and the teacher who acts as the Superintendent of Students' hostel.
- (vii) Epidiascope Operators of Medical Colleges,
- (viii) Officers of the Bengal Veterinary College connected with teaching work including the Demonstrators except those entrusted with hospital duties, work in the farms and extension duties.
- (ix) Official Assignee, West Bengal.
- (x) Official Receiver, High Court, Calcutta.
- (xi) Deputy Sheriff, High Court, Calcutta.
- (xii) Members of Class III and Class IV Services belonging to the office of the Sheriff of Calcutta subject to the following conditions viz.—
 - (a) the pre-1931 and post-1931 employees of the Sheriff's office shall come under the leave rules applicable to the corresponding categories of employees of the Government, and
 - (b) leave earned or availed of before the 20th December, 1948 may be disregarded.
- (xiii) Any other class of Government employee which Government may declare to be so serving.
- Note 2.-District and Sessions Judges, Judges of the City Civil and Sessions Court, Calcutta and the Chief Judge, Small Causes Court, Calcutta, are not treated as belonging to a Vacation Department.
- **6.** Unless it be expressly stated to the contrary, where a reference occurs in these rules to a rate of exchange between sterling and rupees which the Government may by order prescribe, such rate shall, until further orders, be the rate notified by the Ministry of

⁶ The selection of officers under terms (iv) and (v) who will remain as non-vacation department officers will be made by the Principals of the Medical Colleges concerned.

Finance, Government of India, for telegraphic transfers from Calcutta to London on the 20th of the month preceding that in which the relevant payment or recovery is made.

CHAPTER III—GENERAL CONDITIONS OF SERVICE

Age on first appointment.

- **7.** Except as otherwise provided by rule, no person whose age exceeds twenty-five years may be admitted into the service of Government.
- Note.—This rule does not apply to the employment in Civil capacities of reservists and pensioners of the Indian Army.
- **8.** Heads of Departments may, in exceptional cases where they or their subordinate officers are competent to make the appointment, and for reasons to be recorded in writing, condone an excess in age over the prescribed limit.
- **9.** (1) Every applicant for Government service shall at the . time of and for the purpose of, entry into Government service

submit to the appointing authority a declaration in the form set out in Note 1 below stating the year, month and date of his birth or where the date of birth is not known or both the month and the date of birth are not known, the year and the month, or only the year of birth, as the case may be. The declaration so made shall be binding on the applicant and he shall have no right to revise it subsequently for any reason whatsoever.

- (2) The applicant shall produce evidence in support of his declaration. If the applicant has passed the Matriculation or the School Final or the Higher Secondary Examination, the certificate of having passed the examination, indicating the applicant's age, granted by the University or Board holding the examination shall be produced. In any other case, the applicant shall produce other reliable evidence of his age. Wherever possible, an extract from the register of births maintained by a local authority, showing the date of the applicant's birth, shall be produced.
- (3) The appointing authority shall consider the declaration made by the applicant under sub-rule (1) and the evidence produced in support thereof and pass an order fixing the year, month and date of his birth. In doing so, the appointing authority shall, in the case of an applicant selected by the Public Service Commission, also take into consideration the year, month and date of birth declared by the applicant in the application form submitted by him to the Public Service Commission and accepted by them.
- (4) Where the appointing authority is not the Government and the year or month or date of birth proposed to be fixed under sub-rule (3) is different from the year or date of birth of the applicant recorded in his Matriculation or School Final or Higher Secondary Examination Certificate or recorded in the register of births maintained by any local

Condonation of excess in age on first appointment.

Declaration of age, duties and function of appointing authorities

authority, or accepted by the Public Service Commission, the appointing authority shall submit the case with its recommendation to the Government and thereupon final orders shall be passed by the Government in this behalf.

- (5) The appointing authority or, where the final order fixing the year, month and date of birth of a Government employee has been passed by the Government, the Government, may at any time for sufficient reasons review the order fixing the year, month and date of birth and modify the same, provided that the year, month and date of birth shall not be modified to the disadvantage of the Government employee unless he has been given an opportunity of making any representation which he may wish to make against the proposed action.
- (6) When, under this rule, only the year of birth is declared and accepted, the 1st day of July of that year and where the year and month are declared and accepted, the 16th day of the month in question shall be taken as the date of birth.

Note 1.—The declaration under sub-rule (1) shall, as nearly as may be, in the following form:

Form I

(To be used where the year, month and date of birth are known.)

I,,having been selected for appointment in Government service, do
hereby declare that I was born at (birth-place) on (date,
month and year). I also annex herewith the following documents in support of the
statement:—
2. I do further declare that the year, month and date of birth as recorded herein are
binding on me and I shall not ask for any modification thereof at any subsequent date.
Place
Date
Signature.
3. Orders of the appointing authority Government.
Form II
(To be used where only the year and month, or only the year of birth are or is known).
I, having been selected for appointment in Government service, do
hereby declare that I was born at(birth-place) in(year) in(month)
of(year). I also annex herewith the following documents in support of the
statement:—

- 2. I do also declare that the month and date of birth date of birth are/is not known to me, the reasons whereof are briefly stated below:—
- 3. I do further declare that the year/ year and month of birth as declared herein is/ are binding on me and I shall not ask for any modification thereof at any subsequent date.
- N.B.-Portions not applicable in this form shall be scored out under the signature of the applicant.
- 4. Orders of the appointing authority/ Government.
- **Note 2-Date of birth as finally accepted under this rule shall be recorded in the Service Books/
 Records of the Government employee concerned both in words and figures under proper
 attestation' by the competent authority with reference to documentary evidence in support of the
 same.
- **L.R.'s decision—For the purpose of rectification and correction of the age of the Government employee neither the affidavit sworn in this respect nor the report of the ossification, test which indicates only an approximate and not an accurate result would be accepted as reliable evidence within the meaning of sub-rule (2) of the aforesaid rule.
- **10.** Subject to the provisions of Rule 11 and of any special rules regulating his recruitment, no person shall be appointed to a post in Government service without a medical certificate of fitness.
- **11.** The following classes of Government employees are exempted from producing a medical certificate of fitness as required under rule 10-
- (a) A person not in permanent employ appointed temporarily for a period of less than six months:

Provided that if the temporary appointment for less than six months is subsequently extended or is likely to be extended beyond six months, the person concerned shall be required to furnish the requisite certificate of fitness before the expiry of six months from the date of his first appointment

- (b) A. temporary Government employee who has once been medically examined either under rule 10 and under sub-rule (a) of this rule, if—
 - (i) transferred subsequently, without any break in service, to hold, either on an officiating or on a temporary basis, a post in another office or cadre; or
 - (ii) appointed substantively, whether on probation or otherwise, to a permanent post under Government, provided that it shall always be open to the appointing authority to insist on a subsequent medical examination, prior to confirmation, if he so deems necessary.

Appointment on medical certificate of fitness.

Medici Certificate of fitness.

- (c) A Government employee already appointed substantively, whether on probation or otherwise, to a permanent post in Government service on the production of a medical certificate of fitness under rule 10, if promoted or transferred to another post in Government service; and
- (d) A retired Government employee re-employed after retirement.
- Note 1.-"Temporary appointment" as used in sub-rule (a) of this rule refers not merely to service rendered in temporary posts but also to officiating appointments in or against permanent posts. Such service may be either the same or in different posts provided there is no break.
- Note 2.-A person not in permanent employ, if transferred to another office whether on a substantive/ or on an officiating or temporary basis, shall obtain from the Head of the office from which he is transferred, a certificate showing the period of his continuous service from the date of his first appointment under Government and whether the requisite medical certificate of fitness had already been produced.
- Note. 3.-It is not necessary to affix the medical certificate of fitness obtained under rule 10 or under rule 11 to the first pay bill of a Government employee. A certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government employee shall however, be furnished to Audit along with the first pay bill of the Government employee. The procedure for furnishing this certificate in respect of Group A and Groups B, C and D officers shall be as follows:
- (i) in respect of a. Group A officer, a certificate furnished by the competent, authority to whom the medical certificate has been submitted shall be attached to the first pay bill,
- (ii) in respect of a Group B, C or D officer, the drawing and disbursing officer shall furnish such certificate along with the first pay bill of the Government employee concerned.⁷
- **12.** The production of a medical certificate of fitness is necessary when—
 - (a) a Government employee is promoted from non-qualifying service paid from a local fund to a post in superior Government service ;
 - (b) a person is re-employed after resignation, or forfeiture of past service.

Note-When a person is re-employed in circumstances other than those referred to in clause (b), the appointing authority shall decide whether a medical certificate should be produced.

13. Except as otherwise provided by rule, the medical certificate of fitness referred to in								
this chapter shall be	e in the	following	form—					
"I hereby certify that I have examined A. B., a candidate for employment in the								
Department,	and	cannot	discover	that	has	any	disease,	

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⁷ Notification No. 13IF, dated 16th January 1967.

- **14.** Except as otherwise provided by rule, the certificate referred to in rule 13 shall be obtained—
- (a) in the case of a candidate for employment in a Group 'A' post, from the Medical Committee to be assembled under the orders of the Administrative Medical Officer of the State; and
- (b) in other cases-
 - (i) in districts, from the District Medical Officers or such other medical officers below the District Medical Officers as Government may, by order, so prescribe; and.
 - (ii) in Calcutta, from the Presidency Surgeons as arc specially authorized to grant such certificates:

Provided that in the case of a candidate to be appointed to a post in Group D service, the appointing authority may accept a certificate signed by a registered medical practitioner.

Whole-time at the disposal of Government.

15. Unless in any case it be otherwise distinctly provided the whole time of a Government employee is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the funds of a body corporate owned or controlled by the Government.

Limitations in making substantive appointment.

- **16.** (1) Two or more Government employees cannot be appointed substantively to the same permanent post at the same time.
- (2) A Government employee cannot be appointed substantively to two or more permanent posts at the same time.
- (3) A Government employee cannot be appointed substantively to a post on which another Government employee holds a Gen.
- **17.** Unless in any case it be otherwise provided in these rules, a Government employee on substantive appointment to any permanent post acquires a lien on the post and ceases to hold any lien previously acquired on any other post.

Lien

18. In the case of a Government employee who holds no lien on any appointment except that which is abolished the abolition of the appointment may be deferred till such leave as was admissible to him immediately before the abolition of the appointment and as may be granted has terminated.

Note.-This rule does not apply to a person having no lien on a permanent post.

- 19. Unless his lien is suspended under rule 20 or transferred under rule 23, a Government employee holding substantively a permanent post retains a lien on that post—
 - (a) while performing the duties of that post;
 - (b) while on foreign service, or holding a temporary post or officiating in another post;
 - (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his Hen is transferred to the new post from the date on which he is relieved of hi« duties in the old post;
 - (d) while on leave; and
 - (e) while under suspension.

- **Note 1.-An employee confirmed by the competent authority in accordance with the provisions of the West Bengal Services (Appointment, Probation and Confirmation) Rules, 1979, does not hold any lien on a permanent post. To safeguard the interest of such employees they shall be (Teemed to have lien for all purpose.
- **Note 2.-The following/procedure should be followed m respect of Government employees working in a particular department/ office who apply in response to advertisements or circulars inviting applications for posts in other departments offices of the State Government:—
- (i) the applications may be forwarded in accordance with the instructions irrespective of whether the post applied for in the other department/ office is permanent or temporary,
- (ii) in the cases of permanent Government employees their lien may be retained in the parent department/ office for a period of two years. They should either revert to the parent department office at the end of that period or resign from parent department/ office on expiry of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other departments offices,
- (iii) as for temporary employees,, they shall as a matter of rule, be asked to resign from the parent department/ office at the time of release from the parent department/ office. An undertaking to; the effect that they will resign from the parent department/ office in the event of their selection and

^{**}Note.-Omitted.

appointment to the post applied', for, may be 'taken from them at the time of forwarding the application,

- (iv) in exceptional cases where it would take some time for the other department/ office to confirm such Government employees due to the delay in converting temporary posts into permanent, ones, or due to some other' administrative reasons, the permanent Government employees may be permitted to retain their lien in the parent department / office for one year more. While granting such permission, a fresh undertaking similar to the one indicated in sub-paragraph (ii) may be taken from the permanent Government employees by the parent department/ office.
- **20.** (1) The lien of a Government employee on a permanent post which he holds substantively shall be suspended if he is appointed in a substantive capacity-
 - (a) to a tenure post, or
 - **(b) Omitted.
- (c) provisionally, to a post on which another Government employee would hold a lien had his lien not been suspended under this rule.
- (2) The lien of a Government employee on a permanent post which he holds substantively may be suspended if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by sub-rule (1), is transferred on officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a Hen for a period of not less than three years.
- (3) Notwithstanding anything contained in sub-rules (1) and (2), a Government employee's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.
- (4) If a Government employee's lien on a post is suspended under sub-rule (1) or (2), the post may be filled substantively, and the Government employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.
- **Note 1.-Unless any rule or order otherwise directs, this sub-rule shall apply if the post concerned is a post in a Selection Grade of a cadre.
- **Note 2.-When a post is filled up substantively under this sub-rule, the appointment shall be termed a provisional appointment. The Government employee appointed shall hold provisional lien on the post and that lien shall be liable to suspension under sub-rule (1), but not under sub-rule (2), of this rule,

- (5) A Government employee's lien which has been suspended under sub-rule (1) shall revive as soon as he ceases to hold a lien on a post of the nature specified in that sub-rule.
- (6) A Government employee's lien which has been suspended under sub-rule (2) shall revive as soon as he ceases to be on deputation out of India or on foreign services or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government employee takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or Jo hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-rule (1).
- **Note 1.-When it is known that a Government employee on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post shall not be suspended.
- **Note 2.-The operation of this rule shall be restricted in such a way so as to permit only one provisionally substantive appointment against one post. As such the lien acquired by a Government employee, on his appointment in a provisionally substantive capacity under sub-rule (4), shall not in future be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2).
- **21. (1) Except as provided in sub-rules (2) and (3) of this rule a Government employee's lien on a post may, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.
- (2) Notwithstanding the provisions of sub-rule (1) of rule 20, the lien of a Government employee holding substantively a permanent post shall be terminated on his appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman or any other member of a State Public Service Commission.
- (3) A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post whether under the Central Government or a State Government outside the cadre on which he is borne.

Note.-It is clarified that the provisions of rule 21 shall apply so long a Government employee remains in Government employment. Obtaining consent of the Government employee to the termination of his lien is necessary in certain circumstances where he is to be confirmed in another post under Government.

Such consent is not necessary in cases where the Government employee ceases to be a Government employee. Where a Government employee is proposed to be absorbed in non-Government service permanently in public interest, Government employee concerned shall be asked to resign his appointment under Government with effect from the date of such permanent-absorption and the lien will stand automatically terminated with the cessation of Government service.

In all cases where a Government employee is to be absorbed permanently by the foreign employer-under his organization, it shall be incumbent on him to consult the parent employer before issuing orders absorbing the Government employee permanently in service. The orders of permanent absorption shall be issued only after the resignation of the Government employee has been accepted by the Government and with effect from the date of such acceptance.

22. [Omitted]

23. Subject to the provision of rule 24, the lien of a Government employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended, may be transferred to another permanent post in the same cadre.

24. (1) A Government employee may be transferred from one post to another:

Provided that, except (i) on account of inefficiency or misbehavior, or (ii) on his written request, he shall not be transferred substantively to, or except in a case covered by rule 65, appointed *to* officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had it not been suspended under rule 20:

Provided further that unless the transfer is from one cadre post to another, the post *to* which a Government employee may be transferred shall be a post (i) which carries a scale of pay comparable to that of the post presently held by the Government employee,

- (ii) for which the Government employee possesses at least the minimum of the prescribed qualifications, and (iii) in the recruitment rules for which there is no bar to the appointment of the Government employee to the post by transfer⁸.
- (2) Nothing in sub-rule (1) of this rule or in clause (23) of rule 5 shall operate *to* prevent the retransfer of a Government employee to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of sub-rule (1) of rule 20.

Note.-When a Government employee is transferred substantively on account of his inefficiency or misbehavior, to a post carrying less pay than the pay of the permanent pos» on .which he holds a lien or would have held a lien had it not been suspended under rule 20, the appointing

⁸ Notification No. 3571F/1 R-18(36)/6l dated 5th October 1967.

authority, may in the case of non-availability of a vacancy in the service, grade or time-scale to which the Government employee is transferred, create a permanent supernumerary post in the lowest service, grade or time-scale to provide a lien to the Government employee, concerned; but the higher post vacated by the Government employee shall not be filled up either substantively or otherwise, for so long as it is necessary to provide the reduced officer with **a** lien on the supernumerary post in the lower service, grade or time-scale. After the Government employee has been accommodated against a substantive vacancy available in the lower service, grade or time-scale the supernumerary post shall be abolished and the higher post filled up in the usual way.

25. A Government employee may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as Government may by order prescribe.

Subscription to Provident Fund and other similar Funds.

*26. Subject to any exceptions specifically made in these rules, an officer shall begin to draw the pay and allowances attached to the post held by him with effect from the date when he assumes the duties of the post and shall cease to draw them as soon as he ceases to discharge those duties:

Drawl of pay-date of its commencement and

Provided that an officer who is absent from duty without authority on any day or part of the day shall not be entitled *to* draw any pay or allowance for that day.

Note.-A Government employee will begin to draw the pay and allowances attached to the post held by him with effect from the date on which he assumes the duties of that post, if the charge is transferred before noon of that date. If the charge is transferred in the afternoon he commences to draw them from the following day.

27. [Omitted.]

28. Unless for special recorded reasons of a public nature the Head of a Department under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters both the relieving and the relieved officers being present.

Charge of office

- Note 1.-The condition that both the relieving and relieved officers must be present is not enforced in the case of officers who are permitted to combine vacation with leave under rule 171 in such cases the following procedure has been laid down:—
- (a) When vacation is prefixed to leave the outgoing officer will report before leaving the headquarters or if for urgent reasons the leave is granted during vacation, as soon as it is granted, that he makes over charge with effect from the end of the vacation. The relieving officer will then take over charge at the end of the vacation in the ordinary way;

- (b) when vacation is affixed to leave the officer to be relieved will make over charge in the ordinary way before the vacation, the incoming officer on return at the end of the vacation taking over charge with effect from the beginning of the vacation.
- Note 2.-A Deputy Director, State Statistical Bureau, West Bengal, may transfer any Assistant Investigator (field), Assistant Computer, Orderly, Peon and other fourth grade staff under him within his jurisdiction⁹.

Headquarters terra defined.

- **29.** The headquarters of a Government employee shall be in such place as the Head of a Department may prescribe and are in the absence of any orders to the contrary, the station where the records of his office are kept.
- Note 2.-Deputy Inspector-General of Police may change the headquarters of Government employees under them provided that such changes are temporary and that the Inspector-General of Police is informed.

Obligation to stay at Head-quarter.

29A. A Government employee should ordinarily reside at the Headquarters of the Station to which he is for the time being posted. He may, however, be permitted by the head of his office, for sufficient reasons, such as difficulties in securing accommodation at headquarters and for other good reasons, to reside outside his headquarters, provided that his normal official duties do not suffer thereby. In such cases, however, the Government employee concerned shall intimate in writing his place of residence to the head of his office, who may however, require him to stay at his headquarters at any time and for any period if it is considered necessary in public interest¹⁰.

Journey beyond the limits of charges.

- **30.** No Government employee is entitled to pay or allowance for any time he may spend beyond the limits of his charge without proper authority.
- Note.-A police officer acting within his legal powers or an Excise Officer acting under the orders of the Collector or other superior authority is deemed to be duly authorized to remain beyond the limits of his charge for the purpose of this rule.
- **31**. A Head of a Department may authorize any Government employee under his administrative control to proceed on duty to any part of the territory of India, whether within or beyond his own jurisdiction.
- Note 1.-The Inspector-General of Police or the Commissioner of Police should continue to obtain previous sanction of Government to the deputation of recruiting parties beyond the State.
- Note 2.-A Government employee permitted under this rule to proceed to any place on duty may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

⁹ Notification No. 550F., dated 26th February 3 968.

¹⁰ Notification No. 2804F., dated 5th August 1969.

- Note 3.-Subordinate Judges may be temporarily posted to hold court at another station in conformance with the following principles—
- (i) Such an order of temporary posting which has the effect of treating the officer as on tour for the purpose of the rules regulating Travelling Allowance should only be passed when an additional court is temporarily added to the permanent staff of a station in order to assist the permanent officer of the place in dealing with increase of work there.
- (ii) An order of transfer should be made when there is to be a charge of personnel or when the officer is not expected to return to the post from which he is transferred or when he is expected to occupy the post to which he is transferred for 3 months or more. In such cases a temporary post will be made.
- (iii) No order of temporary posting should be passed when it is proposed to post in place of the officer transferred a substitute other than a probationary Munsif who is already under training at the headquarters station.
- **Note 4.-Sanction of tours outside the State by issue of a Government Order shall not be necessary provided such tours including air journeys by officers entitled to travel by air are made with the prior approval of the Controlling Officer and that the travelling allowance bills for such journeys shall be accompanied by tour diaries approved by the Controlling Officers.
- **32.** Under the general or special orders of Government, a Government employee may be authorized to proceed beyond his jurisdiction to attend a non-official conference.
- **33.** An authority declared by Government to be a controlling officer for the purpose of travelling allowance may allow any Government employee subordinate to him to proceed on duty to any part of the State or to a district adjoining the jurisdiction of the controlling officer and to draw travelling allowance under rule.
- Note.-A list of Controlling Officers is contained in Appendix No. 2 to the West Bengal Service Rules, Part II.
- **34. (1).Unless the Governor, in view of the exceptional circumstances of the case, otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.
- (2) Unless the authority competent to grant leave extends the leave, a Government employee who remains absent even after the expiry of leave previously granted is not entitled to any leave salary for the period of such absence and that period shall be debited against his leave account as though it were half-pay leave, to the extern such leave is due, the period in excess of such half-pay leave due being treated as extraordinary leave.

Maximum period of continuous absence from duty-.

(3) Willful absence from duty after expiry of the leave renders a Government employee liable to disciplinary action.

Note 1.—Treatment of willful absence from duty.—Willful absence from duty though not covered by leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as 'dies non' for all purposes, viz., leave, increment and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless pension sanctioning authority exercises his power under rule; 35 of West Bengal Services (Death-6um-Retirement Benefit) Rules, 1971 to treat the period as leave without pay, the entire past service stands forfeited.

Note 2.—Action for unauthorised absence from duty for over stayal of leave—

- (i) When a temporary Government employee asks for leave in excess of the limits prescribed in clause (b) of the proviso to sub-rule (2) of rule 175 and if the circumstances are exceptional the leave sanctioning authorities shall take decision in consultation with the Finance Department as to whether further leave in excess of the limit shall be allowed.
- (ii) When a Government employee applies for leave beyond that prescribed limit of extraordinary leave and the leave sanctioning authority is not satisfied with the genuineness of the grounds on which further leave has been asked for, nor does it consider the ground as exceptional, the leave cannot 'be granted. In such a case the Government employee shall be asked to rejoin duty within a specified date failing which he would render himself liable to disciplinary action. Disobedience of orders to rejoin duty with- in the specified period would afford good and sufficient reasons for initiating disciplinary action under the West Bengal Services (Classification, Control and Appeal) Rules, 1971. If he rejoins duty by the stipulated date he may be taken back in service and the period of absence not covered by leave would be treated as overstayal and such over-stayal shall be regularized in accordance with the provisions of this rule.
 - If the Government employee does not join duty by the stipulated date, it would be open to the disciplinary authority to institute disciplinary action against him. If during the course of the disciplinary proceedings he comes for rejoining duty he shall be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as quickly as possible. The question of regularization of the period of overstayal of leave shall be left over for consideration till the finalization of the disciplinary proceedings.
 - (iii) If a Government employ absents himself abruptly or applies for leave which is refused in the exigencies of public service and still happens to absent himself from duty he shall be told of the consequences, viz., that the entire period of

absence shall be treated as unauthorised absence entailing loss of pay for the period in question under the proviso to rule 26, thereby resulting in break in service. If, however he reports for duty before or after initiation of disciplinary proceedings, he may be taken back for duty because he was not placed under suspension.

The disciplinary action may be concluded and the 'period of absence treated as unauthorized absence resulting in loss of pay and allowances under the proviso to rule 26 and thus a break in service. The question whether the break should be condoned or not and treated as 'dies non' shall be considered only after conclusion of the disciplinary proceedings and that too after the Government employee represents in this regard.

- (iv) A Government employee who remains absent un-autorisedly without proper permission shall be proceeded against immediately and such disciplinary action shall not be put off till the absence exceeds the limit prescribed in rule 175. Considering the grounds adduced by the Government employee for his unauthorised absence before initiating the disciplinary proceedings, if the disciplinary authority is satisfied that the grounds adduced for unauthorised absence are justified, the leave of the kind applied for and due and admissible may be granted to him.
- **34A.** (1) No Government employee shall, unless the Government otherwise directs, be permitted to resign if he fails to serve on his appointing authority due notice at least for-
- Resignation.
- (a) in the case of a Government employee holding no lien or suspended lien on a permanent post under the Government,.....one month; or
- (b) in the case of a Government employee holding lien or suspended lien on a permanent post under the Government, three months.
- Explanation.-In (his rule and in rule 34B "Government employee" means a person appointed to a service or post in connection with the affairs of the State and remunerated otherwise than on a daily, weekly or fortnightly basis.
- (2) A Government employee who tenders resignation and quits without giving the notice as provided in sab-rule (1) 'shall, at the discretion of the appointing authority, be liable *to* forfeiture of his salary for the period by which the notice falls short of the requirements of

clause (a) or clause (b), as the case may be, of that sub-rule in addition to such disciplinary action as may be taken against him for contravention of these rules¹¹.

- **Note.-Regarding the question of taking back in service a Government employee who resigned and subsequently withdrew such resignation letter the following principles shall be followed:-
- (i) A person continues in service if he withdraws his resignation letter before the date from which the resignation is to take effect. The resignation becomes irrevocable and operative after the aforesaid date of resignation. So the question of withdrawal of the resignation letter by the Government employee and taking back such employee in service does not arise. After the resignation has become irrevocable and effective, it cannot be cancelled.
- (ii) Resignation does not disqualify a person for fresh appointment and if he is given any appointment after his service in connection with the previous appointment has come to an end on account of resignation, the appointment given subsequently shall always be treated as a fresh appointment without any consideration whatsoever with his previous appointment.
- (iii) Such fresh appointment shall not be possible if the age exceeds the limit prescribed in the rules. The Government or Head of the Department, however, reserves to itself the right to relax the age limit in cases of eminently suitable persons.
- (iv) In case of such fresh appointment the relevant rules relating to recruitment cannot be relaxed in favour of the persons concerned unless the rules confer such power on the appointing authority.
- **34B.** (1) If, under the terms of appointment, the Government has a right to terminate the services of a temporary Government employee after serving notice for a specified period, the services of such Government employee may be terminated after serving such notice or after paying him salary or wages for the period of notice required in lieu of such notice.
- (2) Where a Government employee has been appointed "temporarily" or "until further notice or orders" or where his appointment has 7 under the terms of appointment, been made "terminable without notice", the services of the temporary Government employee may be terminated after serving one month's notice or after paying him one month's salary or wages in lieu of such notice.

Note.-As far as possible letters of appointment issued to temporary Government employee should specify the period -of appointment and should also provide that the services of the Government employee shall be liable to termination during that period by service of notice for the period specified in the letter. The period of notice specified in the letter should be as short as

Discharge after notice.

¹¹ Notification No. 4865-F, dated 29th September 1964.

possible and should not ordinarily exceed one month. In cases where it may not be possible to insert such a provision the appointment- should be "until further notice or orders."

CHAPTER IV—DOMICILE*

35-37. Omitted.

*Is determined in accordance with the principle laid down in Part II of the Constitution of India.

CHAPTER V—PAY

- 38. Omitted.
- **39.** A Government employee while on duty as defined in any of sub-clauses (d) or (f) to (k) of clause (II) of rule 5, will draw the pay (including special pay, if any) of the appointment held by him when he is placed on such duty:

During a course of instruction or training.

Provided that if it be an officiating appointment, he may draw the pay (including special pay, if any) which he would be entitled to draw in the officiating appointment, only for the period or periods during which he would .have held that appointment had he not been placed on that duty.

40. A student on duly as defined in sub-clause (e) of clause (II) of rule 5, may be paid such monthly sum, not exceeding Rs. 200, as the authority competent to fill the post to which it is proposed to appoint him may fix, on such monthly sum in excess of Rs. 200 as Government may sanction :

Of a student to be appointed to Govt, service on passing through a course of training.

Provided that such sum shall in no case exceed the minimum of the pay of the post to which it is proposed to appoint him.

41. Rules 42 to 52 inclusive apply to time-scales of pay generally. They do not however apply to any time-scale sanctioned by Government, in so for as they are inconsistent with terms specially so sanctioned for such time-scale.

Time-scale of Pay.

On substantive

- **42.** The initial substantive pay of the Government employee who is appointed substantively to a post on a lime-scale of pay is regulated as follows:
 - appointment.
- (1) If he holds a hen on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended—
- (i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 54) than those attaching to such permanent post, he will draw as initial pay the stage of the timescale next above his substantive pay in respect of the old post;
- (ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of

the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference; and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post', whichever is earlier; whereupon he will draw pay in the stage of the new time-scale next above that which he drew initially, and thenceforward he will lose any personal pay granted under this rule and all connection with the old time-scale. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial

- (iii) when appointment to the new .post is made on his own request under sub-rule (1) of rule 24 and the maximum pay in time-scale of that post is less than the substantive pay in respect of the old post, he will draw that maximum as initial pay.
- (2) If the conditions prescribed in clause (1) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided both in cases covered by clause (1) and in cases other than cases of reemployment after resignation or removal or dismissal from the public service, covered by clause (2), that if he either—

- (a) has held on any previous occasion or occasions either substantively or in an officiating or temporary capacity—
- (i) the same post, or
- (ii) a permanent or a temporary post on the same time-scale, or
- (iii) a permanent post, either than a tenure post, on an identical time-scale or a temporary post on an identical time-scale;" or
- (b) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated then the initial pay shall not be less than the pay other than special pay, personal pay- or emoluments classed as pay by Government under sub-clause (iii) of clause (28) of rule 5, which he drew on the last occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

Notes 1 and 2.-Omitted.

Note 3.-A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another. If a Government employee has held

substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time-scale/and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages in the lower stage of that time-scale.

Note 4.-The re-employment of a Government employee after resignation or after discharge on reduction of establishment or after removal or dismissal, is equivalent to a first appointment to Government service for the purpose of this rule. He will therefore draw the minimum of the timescale unless a higher rate of pay is specially sanctioned under rule 49.

Note 5.-Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it does not constitute "substantive appointment to a post" for the purposes of this rule.

Note 6.-The expression "if he holds a lien on a permanent post" occurring in clause (1) of rule 42 should be held to include the lien on a permanent post to which a Government employee is appointed in a provisional substantive capacity under sub-rule (4), of rule 20, and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Clause (1) of rule 42 should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of Government employee in a post is thus fixed, il will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

**Note 7.-Where a Government employee, except on tenure appointment, is in receipt of a special pay attached to the scale of pay of a post, his pay on appointment to a higher post shall be fixed under the normal rules after treating the special pay as a part of the basic pay drawn in the lower post:

Provided that—

- (a) special pay, not so attached to the scale of pay of a post but sanctioned otherwise under rule 5(33) or special pay drawn in a tenure appointment or special pay deputation allowance drawn while on deputation shall not be taken into consideration for this purpose; and
- (b) in cases where the appointment in the lower post carrying the special pay is on officiating basis, the appropriate authority shall certify that but for appointment to the higher post the Government employee concerned would have continued to draw the special pay attached to the lower post.
- ****42A.** (1) Notwithstanding anything contained in any role elsewhere, where a Government employee holding a post in a substantive, temporary or officiating capacity

Pay fixation on promotion or appointment

is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, the initial pay of such Government employee in the scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that the provisions of this sub-rule shall not apply where a Government employee holding a Group A post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to a higher post which is also a Group A post:

Provided further that the provisions of sub-rule (2) of rule 55 shall not be applicable in any case where the initial pay is fixed under this sub-rule:

Provided also that where a Government employee was, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the scale of pay of the lower post, the initial pay of such Government employee in the scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing such pay in respect of the lower post, by an amount equal to the last increment in the scale of pay of the lower post:

Provided also that if a Government employee—

- (a) has previously held substantively or officiated in—
- (i) the same post, or
- (ii) a permanent or temporary post on the same scale of pay, or
- (iii).a permanent post other than a tenure post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical scale of pay; or
- (b) is appointed substantively to a tenure post on a scale of pay, identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then, proviso to rule 42 shall apply in the master of the initial fixation of pay and counting of previous service for increment.

Note I.-The existing rule regarding fixation of pay of temporary Government employees having no lien on any permanent post on their appointment to posts carrying higher timescale of pay, provides nothing more than the minimum of the time-scale in the higher posts. As a result, the last pay drawn in the lower post being greater than the minimum of the higher: scale in most cases is not protected and the officer concerned is put to

hardship on account of sudden reduction of pay. In order to remove the hardship, the Governor has been pleased to decide that, in all such cases, a temporary Government employee having no lien, of any post when appointed to hold a post carrying higher timescale of pay, shall be eligible to draw as initial pay the stage of the time-scale in the higher post which is equal, to his pay in the lower post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, to be absorbed in future increments in the higher scale, provided that he has already rendered at least three years' continuous and satisfactory service in the lower post.

Note 2.-The benefit of fixation of pay referred to in note 1 shall not, however, be available in the following cases:—

- (i) when a temporary Government employee appointed to a higher post on the recommendation of the Public Service Commission, West Bengal, and in whose case the Commission has, at the request of the Government, made specific recommendation regarding the pay to be allowed to the officer;
- (ii) when under any specific rule a temporary Government employee on appointment to a higher post is allowed a higher initial pay.
- (2). Notwithstanding anything contained elsewhere in these rules, the pay of the Government employee shall, in respect of all promotions/ appointments from one Group A post to another Group A post carrying higher responsibilities, be fixed at the stage next above the pay drawn in the scale of pay of the lower post, irrespective of whether the lower post is held on substantive, on officiating or temporary basis.
- Note 1.-The provisions of sub-rule (2) shall apply to an employee of the Central or other State Government/ Educational Institution including a body incorporate or not, which is wholly or substantially owned or controlled by the Government, when appointed to a post under this Government carrying duties and responsibilities of greater importance than those attached to the post held on substantive, officiating or temporary basis by the said employee immediately before joining the appointment under this Government irrespective of any categorization of the said post under that organization.
- Note 2.-The provisions of sub-rule (2) shall also apply in the case of appointment of an employee from a Government college to a Government school.
- Note 3.-The provisions of sub-rule (2) shall not apply in the case of appointment of an employee from a non-Government college to a Government School.
- (3) Notwithstanding anything contained in the foregoing provisions of this rule, in the case of continuous officiation in the higher post with effect from a date prior to the 1st April, 1981 where the substantive pay of a Government employee fixed in the revised

scale under rule 5 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 becomes higher than, or equal to, his officiating pay fixed under sub-rule (1), the officiating pay in the revised scale shall be re-fixed in the scale of pay of the officiating post under sub-rule (2) of rule 55, read with clause (i) of sub-rule (1) of rule 42, at the next higher stage *of* his substantive pay fixed in the revised scale.

Note.-An option for fixation of pay under sub-rule (1) may be given by an employee on promotion as under—

- (a) Either his initial pay may be fixed in the higher post under sub-rule (1) of this rule straightway without any further review on accrual of increment in the pay scale of the lower post; or
- (b) his pay on promotion may be fixed initially in the manner provided under clause (i) of sub-rule (1) of rule 42 which may be re-fixed on the basis of the provisions of sub-rule (1) of this rule on the date of accrual of next increment in the scale of pay of the lower post:

Provided' that if the pay is fixed under this clause the next increment shall fall due on completion of 12 months' qualifying service from the date the pay is re-fixed in the second occasion but drawl of increment shall be on the 1st day of the month so completed as per rule 48A:

Provided further that option in such cases may be exercised within 30 days from the date of promotion and that option once exercised shall be final.

(4). Notwithstanding anything contained in these rules or in any other rules or orders in force, where a Government employee on a scale of pay with special pay is appointed on promotion to a higher post on a higher scale of pay with higher special pay, his pay in the higher post shall be fixed Under sub-rule (1) or sub-rule (2), as the case may be, without taking into account the special pay in the lower post.

Example: Where a promotee Assistant Secretary in the scale of pay of Rs. 660—1,600 plus special pay of Rs. 100 is appointed on promotion to the post of Deputy Secretary in the scale of Rs. 1,100—1,900 plus special pay of Rs. 200, his pay as Deputy Secretary shall be fixed in the scale of pay of Rs. 1,100—1,900 at the stage next above his pay in the scale of Rs. 660—1,600 without taking into account the special pay Rs. 100 and, in addition, he shall draw special pay of Rs. 200.

(5) When an employee of the Central or other State Government/ Educational Institution including a body incorporate or not, which is wholly or substantially owned or controlled by the Government, is appointed to a post under this Government carrying duties and responsibilities similar to those attached (o the post held on substantive, officiating or temporary basis by the said employee immediately before joining the appointment under this Government irrespective of any categorization of the said post under that organization, his initial pay shall be fixed at the stage of the time scale which is equal to

his pay in the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, to be absorbed in subsequent increases in pay in the new post under this Government.

Explanation-In this rule, Group A has the same meaning as assigned to it under clause (4) of rule 5.

Benefit of next higher scale of pay in certain contingency.

On substantive appointment on

reduced scale of

pay.

- **42B. (1) When a Government employee, who has not got any single promotion or appointment in any higher scale in the same service or post even after completion of 18 years' continuous and satisfactory service,, is placed in the immediate next higher scale of pay in terms of rule 9 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981, his designation remaining unchanged, his pay in such next higher scale of pay shall be fixed at the next higher stage of the pay drawn in the lower scale, the date of next inclement remaining the same as it would have been in the lower scale.
- (2) When a Government employee is promoted in the normal course after getting the benefit of fixation of pay in (he next higher scale under sub-rule (1), his pay on promotion either in the same or in the higher scale of pay in a regular course shall be fixed under sub-rule (1) of rule 42A on the basis of notional pay in the scale .of the feeder post, i.e., in the scale of pay which was admissible to him prior to application of rule 9 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 and not on the basis of the scale of pay allowed to him in terms of rule 9 of the said rules. Such re-fixation on the basis of notional pay shall be allowed on the date of promotion or from the date of option as per note below rule 42A.

43. The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 42 provided, both in cases covered by clause (1) of that rule and in cases, other than those of re-employment after resignation or removal or dismissal from the public

- (a) has held on any previous occasion or occasions either substantively or in an officiating, or temporary capacity—
- (i) the same post prior to reduction of its time-scale; or

service, covered by clause (2), that if he either—

(ii) a permanent or a temporary post on the same time-scale as the unreduced timescale of the post, or

- (iii) a permanent post other than a tenure post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post; or
- (b) is appointed substantively to a tenure post the time-

scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by Government under sub-clause (iii), of clause (28) of rule 5 which he would have drawn under rule 42, on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count the period during which he would have drawn that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

44. The holder of a post, the pay of which is changed whether he holds it in a substantive, or officiating capacity, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

When the pay of a post is changed.

Note 1.-A temporary post which is replaced by a permanent post on the same or a different rate of pay is not a "post, the pay of which is changed" for the purpose of this rule, nor the same post as the newly created permanent post for the purpose of rule 42 or rule 43. In such circumstances, therefore, the initial pay of the incumbent of the temporary post in the new permanent post should be determined not under this rule but under rule 42 or under rule 43, and without consideration of the pay of the temporary post, unless the circumstances entitle the officer to the concession set out in proviso (a)(ii) of rule 42 or rule 43.

Note 2.-A question was raised whether an officer officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, would exercise under this rule the option of retaining his officiating pay on the old higher scale when all the posts of the different, categories were on the same new scale from the date and no higher responsibility was involved. The words "his old pay" in the proviso of this rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that

period, his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Note 3.-If a person, permanent or otherwise, earns increment earlier than or after the original date in which he was supposed to get it at the time of exercise of option under rule 44 due to a revision of the date of increment, his pay should automatically be refixed with effect from the revised date of increment with reference to original option exercised by him under rule 44 and there will be no need of exercising a fresh option and issue of special orders for this.

Note 4.-The option allowed in this rule should be exercised within 30 days from the date of issue of the order changing the scale of pay.

Note 5.-This rule will equally apply to cases where a revision of pay is accompanied by a change in status of the posts. In such cases, the posts shall be deemed to be continuing as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to a post, the post will be deemed to have been substituted by a different post. In such cases the holder of the post will be treated as having been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under this rule¹².

**Note 6.-This rule shall also apply in the cases of fixation of pay of holder of a post the pay of which is prescribed on qualification basis, on improving his qualification while in service. This benefit will be available with effect from the day following the date of completion of the qualifying examination, both theoretical and practical.

45. An increment shall ordinarily be drawn as a matter of course unless it is withheld. When an increment is ordered to be withheld, the authority passing the order shall state the period for which it is to be withheld, and whether the postponement shall have the effect, of postponing future increments; and if so, for how long. Where the order fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation shall be held to cease on the expiry of the period during which the officer would have drawn the increment initially withheld. Moreover, unless the order provides otherwise, the officer shall, when *the* deprivation ceases, be restored in all respects to the same position in the time-scale as he would have occupied had the order not been passed.

Withholding of Increments.

¹² Notification No. 3340-F, dated 29th August 1966.

Efficiency Bar.

- **46.** (1) Subject to the provisions of sub-rule (2), when an efficiency" bar is prescribed in a time-scale the increment next above, the bar shall not be given to a Government employee without the specific sanction of the authority empowered to withhold increments. Such sanction shall be based not on the mere absence of an unsatisfactory report but on the positive statement of the reporting officer that the service of the Government employee concerned has been such as to justify the passing of the bur.
- (2) A Government employee in the West Bengal State Service who may have reached the efficiency bar stage in the time-scale of pay while still employed in a temporary capacity or on probation, shall not, unless Government in exceptional cases of hardship otherwise direct, be allowed to cross the efficiency bar until his eventual confirmation when the bar may be removed with retrospective effect from the date on which it fell due, if there is otherwise no objection.

Note.-Power to allow a temporary Government employee, holding a Group B or Group C or Group D post to cross the efficiency bar in the time-scale of their pay while still employed in a temporary capacity or on probation is left to the discretion of the appointing authority subject to the conditions mentioned in sub-rule (1).

- **47.** When a Government employee is allowed to pass an efficiency bar which had previously been enforced against him, he shall ordinarily proceed from the efficiency bar to the next stage in the time-scale. If, however, the authority competent to declare the bar removed is of opinion that the Government employee should be restored to the time-scale at the stage he would have reached but for the operation of the efficiency bar, or at any intermediate stage, he shall refer the case for the order of Government.
- **48.** The following provisions prescribe the conditions on which service counts for increments in a time scale:
- (a) Subject to provisions of sub-rule (d) all duty in a post on a time-scale counts for increments in that tune-scale.

Note.-Subject to any conditions that may be imposed by value for any service or post, service as a probationer counts as duty so far as may concern the drawing of increments preceding the increment admissible on confirmation, except that in the case of a probationer, no increment shall be drawn during any period by which a period of probation is extended.

(b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government employee holds a lien as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

Condition for counting service for increment increments.

**Note.-Omitted.

(bb) All leave other than extraordinary leave and the period of deputation out of India shall count for increment in the time scale applicable to a post in which a Government employee was officiating and would but for his proceeding on leave or deputation have continued to officiate at the time when he proceeded on leave so however, that the period of leave or deputation counting for such increment shall, in no case, extend beyond the end of the period during which the Government employee would have actually officiated in the post if he had not proceeded on leave or deputation¹³.

(bbb) In the case of a Government employee who has lien on a permanent post, joining time under rule 80(b) following leave shall also count for increment in the scale attached to the post in which the Government employee was officiating at the time of proceeding on leave and would have continued to officiate but for his proceeding on leave subject to the condition that the leave plus joining time does not exceed six months.

Note.—In each case falling under clause (bb) or under clause (bbb), |the appointing authority shall, at the time of sanctioning the leave or as soon thereafter as possible and in any case not later than three months after the return from leave of the Government employee concerned, record a certificate to the effect that the Government employee would have actually continued to officiate in the post but for his proceeding on leave for the period from......toand that the period of leave will count for increment only to the extent it is covered by the certificate. Relaxation, if any, made to this principle shall, in the case of Government employees belonging to any Group other than Group 'A', be recorded in their Service Books under proper attestation with full facts justifying the relaxation.

**Relaxation" of this principle can be made in fit cases by the Head of Department, if he is the appointing authority and if he is subordinate to the appointing authority by the appointing authority itself. No concurrence of the Finance Department will be necessary. In the case of a Government employee proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Government employee is likely to return to the same post after leave, the certificate that he would have actually continued to officiate in the post but for his proceeding on leave may be issued by the leave sanctioning authority instead of the appointing authority.

(c) If a Government employee, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher

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¹³ Notification No. 1895/F-12-1S (17) 66, dated 7-6-1967.

temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government employee would have officiated in the lower post but for his appointment to the higher. This clause applies also to a Government employee who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post¹⁴.

- (d) A re-employed officer shall not be allowed to draw increments in the time-scale of the post to which he is appointed¹⁵.
- (e) Foreign service count's for increments in the time-scale applicable to—
 - (i) the post in Government service on which the Government employee concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and
 - (ii) any post to which he may receive officiating promotion under rule 100, for the duration of such promotion.

Note.-In the case of a Government employee having, no hen or suspended lien on a permanent post, foreign service shall also count for increment in a temporary post held by him immediately before deputation, provided his deputation on foreign service was not on his own seeking and it is certified by the competent authority that but for the deputation he would have continued to officiate in that post.

- (f) Extraordinary leave does not count for increments but Government may, in any case where they are satisfied that leave was taken on account of illness or for any other cause beyond the Government employees' control or for prosecuting higher scientific and technical studies, direct that the whole or any portion of such leave shall count for increments under clause (b) or (bb) above.
- (g) A period of overstayal of leave does not count towards Increments.

Note 1.-In the ease of a Government employee who, while officiating in one post is appointed in the public interest to hold another post on an officiating basis the period of joining time spent in proceeding from one post to the other may be treated as duty in the post the pay of which the Government employee may draw during the period and may count for increment in the same post

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¹⁴ Notification No. . 3766 F/F-3L-2 (66) 67. dated 7-10-1968.

¹⁵ Finance Department Memo. No. 514-F, dated 13-2-1964 and No: 440-F, dated 9-2-1966.

under this rule. In the case of a Government employee who, while officiating (in a post, proceeds on duty as defined in sub-clauses (d) or (f) to (l) of clause (11) of rule 5, the period of such duty will count for increment in the post in which he was officiating prior to so proceeding.

Note 2.—Although joining time taken under clauses (b) and (c) of rule 80 is treated as duty under sub-clause (b) of clause (II) of rule 5, it cannot, except in cases mentioned in clause (bbb) of this rule, be treated as duty for the purpose of increment in an officiating post inasmuch as only leave salary is drawn for the period.

Note 3.—Maternity leave granted to female Government employees in temporary employment under the provisions of note 1 below sub-rule (2).of Rule 199 will count for increments in the post in which the Government employee was officiating at the time of proceeding on such leave provided it is certified by the appointing authority*that the Government employee concerned would have continued to officiate in the post but for proceeding on such leave.

Note 4.-Vide note below Rule 19.

*48A. Notwithstanding anything to the contrary contained in these rules either expressly or by implication, an increment in a time-scale of pay shall be drawn with effect from the 1st day of month in which it becomes otherwise due.

Note 1.-In cases where periodical increments in a time-scale become deferred owing to the operation of the provisions of rules 3B and 3C or due to non-fulfillment of the conditions laid down in rule 48, the month and date thereof on which the increment becomes due, after omitting the period not qualifying for increment, should at first be determined; thereafter the date of increment shall be fixed on the 1st of the particular month.

**Note 2.-All whole time work-charged and contingency staff drawing pay inline-scale shall get the benefit of this rule.

49. Save in exceptional circumstances and under specific orders of Government, no Government employee on a time-scale of pay may be granted a premature increment in that time-scale.

Note 1.—It is contrary to the principle of time-scale pay to grant an increment before it is due, and no recommendation that such a grant should be made will be entertained except in circumstances which would justify the grant of personal pay to a Government employee* whose pay is non-incremental.

**49A. A Government employee whose pay has been fixed in any of the revised scales of pay shown against serial numbers 1 to 13 of Part B of the Schedule I to West Bengal Services (Revision of Pay arid Allowance) Rules, 1981 and who reaches the maximum of the scale of pay shall continue it) draw increment beyond the maximum of the scale for three years at the rate last drawn by him as increment before reaching the maximum.

Premature increment.

Stagnation Pay

50. A member of a Civil Police Force who, before his appointment to such force, has served in the reserve of the Indian Army may, if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military rules but terminated before he had qualified for pension, be permitted at the discretion of the Head of the Department to count for increments of pay in such Civil Police Force the whole of his service with the colours, if any, and half his service in the reserve.

Counting of military service towards increments

51. A police officer of or below the rank of Inspector when re-enlisted after discharge or resignation may, with the sanction of the authority competent to fill the appointment held by him,, be allowed to count towards increment of pay the service (including military police service) rendered before such discharge or resignation, even though it was not on the same time-scale or was under another Government. Each case, however, will be decided on its merits and it must always be considered whether the individual is

Pay of a Police officer on reenlistment after discharge or resignation.

- **52.** When a Government employee is ordered to be reduced to a lower stage in a time-scale, the authority passing the order shall include in the order—
- (i) a statement of the period for which the reduction is to remain in force; and
- (ii) a statement whether on the expiry of the period the Government employee's previous service in the stage of the time-scale from which he was reduced, and the period during which the orders of reduction were in force, shall count for increment in whole or in part or not at all. If the former statement be not made, or be not clear, the period of reduction shall expire on the termination of the period at the close of which the officer would have drawn his next increment had the order of reduction not been passed; and if the latter statement be not made, or be not clear the Government employee shall be entitled, on the expiry of the period of reduction *to* count towards increments his previous service in the stage of the time-scale from which he was reduced, and the period during which the orders of reduction were in force.
- ** Note.-See note below rule 53.

deserving of the privilege.

53. When a Government employee is ordered to be reduced to a lower grade or post, and is subsequently promoted or reinstated, his previous service in the grade or post from which tie was reduced counts for increment, unless the authority promoting or reinstating him declares that it shall not so count, either in whole or in part. The period during which the orders of reduction were in force does not count for increment upon promotion or reinstatement.

Redaction to lower stage in a Time-Scale

- **Note.—(1) An order imposing the penalty of reduction to a lower service, grade or post or lower time-scale should invariably specify—
 - (i) the date from which it will take effect,
- (ii) the stage in the time-scale (in terms of rupees) to which the Government employee is reduced,
- (2) an order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify—
 - (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;
 - (ii) whether on promotion subsequent to the imposition of penalty, the seniority of the Government employee which had been assigned to him prior to the imposition of penalty will be restored in the higher grade or post or higher time-scale.

In cases where the reduction is for specified period and is not to operate to postpone future increments, the seniority of the Government employee may, unless the terms of the order of punishment provide otherwise, he fixed in the higher service, grade or post or the higher time-scale at what it would have been but for its reduction.

Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government employee on subsequent promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

If the order of reduction is intended for an indefinite period the order should be framed as follows:—

'A' is reduced to the lower post/ grade/ service of 'X' until he is found fit by the competent authority to be restored to the higher post/ grade/service of 'Y'.

In cases where it *ii* intended that the fitness of the Government employee for promotion or restoration to his original position will be considered only after a specified period, the order should be made in the following form:—

'A' is reduced to the lower post/grade/service of 'X' until he is found fit, after a period of......years from the date or" this order, to be restored to the higher post of 'Y'.

54. (I)(a) Subject to the provisions of Chapter VII, a Government employee who is appointed to officiate in a post shall not draw pay higher than* his substantive pay' in respect of a permanent post, other than a tenure post, unless the officiating appointment

Pay on officiating Appointment.

involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien, or would hold a lien had it not been suspended:

Provided that the Governor may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Governor may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay as they would have received if still in the ordinary line.

(b) For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a Ken or would hold a lien had it not been suspended, or on a scale of pay identical therewith.

Note I.—The conditions on which officiating benefit under the proviso mentioned above may be granted arc indicated below—.

When an officer in a post (whether within the cadre of his service! or not) is for any reason prevented from officiating in his .turn in a post on higher scale or grade borne on the cadre of the service to which be belongs, he may be authorised by special order of the appropriate authority proforma officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade, if that be more advantageous to; him, on each occasion on which the officer immediately junior to him in the cadre of his service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade then the officer next junior to him not so passed over) draws officiating pay in that scale or grade:

Provided that all officers senior to the officer to whom the benefit under the substantive part of the above-para is to be allowed are also drawing, unites, they have ,been passed over for one or other of the reasons aforesaid, officiating pay in. the said or some higher scale .or grade within the cadre :

Provided further that, not more than one officer (either the senior most fit officer in the service of adjacent officers outside the ordinary line or if such an officer either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of

pay and pension then the next below in the series) may be authorized to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule.

- *Note 2.—Whereas, however, a Government employee is appointed to officiate in a post with higher pay within the same cadre but on a different grade or time scale, without involving higher duties or responsibilities, he shall draw the presumptive pay of the post as laid down in the sub-rule (I)(ii) of rule 42 of the said rules.
- **(2) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to any claim mentioned in clause (a) of sub-rule (1) above.
- (3) The expression "outside the ordinary line" occurring in the proviso is not intended to be rigidly interpreted as necessarily involving a post either outside the cadre of a service or outside the ordinary time-scale.
- **(4) A Government employee under training instruction in India/ abroad and whose absence has been treated as the period spent on duty under, rule 5(II)(d) may be promoted to the next higher grade with effect from the date he would have been so promoted had he not proceeded on training instruction provided the following conditions are fulfilled:—
- (a) be had been, approved for promotion to the next higher grade; and
- (b) all his seniors, except those regarded as unfit for promotion to the particular higher grade, available have been promoted to that grade.

He may also be allowed to draw such officiating pay in the next higher grade which he would have drawn from time to time had he been on duty other than duty under rule 5(II)(d).

- **55.** (1) Subject to the provisions of clauses (bb) and (c) of rule 48 and of rules 54 and 58 and except where it is otherwise provided in these rules, a Government employee officiating in a post will draw the presumptive pay of that post;
- **(2) On an enhancement in the grade pay of the lower post as a result of increment or otherwise, the pay of such Government employee shall be re-fixed under sub-rule (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage:

Provided that such lower officiating post was held for not less than 3 years or would have been so held but for officiating in other higher cadre posts:

Provided further that the provisions in sub-rule (1) of rule 42 A shall not be applicable in the matter of re-fixation of pay under sub-rule (2) of this rule.

**(3) Omitted.

*(4) If a Government employee while officiating in a higher post draws pay at a rate higher than his Senior Officer either due to fixation of his pay in the higher post under the normal rules, or due to revision of pay scales, the pay of the Government employee senior to him shall be re-fixed at the same stage and from the same date his junior draws the higher rate of pay irrespective of whether the lien in the lower post held by the Senior Officer is terminated at the time of refixation of pay, subject to the conditions that both the Senior and Junior Officers should belong to the same cadre and the pay scale of the posts in which they have been promoted are also identical.

The benefit of this rule shall not be admissible in case where a senior Government employee exercises his option to retain un-revised scale of pay, or where the pay drawn by the senior officer in the lower post before promotion to the higher post was also less than that of his junior.

Note 1.—As a general rule officiating appointment in vacancies of two months duration or less shall not be made. In order to ensure, however, a certain measure of flexibility in the arrangements that may be necessitated by the imposition of this ban, officiating appointments for short periods as may become unavoidably necessary will hereafter be regulated by the following instructions:—

- (a) Whenever a vacancy of two months' duration or less occurs consequent of an officer proceeding on leave or on deputation, no officiating appointment shall, as a rule, be made and one or the other of the following arrangements shall be made for the discharge of the duties of the vacant post:—
 - (i) If the officer who goes on leave or deputation is one of several in the same grade in the particular organization his work should be distributed amongst his colleagues of the same grade.
 - (ii) If the officer is at an intermediate level the higher officers shall take work direct from the departing officer's subordinates.

For example, when a Deputy Secretary goes on leave or deputation Secretary or Joint Secretary may take the work which requires decision at a higher level direct from Under Secretary, or Assistant Secretary giving at the same time more discretion to the latter to deal with the less important cases on his own authority.

(iii) If neither of the above two courses is feasible, the officer immediately below the departing officer and available on the spot should be vested with the requisite powers where the post has any statutory functions or duties attached to it and placed in routine charge of the current duties

of the vacant post, without having to accept the full duties or the full responsibilities thereof. No extra remuneration would be admissible to the officer concerned for thus carrying on the current duties of the post¹⁶.

(b) Where, for any special reasons, it is not feasible to adopt any of the methods indicated above, an officiating appointment, which calls upon the officer appointed to the vacancy to assume full charge and, responsibility of the post, may be made for a period less than two months subject to the prior concurrence of the Finance Department.

Notes 2(a) and (b).—See notes 1 and 2 below rule 42A.

Note 3.—The Accountant-General, West Bengal, has reported that numerous sanctions promoting officer to higher posts are received in his office from competent authorities wherein the term "appointed to act" is being used in the sense of "appointed to officiate" when the officer concerned should be allowed the benefit of full pay and allowance of the higher post admissible under the circumstances.

The expression "to act" has not been used in the West Bengal Service Rules, and as also its use in the orders of promotion referred to above leaves scope for doubt as to whether the person "concerned is appointed to hold full-Hedged charge or current duties of the post. In order to "avoid this difficulty and also to keep in line with the terminology of the West Bengal Service Rules, it is desirable that the expression "appointed to officiate" is used in place of "appointed to act" in the orders of promotion. Where it is intended, in any case, to restrict the pay under rule 58 of West Bengal Service Rules, Part I, while an officer is appointed to hold the current duties of the post, it should specifically be stated in the order sanctioning the appointment.

55 A. The pay of a Government employee, whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special order issued by the Governor in this behalf.¹⁷

Pay on erroneous appointment.

- **55B.** (a) The pay of a Government employee re-employed after retirement shall be so fixed within the time-scale prescribed for the post in which he is re-employed, that the total amount of re-employed pay plus the amount of gross value of pension and/ or other forms of retirement benefits does not exceed at any time either—
- employment after retirement.

Pay on re-

- (i) the pay drawn before retirement; or
- (ii) the maximum of the time-scale prescribed for the post or the pay of (he post if it is fixed pay; or
- (iii) Rs. 3,000:

*Provided that if in any case the pay so fixed falls below the minimum of the scale of the post, to which the Government employee is re-employed, the pay shall be fixed at the minimum of the scale and he shall in addition be eligible to draw pension and to retain

¹⁶ Notification No. 40S5F.: dated 3oth September 1965.

¹⁷ Notification No. 3740F.; dated 18th July 1964.

other retirement benefits, unless the pay drawn before retirement, or Rs. 3,000 is exceeded, and if the aforesaid limit is exceeded, the pay shall be so adjusted that the pay, together with the pension and other retirement benefits, amounts to pay drawn before retirement or Rs. 3,000, whichever is less.

Note 1.—Pay last drawn before retirement shall be taken to be the substantive pay last drawn or officiating pay drawn continuously at least for one year before retirement, as the case may be, provided that, as regards the officiating pay, the re-employment is made in the same post or in a post of equivalent rank and responsibility to the officiating post held before retirement.

Note 2.—The pay drawn before retirement whether substantive or officiating pay shall include special pay which is drawn for at. least a year before retirement.

Note 3.—(i) Initial pay on re-employment of prematurely retired military personnel shall first be fixed in accordance with the principles laid down in this rule read with sub-rule (2) of rule 83 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

- (ii) After so fixing the pay on re-employment such reemployed military personnel shall be allowed, notwithstanding the provisions in clause (d) of rule 48, to draw increments on each of the anniversary date of his re-employment, subject to fulfillment of other conditions in rule 48 to the extent of maximum of the scale of pay from the stage where the initial pay on re-employment of such officers has been fixed. The re-employed military officers shall not however be allowed to draw any increment on attaining the age of 58 years.
- (b) In cases where the minimum pay in the prescribed scale of the post in which the officer is re-employed is more than the last pay drawn the officer concerned may be allowed, notwithstanding the provision contained in clause (a) above the minimum of the prescribed scale less pension and/ or pension equivalent of other retirement benefits.

Note.—If any dearness allowance drawn by such officer before re-employment has been merged in the prescribed scale of the post to which the Government employee has been re-employed the term "last pay drawn before retirement" shall include clearness allowance drawn before retirement, if any¹⁸.

- **56.** When a temporary post is created, the pay of the post shall be fixed with reference to
- (a) the character and responsibility of the works to be performed;
- (b) the minimum necessary to secure the services of a person capable of discharging efficiently the duties of the post.

Such a post shall, unless the Government may by order otherwise direct, carry pay in the time-scale of comparable permanent posts under the Government or where there is no comparable permanent post, at such time-scale as the Government may determine. Pay of a temporary post.

¹⁸ F.D. Memo No. 514F, dated 13-2-64 and No, 640F, dated 9-2-66

Note 1.—Vide Notes 2 and 3 below Rule 55.

Pay of a poet carrying a pay personal to another Govt, employee. **57.** When a Government employee officiates in a post or holds a temporary post the pay of which has been fixed at a rate personal to another Government employee, he shall draw the pay sanctioned for the post without reference to a parti- cular individual in accordance with the principles set out in rule 55 or 56, or, where no such pay has been fixed, such pay as the Government may determine.

Officiating pay at reduced rates.

58. The pay of an officiating Government employee may be fixed by Government at an amount less than that admissible under these rules.

Note 1.—When a Government employee is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under this rule, he must not be treated as having effectually officiated in the post within the meaning of rule 42 or rule 43, or having rendered duty in it within the meaning of rule 48. Such an officer, on confirmation, should have his initial pay fixed under clause (ii) of rule 42 or rule 43 and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

Note.-Vide Note 3 below rule 55.

Authorities empowered to sanction officiating appointments.

59. Heads of Departments may sanction officiating appointments in the place of Government employees who are treated as on duty—as defined in clause (II) of rule 5 sub-clauses (a), (c), (e) and (i) excepted.

Note-Vide Note, 1 below rule 55.

Note 2.—In the cast of a Government employee sent for training or a course of instruction in India it is not necessary to create a new post in order to accommodate him during such training or course of instruction. The order, posting him for training, etc., would be considered a sanction in this behalf.¹⁹

Absorption of personal pay in subsequent increases of pay.

60. Unless in any case there are orders of Government to the contrary, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

61. Omitted.

CHAPTER VI—FEES AND REMUNERATION

Circumstanc es in which granted

62. Subject to the provisions of rule 63, a Government employee may be—

**(a) permitted to perform a specified service or series of services for a private person or body or in Undertakings! Statutory Bodies under the control of the State Government, Local Authorities and in State Aided non-Government organisation including Academic

¹⁹ F. D. Memo No. 4678F., dated the 18th September 1964

bodies and if the service be material, to receive as fee [remuneration therefore, a recurring or non-recurring fee/ remuneration :

Provided that—

- (i) unless the Government employee is on leave, the sanctioning authority certifies in writing that the services can be performed without detriment to the Government employee's official duties or responsibilities; and
- (ii) when the services are perform end during time which would otherwise be spent in the performance of official duties, the fee shall be credited to the revenues of the State unless the sanctioning authority for special reasons which should be recorded, directs that the whole or any specified part thereof may be paid to the Government employee.
- **(b) Omitted.
- **Note 1—Omitted.
- **Note 2.—Omitted.
- Note 3. The acceptance of fees by Medical Officers for professional attendance or other service is not regulated by this chapter.
- **Note 4.—(a) When a Government employee is permitted to undertake without detriment to his normal duties any outside work, e.g., work for a private person/ body or in Undertaking Statutory Bodies under the control of the State Government or the Local Authorities and the State aided non-Government Organization including Academic Bodies, he may be authorized to receive a recurring or non-recurring fee for such work subject to the following conditions:—
- (i) in the case of recurring monthly fee remuneration, it shall be restricted to a sum not exceeding 20% of the basic pay of the concerned Government employee reduced by the amount of Special Pay, if any, drawn by him under the Government. The' admissible amount of fee remuneration shall be allowed for a period not exceeding 6 months, and the whole amount may be retained by the Government employee without crediting any portion thereof to the State Revenues,
- (ii) in the case of fee/ remuneration paid for work done on an occasional basis or of an ad hoc nature, the fee / remuneration offered may be received by the State Government employee concerned, provided that during any financial year the total of such fee/ remuneration shall not exceed 20% of his basic pay for the year. No portion of such fee/remuneration shall he required to be credited to the State Revenues,
- (iii) the teachers of the Presidency College are not entitled to any remuneration for the part-time service rendered to the Calcutta University for post-Graduate work,
- (iv) Government employees appointed Director/members, etc., of Public Undertakings/Government Companies/ Statutory Bodies, etc., shall not be allowed to draw any fee/remuneration from the particular Public Undertaking/ Government Company/Statutory Body, etc., to which they have been so nominated for any work done by them in their capacity as

Directors/ Members, etc., of such Public Undertakings / Government Companies/Statutory Bodies, etc:

- (b) In regard to the work relating to International Bodies, other State Governments, Central Government," etc., acceptance of fee/remuneration by the State Government employees shall be regulated by the rules/agreements made by the Government on this behalf.
- (c) Nothing in clause (a) shall apply to the existing concessions, if any, regarding fees receivable *by Government employees, e.g., fees for professional services rendered by Doctors, Radiologists and Pathologists, and fees for correcting examination answer papers or affect the provisions of any other rules in this Chapter.
- **Note 5.- Omitted.

Note 6.-State Government employees on deputation to public sector undertaking should not receive any bonus or ex gratia payment in lieu thereof. If they have necessarily to receive any such payment, the amount should be remitted to the State Government immediately under intimation to the Accountant-General, West Bengal.

In cases however, where a Government employee on deputation to public sector undertaking does not draw any deputation allowance or any other extra additional benefits commensurate with a deputation allowance to which he would have ordinarily been entitled, a separate Government order may issue in such cases in the matter of acceptance of bonus by such Government employees on deputation to public sector undertakings.

CHAPTER VI—FEES AND REMUNERATION

- **62**. Subject to the provisions of rule 63, a Government employee may be—
- **(a) permitted to perform a specified service or series of services for a private person or body or in Undertakings/ Statutory Bodies under the control of the State Government, Local Authorities and in State Aided non-Government organisation including Academic bodies and if the service be material, to receive as fee/ remuneration therefore a recurring or non-recurring fee/ remuneration:

Provided that—

- (i) unless the Government employee is on leave, the sanctioning authority certifies in writing that the services can be performed without detriment to the Government employee's official duties or responsibilities; and
- (ii) when the services are perform end during time which would otherwise be spent in the performance of official duties, the fee shall be credited to the revenues of the State unless the sanctioning authority for special reasons which

should be recorded, directs that the whole or any specified part thereof may be paid to the Government employee.

- **(b) Omitted.
- **Note 1,—Omitted.
- **Note 2.—Omitted.
- Note-3. The acceptance of fees by Medical Officers for professional attendance or other service is not regulated by this chapter,
- **Note 4.-(a) When a Government employee is permitted to undertake without detriment to his normal duties any outside work, e.g., work for a private person/body or in Undertaking Statutory Bodies under the control of the State Government or the Local Authorities and the State aided non-Government Organization including Academic Bodies, he may be authorized to receive a recurring or non-recurring fee for such work subject to the following conditions:—
- (i) in the case of recurring monthly fee remuneration, it shall be restricted to a sum not exceeding 20% of the basic pay of the concerned Government employee reduced by the amount of Special Pay, if any, drawn by him under the Government. The' admissible amount of fee remuneration shall be allowed for a period not exceeding 6 months, and the whole amount may be retained by the Government employee without crediting any portion thereof to the State Revenues,
- (ii) in the case of fee/remuneration paid for work done on an occasional basis or of an ad hoc nature, the fee/ remuneration offered may be received by the State Government employee concerned, provided that during any financial year the total of such feej remuneration shall not exceed 20% of his basic pay for the year. No portion of such fee/ remuneration shall be required to be credited to the State Revenues,
- (iii) the teachers of the Presidency College are not entitled to any remuneration for the part-time service rendered to the Calcutta University for post-Graduate work,
- (iv) Government employees appointed Director/ members, etc., of Public Undertakings/Government Companies, Statutory Bodies, etc., shall not be allowed to draw any fee/ remuneration from the particular Public Undertaking/ Government Company (Statutory Body, etc., to which they have been so nominated for any work done by them in their capacity as Directors/ Members, etc., of such Public Undertaking's/Government Companies/Statutory Bodies, etc;
- (b) In regard to the work relating to International Bodies, other State Governments, Central Government," etc., acceptance of fee/ remuneration by the State Government

employees shall be regulated by the rules,¹ agreements made by the Government on this behalf.

- (c) Nothing in clause (a) shall apply to the existing concessions, if any, regarding fees receivable by Government employees, e.g., fees for professional services rendered by Doctors, Radiologists and Pathologists, and fees for correcting examination answer papers or affect the provisions of any other rules in this Chapter.
- **Note 5.—Omitted.

Note 6.—State Government employees on deputation to public sector undertaking should not receive any bonus or ex-gratia payment in lieu thereof. If they have necessarily to receive any such payment, the amount should be remitted to the State Government immediately under intimation to the Accountant-General, West Bengal.

In cases however, where a Government employee on deputation to public sector undertaking does not draw any deputation allowance or any other extra additional benefits commensurate with a deputation allowance to which he would have ordinarily been entitled, a separate Government order may issue in such cases in the matter of acceptance of bonus by such Government employees on deputation to public sector undertakings.

- **63. The following conditions shall regulate the acceptance of fees or remuneration, namely—
- (i) No Government employee may accept a fee without the sanction in writing of a competent authority,
- (ii) Except when special reasons exist, which should be recorded in writing by the sanctioning authority sanction shall not be given to the acceptance of *a* fee or remuneration unless the work has been undertaken with the prior consent in writing of the sanctioning authority, and unless the amount has been settled with his concurrence in advance.
- (iii) The amount of a fee or remuneration shall be fixed with due regard to the value of the services in return for which it is given.
- (iv) The sanctioning authority shall record in writing that due regard has been paid to the principle enunciated in rule 15 and shall record also the reasons which in his opinion justify the grant of extra remuneration.
- **64.(1) The power to permit the acceptance of fee under rule 62 may be exercised-
- (i) in cases where the fee/remuneration does not exceed Rs. 500, by Heads of Departments, and

Condition of acceptance.

Sanctioning authorities.

(ii)in the case of a Government employee other than Group A officers where the fee [remuneration does not exceed Rs. 100, by the authority competent to fill his post substantively:

Provided that in respect of a recurring fee/remuneration the above limits shall be applied to the total sum involved and not to a single payment.

- (2) In the case of a Government employee in an educational service who is permitted to receive fee remuneration for private tuition, the powers of sanction authorised by subrule (1) are limited to Rs. 500 or Rs. 100 in all, as the case may be, during any particular scholastic term or vacation. Under this sub-rule the acceptance of fees / remuneration upto Rs. 100 may be sanctioned by Inspectors or Inspectresses of Schools or Principals of Colleges,
- (3) Notwithstanding anything contained elsewhere in this rule—
- (a) Government employees including members of the Clerical staff in Group C as well as those in Group D, may, without any previous sanction, undertake any kind of work in connection with any examination held by any of the Universities in West Bengal and accept fees/remuneration therefore:

Provided that such Government employees shall submit to Government annual return certified by the University concerned showing the fees remuneration paid to them by the Universities on this account, and

(b) the Head of the Department may permit any such Government employee serving under him to undertake work as an examiner for any Indian University outside West Bengal, Union or State Public Service Commission or the Institute of Engineers (India) or any other Examining Body recognised by Government and accept fees remuneration on that account:

Provided that he shall submit an annual return to Government showing the nature of the work undertaken by him and the fees/remuneration received on that account, and that the previous sanction of Government where the Head of Department is not the Head of a Secretariat Department, shall be obtained when the work involves a journey outside West Bengal.

CHAPTER VII—COMBINATION OF APPOINTMENT

**65. The Head of a Department, where he has the power to make appointments, to each of the posts, and in other cases, Government may appoint one Government employee to officiate in two or more separate posts at one time. In such cases the Government employee's pay shall be regulated as follows:—

Pay how regulated

- (a) he may draw the highest pay to which he would be entitled if his appointment to one of the posts stood alone, on account of his tenure of that post;
- (b) for each other post, he may draw such reasonable pay, in no case exceeding twenty per cent, of the presumptive pay of such post(s), as Government may fix; and
- (c) if a compensatory allowance is attached to one or more of the posts, he may draw such compensatory allowance as Government may fix, provided that it shall not exceed the total of the compensatory allowances attached to all the posts.
- Note 1.—The presumptive pay for the purpose of clause (b) of this rule shall be taken to be (i) what the Government employee would draw as initial pay in the additional post, were he formally appointed to it, or (ii) where the maximum pay of the additional post is less than his pay in his substantive appointment, the maximum pay of the additional post.
- Note 2.—The benefit under clause (b) of this rule shall be admissible for a total period not exceeding six months and should be restricted as far as possible to lower salary groups and should in no case be extended to persons drawing more than Rs. 2,000 per month.
- Note 3.—The grant of additional remuneration under clause (b) of this rule is subject to the following conditions:—
- (i) There must be prior appointment to the additional post 'A person shall be appointed to the additional post only if he can be so appointed as per approved recruitment rules and he has the qualifications required as per recruitment rules.
- (ii) Additional remuneration for such combination of appointments will be fixed in each case on its merit, in consultation with the Finance Department, provided that such additional remuneration together with Special Pay, if any, will not exceed one-fifth of the basic pay.
- (iii) Additional remuneration for combination of appointments will not be admissible for more than six months.
- (iv) The additional remuneration will be admissible if the combination of appointments be for; a period of more than two months,
- (v) Government employees drawing total salary, including all kinds of pay and allowances, exceeding Rs. 2,000 per month will not get any additional remuneration for combination of appointments.
- (vi) A Government employee holding a lower post (i.e., a post the scale of which is lower than that of his own post) in addition to his own post will not get any additional remuneration for combination of appointments,

(vii) No remuneration shall be admissible if the posts involved in the combination of appointments be in the same establishment, i.e., the Head of Office or Head of Department is the same in terms of rule 5(16) and rule 5(16A).

Similarly, a person holding a superior post in a particular office or establishment performing, in addition to his own duties, the duties of his subordinate officer in the same office or establishment, shall not also qualify for additional, remuneration.

Illustrations.—(a) An Assistant Secretary of the Home (Political) Department discharging the additional duties of another Assistant Secretary of the Home (Police) Department shall not be eligible for extra remuneration. Similarity, an Under Secretary discharging the duties of a fellow Under Secretary in the same office or department will not get additional pay. An Executive Engineer of one Division discharging the duties of another Executive Engineer of another Division of the same Circle may not be deemed to be performing the duties of another officer of the 'same office or establishment'.

- (b) A District Judge deprived of the help of an Additional Assistant Judge, and therefore, doing the Additional Assistant Judge's work shall not qualify for extra remuneration.
- (viii) Even in a case, where the benefit of additional remuneration is justified on the basis of quantum of extra work involved, it should be restricted to lower salary groups and in no case extend to persons drawing more than Rs. 2,000 per month.

The grant of Special Pay under rule 5(33) shall be subject to the following conditions:—

- (a) With effect from July 1, 1979, more than one Special Pay shall not be allowed to any Government employee;
- (b) In cases where a Government employee gets a Special Pay attached to the post as member of a cadre of service, an additional special pay, if being enjoyed, may be continued provided the total of the two Special Pays does not exceed 20 per cent of basic pay or Rs. 200 per month whichever is less;
- (c) As the cases of Special Pay of the employees belonging to Group C and Group D are few and far between, they shall be excluded from the purview of clause (a).

CHAPTER VIII—DEPUTATION OUT OF INDIA

65A. The rules in this chapter are intended to meet the cases of Government employees deputed to other countries at the instance of Government, either for the performance of special duties imposed on them and for the investigation of specific problems connected with their posts. They have no application to cases where the Government employees are permitted at their own instance to go to other countries for higher studies or training or cases where Government employees are selected for higher studies or for undergoing

To whom the rules apply.

special training under the various technical assistance programmes of the U.N., the Colombo Plan, etc. Such cases will be dealt with under the provisions of rule 197 read with Appendix No. 5 referred to therein.

Sanctioning authority

66. No Government employee may be deputed out of India without the previous sanction of Government

Date of beginning and end.

67. A period of deputation runs from the date on which the Government employee makes ever charge of his office in India to the Date on which he resumes it; or if he is on leave out of India when placed on deputation, the period of deputation is the time actually taken up by the duty.

Pay during deputation.

68. When a Government employee is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by Mm in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by Government to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India:

Provided that a Government employee, who *is* placed on deputation while already on leave out of India on average pay, may be required by Government to continue to be on leave, in which case he shall be given dating that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India. The cost of passage, in such case,' from and to India shall be borne by him.

- Note 1.—The portion of the pay which a Government employee may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued from time to time by Government in this regard.
- Note 2.—Government employees deputed for duty out of India may also receive free passages and compensatory allowances under such conditions and at such rates as Government may determine.
- Note 3.—The foreign exchange equivalent of the pay or honorarium or compensatory allowance shall be calculated at the current rate of exchange.
- Note 4.—If a Government employee on deputation out of India takes leave overdrawals of pay, if any, shall be recovered in not more than three equal monthly installments commencing with his first full month's pay after his return to India, provided that this recovery may be waived by the authority sanctioning the deputation if the leave taken does not exceed one month and was occasioned by illness or other urgent and unforeseen circumstances'.
- Note 5.—Though no change of duties is involved, deputation pay out of India may be enhanced on account of officiating promotion in India.

Note 6.—It is not necessary to create a post to make officiating arrangement in a vacancy caused by the deputation out of India of a Government employee in connection with the duties of the post held by him in India. He is considered to be on special duty and does not draw pay against any particular post, the pay being regulated in terms of rule 68.

69. Omitted.

CHAPTER IX—DISMISSAL, REMOVAL AND SUSPENTION

Termination of service on removal or dismissal, **70.** The pay and allowances of a Government employee who is dismissed or removed from service cease from the date of such dismissal or removal.

Note.—Dismissal or removal from service terminates the service of an officer as from the date on which the relevant order is passed. The order of dismissal or removal from service cannot thus be given a retrospective, effect with reference to the date of the order.

Subsistence grant while under suspension.

- **71. (1) A Government employee under suspension or seemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:—
- (a) a subsistence allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on half-pay:

Provided that where the period of suspension exceeds three months the authority which made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:—

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government employee,
- (ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government employee;
- (b) Dearness, Medical or other compensatory allowance, if any, admissible from time to time on the basis of pay which the Government employee was in receipt on the date of

suspension or such portion thereof as the suspending authority may direct subject to the fulfillment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (t) shall be made unless the Government employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement; and who fails to produce such a certificate for any period of suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earning during such period or periods as the case may be, falls short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him: where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him nothing in this proviso shall apply to him.

- (3) There shall be recovered from the subsistence allowance granted to the Government employee the following which would have been recovered from his salary had he not been suspended:—
- (a) Government dues such as income-tax, super-tax, profession tax, house-rent, charges for electricity and water, furniture hire and the like;
- (b) contribution towards Group Insurance Scheme;
- (c) loans and advances taken by the Government employee from the Government;
- (d) over-payment made to the Government employee by the Government; and
- (e) loss to Government for which the Government employee has been held responsible: Provided that the total amount of the recoveries to be made under clauses (c) to (e) shall not, Unless the Government by the special order otherwise directs, exceed one-third of the subsistence allowance to the Government employee referred to in clause (a) of sub rule (1) and where the total amount calculated to be so recovered under clauses (c) to (e) exceeds one-third of such subsistence allowance, sanction of the appointing authority shall be obtained as to the amount to be recovered under each of the aforesaid clauses in order that the total amount of such recoveries may not exceed one-third of such subsistence allowance.

- (4) Recovery may also be made from the subsistence allowance to the Government employee with his written consent and to the extent agreed upon in respect of the following, namely:—
 - (i) subscriptions to a Provident Fund;
 - (ii) premia due on Postal Life Insurance Policies;
 - (iii) dues of any Co-operative Society; and
 - (iv) amount due on the court attachments.

Note 1.—When a government employee under suspension was in the temporary post before he was placed on suspension, the question of extension of the turm of the temporary post may arise. The competent authority shall take a decision whether the individual who is due to be discharged on account of the expiry of the sanction of the post held by him or otherwise becomes liable to be retrenched or whether, to enable disciplinary proceedings being continued, steps should be taken to provide a post for him. In the latter case his post may be extended without reference to higher authority if there is no time to refer the matter for such sanction, otherwise the sanction of the competent authority should be obtained as usual in each case.

- Note 2.—(i) The subsistence allowance shall not be denied on any ground unless a Government employee is unable to does not furnish a certificate that he is not engaged in other employment, business, profession or vocation during the period of suspension.
- (ii) Each claim for subsistence and compensatory house rent allowance shall be supported by a certificate by the Government employee concerned to the effect that he is not engaged in any employment, business, profession or vocation during the period to which the claim relates.
- (iii) Review-
- (a) First Review—A review of the subsistence allowance shall be made before the end of three months from the date of suspension. This will also give an opportunity to the competent authority to review not merely the subsistence allowance but also the substantive question of suspension.
- (b) Second or subsequent review(s)—There is no objection to such review(s) being made by the competent authority. Such authority shall be competent to increase or decrease the rate of subsistence allowance up to 50 per cent of the amount of the subsistence allowance initially granted according to the circumstances of each case. A second or subsequent review can be made at any time at the discretion of the competent authority.

Retrospective revision—It is not considered advisable that any order revising the rate of subsistence allowance should be given retrospective effect. This is merely an advice of caution intended to serve as a guide line to the competent authority ordering variation in

subsistence, allowance as such authority in all cases shall initiate action in sufficient time so that requisite order can take effect as soon as a suspended officer completes three months under suspension. This does not override the power of the competent authority conferred under this rule to revise the subsistence allowance. As such, in case an order for variation of subsistence allowance under this rule is passed-by the competent authority (disciplinary or appellate) after quite some time from the expiry of the requisite three months and that authority is satisfied that the variation has got to be recorded in writing and orders accordingly, the same shall be valid and binding on all concerned.

- (d) Deemed suspension and law of Limitation—A Government employee in whose case the order of suspension is deemed to have been continued in force or who is deemed to have, been placed under suspension from the date of original order of dismissal/removal/ compulsory retirement from service under relevant provisions of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, he is to be paid subsistence and other allowances under this rule with retrospective effect from the date of order of such dismissal, removal compulsory retirement.
- **72. (1) When a Government" employee who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or *not*, the authority competent to order reinstatement shall consider and make a specific order—
- (a) regarding the pay and allowance *to* be paid to the Government employee for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.
- (2) Where the authority competent to order reinstatement is of opinion that the Government employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government employee shall, subject to the provisions of subrule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

Provided that where such authority is of opinion that the termination or the proceedings instituted against the Government employee had been delayed due to reasons directly attributable *to* the Government employee it may, after giving him ah opportunity to make his representation within sixty days from the date on which the communication in this

Pay and allowances on reinstatement.

regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

- (3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for ail purposes.
- (4) In cases other than those covered by sub-rule (2), including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution of India and no further inquiry is proposed to be held the Government employee shall subject to the provisions of sub-rules (6) and (7), be paid such amount (not being whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government employee of the quantum proposed after considering the representation, if any, submitted by him in that connection within such period, which in no case shall exceed 60 days from the date on which the notice has been served, as may be specified in the notice.
- (5) In a case falling under sub-rule (4) the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be treated so for any specified purpose:

Provided that if the Government employee so desires, such authority may direct that the period of absence from duty including the period of suspension preceding the dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority under the proviso to this sub-rule shall be absolute and no higher sanction shall be necessary for the grant of—

- (a) extraordinary leave in excess of three months in the case of temporary Government employee; and
- (b) leave of any kind in excess of five years in the case of permanent Government employee.
- (6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

- (7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 71.
- (8) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government employee.
- ****72A.** (1) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by a Court of law, and such Government employee *is* reinstated without holding any further inquiry, the period of absence from duty shall be regularized and the Government employee shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or sub-rule (3) subject to the directions, if any, of the Court.
- (2) (i) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution, and where he is not exonerated on merits, the Government employee shall, subject to the provisions in sub-rule (7) of rule 72 be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him, in that connection, within such period, *Winch* in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice.
- (ii) The period intervening between the date, of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the Court shall be regularized in accordance with the provisions contained in sub-rule (5) of rule 72.
- (3) If the dismissal, removal or compulsory retirement of a Government employee is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid

Pay and allowances on reinstate, moat when orders of dismissal, etc. are set aside by n court of law. the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

- (4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.
- (5) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government employee.

**72B. (1) When a Government employee who has been suspended is reinstated or would have been so reinstated but for his retirement including premature retirement while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

- (a) regarding the pay and allowances to be paid to the Government employee for the period of suspension ending with reinstatement or the date of retirement including premature retirement, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.
- (2) Notwithstanding anything contained in rule 71, where a Government employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for the period to which be would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.
- (3) Where the authority competent to order reinstatement is of opinion that the suspension was wholly unjustified, the Government employee shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this

Pay and allowances on reinstatement by competent authority. regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

- (4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.
- (5) In cases other than those falling under sub-rule (2) or sub-rule (3), the Government employee shall, subject to the provisions of sub-rules (8) and (9), be such amount (not being whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine after giving notice to the Government employee of the quantum proposed and considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice.
- (6) Where suspension is revoked pending finalization of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government employee, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.
- (7) In cases falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specific purpose:

Provided that if the Government employee so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority shall be absolute, and no higher sanction shall be necessary for the grant of—

- (a) extraordinary leave in excess of three months in the case of temporary Government employee; and
- (b) leave of any kind in excess of five years in the case of permanent Government employee.
- (8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 71.

Note 1.-When the orders passed are in respect of a Government employee in temporary employ, regard should be had to the period. for which the temporary appointment was sanctioned.

Note 2.—A permanent post vacated by the dismissal, removal or compulsory retirement of a Government employee should not be filled up substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement, as the case may be. On the expiry of the period of one year the post may be filled up substantively subject to the condition that the arrangement so made will be reversed if the dismissed Government employee is reinstated on appeal or otherwise. It is not necessary to keep a post vacant for a period of one year to provide for the contingency of subsequent reinstatement and confirmation in respect of an officer who at the time of dismissal, removal or compulsory retirement was not holding substantively permanent post but would have been considered for confirmation but for the penalty imposed".

Note 3.—Where the period of suspension is ordered to be treated as one spent on leave and when on conversion it is found that part of the period is treated as extraordinary; leave for which no leave salary is admissible, the recovery of the Subsistence allowance already paid shall be in order. The moment the period of suspension is converted into leave it has the effect of vacating the order of suspension and it would be deemed not to have been passed at all. Therefore, if it is found that the total amount of the subsistence and other allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances, the excess shall have to be refunded.

Note 4.—A person who is removed or dismissed from service has no locus standi as a Government employee. There is thus no bar to such a person accepting an employment when an appeal or a representation against the penalties imposed on him is pending before a higher authority or where a suit against Government for redress of his grievances is sub-judice in tire Court of Law. If, however, the penalty of removal or dismissal from service is set aside in consequence of or by a decision of the higher authority or of the Court of Law and the person concerned is reinstated in service from a date earlier than the date on which the relevant order is passed, arrear due, if any, admissible to the reinstated person shall be deducted by the amount drawn during the period of such employment.

73. Omitted²⁰.

²⁰ Decision in Finance Department, file No. IT.—18 (28)/71.

Leave during A period of suspension or while in prison.

74. Leave may not be granted to a Government employee while he is under suspension or committed to prison.

Note 1.—This rule does not prevent the grant to a Government employee on the termination of the period of his suspension or of the proceedings in connection with which he was committed To prison, of leave for the period of his suspension or committal to prison.

Note 2.—In an establishment where provision for leave reserves exists any vacancy caused on account of the suspension of a Government employee or of his commitant to prison for debt or on a criminal charge should be filled by an visit and where a "reservist" is not available, the post should subject to the provision of Note 1 below rule 55, be filled by an officiating appointment. It is, however, not necessary to create an extra post.

Work Charged Staff.

74A. The rules in this Chapter will also apply to the Work-Charged Staff employed under the different Departments of the Government.

CHAPTER X—COMPULSORY RETIREMENT

**75. (a) Except as otherwise provided in these rules, a Government employee other than a member of the Group D service shall retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of fifty-eight years:

Provided that a Government employee other than a member of the Group D service whose date of birth is the first of a month shall retire from service with effect from the afternoon of tin; last day of the preceding month of attaining the age of fifty-eight years: Provided further that the age-limit for retirement as prescribed in this rule shall not be applicable in cases where higher age limit upto 60 years for retirement has been fixed under any general or special orders of Government.

*Note.—In cases where the Matriculation certificate does not show the actual date of birth and instead shows the age of the candidate as on the 1st March of the year in which the examination was held in terms of years and months only excluding days, Government may alter the date of birth recorded in the Service Book, to correspond to the actual date of birth, if the Government employee concerned is able to produce acceptable documentary evidence in the form of an extract from Birth Register or Admission Register of the Institution concerned etc. in support of the actual date of birth claimed by him, and decision to retire him shall be taken on the basis of such altered date of birth. Where, however, the date of birth of a Government employee has been recorded as the first day of a month on the basis of Matriculation certificate showing the age as on the 1st March of the year in which the examination was held in terms of years and months only and where it is not possible to ascertain the exact date of birth on the basis of any acceptable documentary evidence like extract from the Birth Register or Admission Register of the Institution concerned etc., it shall be presumed that

For Group A,,

Group B and Group C

Service.

the actual date of birth of the Government employee was a day other than the first day of 'the month and j he may be allowed to retire on the last day of the same month j instead of the last 'day of the previous, month.

- **(aa) Notwithstanding anything contained in the rule, *the* appointing authority shall, if it is of opinion that it is in the public interest so to do, have the absolute right to retire any Government employee by giving him notice of not less than 3 months in writing or 3 months' pay and allowances in lieu of such notice—
- (i) if he is in Group A or Group B (erstwhile gazetted) service or post, and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years; and (ii) in all other cases, after he has attained the age of 55 years.

Note.—(i) If on a review of the case either on a representation from the Government employee retired prematurely or otherwise, it is decided to reinstate the Government employee in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave or, by treating it as dies non depending upon the facts and circumstances of the case:

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by the Court of Law.

- (ii) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of re-instatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.
- **(aaa) Any Government employee may, by giving notice of not less than 3 months in writing to the appointing authority, retire from Government service after he has attained the age of 50 years, if he is in Group A or Group B (erstwhile gazetted) service or post, and had entered Government service before attaining the age of 35 years; and in all other cases, after he has attained the age of 55 years, provided that it shall be open to the appointing authority to withhold permission to a Government employee under suspension who seeks to retire under this sub-rule.
- **Note 1.—In computing the three months notice period referred to in sub-rule (aa) and (aaa), the date of service of the notice and the date of its expiry shall be excluded.

Note 2.—The 3 months' notice referred to in sub-rule (aa) or sub-rule (aaa) above, may be given before the Government employee attains the age specified in the said sub-rules, provided that the retirement takes place after the Government employee. has attained the specified age.

Note 3.—The appointing authority should invariably keep on record that in his opinion it is necessary to retire the Government employee in pursuance of aforesaid rule in public interest²¹.

- (b) The Administrator-General and Official Trustee West Bengal, Official Receiver and Deputy Official Receive through Court, Official Assignee and Deputy Official Assignee, West Bengal and the Deputy Sheriff shall (unless appointed by promotion or transfer from any of the State Services) be required *to* retire on attaining the age of 60 years²².
- (c) Summons, Bailiffs, Small Cause Court, Calcutta and the Head Jamadar of the Sheriff's Office, Calcutta, shall be required to retire on attaining the age of 60 years.
- **Note 1.—The present policy of the Government is not to sanction any extension of or retention in service beyond the age of compulsory retirement. All proposals for extension of or retention in service beyond the age of compulsory retirement shall require the approval of Government²³.³

Note 2.—In many cases extension of or retention in service beyond the age of compulsory retirement had to be granted merely because the question of filling up the resultant vacancies had not been taken up well in advance. With a view to avoid such contingencies the Head of a Department, Directorate or Office is advised to prepare, in the month of January each year, a list of officers due for retirement in the following calendar year and take all necessary steps to fill up in due course the vacancy to be caused by the retirement of an officer.

**Note 3.—The provisions in sub-rule (a), (aa) and (aaa) are in addition to those contained in rules 58 to 60 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 regarding retirement on retiring pensions.

**Note 4.—In case the appointing authority decides to retire a Government employee prematurely with immediate effect the payment of pay and allowances in lieu of the notice period shall be made to the Government employee concerned simultaneously with the order of retirement.

76. (a) Subject to the provisions of sub-rule (b), a Government employee in Group D service shall ordinarily be required by the appointing authority to retire from service with

For Group D service.

²¹ F.D. Notification No. 2762-F., dated 23rd June 1971.

²² F.D. , No. 2940-F., dated 23rd. August 1968.

²³ F.D. , No. 3802-F., dated 10th October 1968

effect from the afternoon of the last day of the month in which he attains the age of sixty years, but provided that he continues to be both physically fit and mentally alert for further service, he may be retained in service by the appointing authority upto the afternoon of the last day of the month in which he attains the age of sixty-two years and by the Government up to the afternoon of the last day of the month in which he attains the age of sixty-five years.

(b) A Government employee in Group D service appointed or re-appointed after termination of the previous service on or after 1st July, 1948, shall be required by the appointing authority to retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of sixty years, except in very special circumstances which must be recorded in writing and with the sanction of Government:

Provided that a Government employee in Group D service whose date of birth is the first of a month shall retire from service with effect from the afternoon of the last day of the preceding month of attaining the age of sixty, sixty-two or sixty-five years, as the case may be.

Note 1.—Vide Notes 1 and 2 below rule 75.

Note 2.—Government employees who, consequent upon the introduction of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 have become Group C employees, although prior to such revision of pay scales they were in Group D, may be treated as belonging to Group D Government employees for the purpose of age of retirement and they may accordingly be retained in service upto the age of 65 or 62 years in accordance with provisions of sub-rule (a) or sub-rule (b) of this rule. For all other purposes, as for examples disciplinary matters, such Government employees shall however be treated as belonging to Group C.

Note 3.—It is clarified that the benefit, of retirement at the age of 60/65 years, referred to in Note 2 above, will be admissible only in cases of appointment to higher grade within the same categories of Group 'D' posts and not in cases of normal promotion to higher posts belonging to Group 'C'.

77. Omitted.

- **78.** The age of compulsory retirement of a Government employee holding an officiating appointment is regulated by the rules applicable to his officiating appointment and not by those applicable to his substantive appointment.
- **79.** When a Government employee is required *to* retire, revert or cease to be on leave on attaining a specified age, the date on which he attains that age shall be reckoned as

For Government employees holding officiating appointment.

Calculation of the date of retirement.

a non-working day, and the Government employee shall retire, revert or cease to be on leave as the case may be, with effect from and including that day.

79A. Notwithstanding anything contained in the foregoing rules or in any rules of recruitment, the State Government may re-employ or appoint any person on his attaining the age of superannuation or after he has attained such age to any post if before superannuation such person held a post, under the Central or any State Government not inferior to the post in which he is re-employed or to which he is appointed, provided that he shall not earn any pension for the period of such re-employment or appointment.

Reemployment of Government employees.

CHAPTER XI—JOINING TIME

- **80. Subject to the general conditions that the authority ordering the posting may in any case curtail, and that Government may in any case extend, the amount of joining time admissible under this Chapter, a Government employee is entitled to joining time to enable him—
- Condition of its, grant.
- (a) to join a new post to which he is appointed on transfer in the interest of public service while on duty in his old post; or
- (b) to join a new post—
- (i) on return from leave of not more than six months' duration or from combined vacation and leave amounting to not more than six months' or
- (ii) when, in the opinion of the authority who granted the leave, the Government employee has not had sufficient notice of his new appointment, on return from leave other than that specified in sub clause (i); or
- (c) when he returns from leave (or leave and vacation combined) out of India of more than six months' duration, to travel from the port of disembarkation in India, or, in the case of arrival by aircraft, from its first regular port in India, or to organise his domestic establishment, or for both of such purposes; or
- (d) to proceed—
- (i) on return from leave from a specified place to join a post in a remote station which is not easy of access, or
- (ii) an departure on leave on relinquishing charge of a post in a remote station which is not easy of access, to a specified place:

Provided that joining time shall not be allowed for the purposes specified in clause (c) to the Administrator-General and Official Trustee.

Note 1.—For the purpose of this rule, Colombo or a port in Pakistan is not deemed to be a port in India.

Note 2.—The joining time and travelling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India and paragraphs 2(iii) and 14 of the Defense Services Regulations, India—Passage Regulations, respectively. These rules admit of the grant of joining time and travelling allowance to military officers in Civil employ not only on the occasions of their transfer to the civil employ and retransfer to military employ but also when they are actually serving in Civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months' duration.

Note 3.—The period of leave and not the nature of leave is the criteria. Leave includes, all kinds of leave including extraordinary leave except, special disability leave.

- (e) The surplus staff transferred from one post to another under the Scheme for absorption of surplus staff shall be eligible for joining time.
- (f) Government employees who are discharged due to reduction of establishment from the Government office and re-appointed to another Government office shall be entitled to joining time, if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old post, the period of break may be converted into joining time without pay by the Head of Department provided that the break does not exceed 30 days and the Government employee has rendered not less than 3 years continuous service on the date of his discharge.
- (g) For appointment to posts under the Government on the results of a competitive examination and/or interview open to Government employee and others permanent /provisionally permanent State. Government employees will be entitled to joining time under these rules. But temporary employees of the Government who have not completed 3 years of regular conti-

Period admissibly.

**81. (1) In cases involving transfer from one station to mother and also involving change of residence, the Government employee shall be allowed joining time with reference to the instance between the old headquarters and the new headquarters by direct route and ordinary mode(s) of travel as indicated in the following Schedule. When holiday(s) follow(s) joining time, fee normal joining time may be deemed to have been extended to cover such holiday(s).

The Schedule

Distance between the old Headquarters and the new Headquarters.	Joining time admissible.	Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 km.	
1,000 km. or less	10 days	12 days	
More than 1,000 km,	12 days	15 days	

Note.—Distance means actual distance and not weighted mileage for which fare is charged by the Railways in certain ghat / hill sections.

- (2) Extension of joining time beyond the limits indicated in sub-rule (1) can be granted up to the maximum limit of 30 toys by the Head of Department or in respect of Group B, Group C and Group D employees under him by a Deputy Inspector-General of Police and beyond 30 days by the Government, the priding principle being that the total period of joining time shall be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities or the period spent awaiting the departure of the steamer, when ordinary mode of travelling cannot be used or Government employee has fallen ill on his journey.
- (3) (i) When a Government employee joins the new post without availing of the full joining time, the number of days of joining time, admissible under sub-rule (1) subject to the maximum of 15 days, reduced by the number of days actually trailed of shall be credited to his leave account as earned leave.
- (ii) Joining time may be combined with vacation andjor regular leave of any kind or duration except casual leave.
- **82.** When a new post is not in a new station, i.e., within the same station or when a Government employee does not change his residence on transfer from one station to another, the joining time admissible is one day only.

Note 1- A holiday counts as a duty for the purpose of this

When transfer it not in a new station or does not involve a change of residence.

Note 2.—For the purpose of this rule the term "same station" will be interpreted to mean the area falling within the jurisdiction of the Municipality or Corporation including such of suburban municipality, notified areas, cantonment, etc., as are contiguous to the main municipality, etc.

- **83. Omitted.
- ****84**. Omitted.

- **85.** By whatever route a Government employee actually travels, his joining time shall, unless the Head of his Department for special reasons orders otherwise, be calculated reference to the route which travellers commonly use.
- **86.** If a Government employee is authorised under rule 28 to make over charge of his post elsewhere than to its head-quarters his joining time shall be calculated from the place at which he makes over charge.
- **87. If a Government' employee in transit on transfer is directed *to* proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of up to the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place, *at* which he received the orders as if he is transferred from that place.
- **88.** If a Government employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post shall be included in his leave. On the expiry of the leave, the Government employee may be allowed normal joining time²⁴.
- **89.** The joining time admissible to a Government employee under clause (b) of rule 80 shall be calculated from his old station or from the place at which he received his order of appointment, whichever place entitles him to the less joining time. Joining time admissible under sub-clause (ii) of the said clause will run from the date on which the Government employee receives his order of appointment and not from the expiry of his leave.

Note I.—If a Government employee on leave out of India receives his order of appointment prior to his arrival in India, the port of debarkation shall be deemed to be "the place at which he received his order of appointment" for the purpose of this rule.

**90. (1) A Government employee on transfer during a vacation may be permitted to join at the end of the vacation, although the joining time ordinarily admissible thereby exceeded.

Note 1.—Omitted.

(2) When holiday(s) follow(s) joining time, (he normal joining time may be deemed to have been extended to cover such holiday(s).

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²⁴ 'Notification No. 3116-P., dated 10th August 1966.

**91. (1) Extension of joining time beyond the limit may be granted up to the maximum limit of 30 days by the Head of the Department¹ or in respect of Group B, Group C and Group D employees under him, by the Deputy Inspector-General of Police and beyond 30 days, by the Government, guiding principal being that the total period of joining time shall be approximately equal to 8 days for preparation plus reasonable transit nine plus holidays, if any, following the extended joining time. While computing the transit time allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities or the period spent awaiting the departure of the steamer, when ordinary mode of travelling cannot be used or Government employee has fallen ill during his journey.

Extension of joining time.

- (2) Subject to the conditions laid down in sub-rule (1), the High Court may grant extension of joining time to the members of the West Bengal Higher Judicial Service and the West Bengal Civil Service (Judicial).
- **92. When a Government employee is transferred to the control of another Government in India, his joining time for the journey to join his post under the Government and for the return journey, will be governed by the rules of that Government unless different provisions are expressly made in the terms of deputation by mutual agreement between the lending and the borrowing authorities.

When transferred to the control of another Govern-

- **93. A Government employee shall be entitled to be paid while on joining time—
- Pay or leave salary of Government employee holding substantive appointment.
- (a) under clause (a) of rule 80, the pay which he would have drawn had he not been transferred. He will also be entitled to dearness allowance, if any appropriate to the joining time pay. In addition he can also draw compensatory allowances as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent travelling allowance.
- (b) under clause (b) or (c) of rule 80—
- (i) when returning from extraordinary leave other than extraordinary leave not exceeding 14 days granted in continuation of other leave, nothing;
- (ii) when returning from leave of any other description, the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary in India;
- (c) under clause (d) of rule 80, pay as though he were on duty in his post.
- Note 1.—A Government employee on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interest.
- Note 2.—For the joining time pay of Military Commissioned Officers reference should be made to Fundamental Rules of the Government of India.

Penalty for exceeding joining time.

Pay or leave salary of Government employee having no substantive appointment.

Non-Government employees temporary appointment.

Conditions of transfer.

- **94.** A Government employee who does not join his post within his joining time is not entitled to any pay or leave-salary for the period between the expiry of his joining time and his taking over charge of his post.
- **95.** A Government employee having no substantive appointment under Government is not entitled to any pay or leave-salary during joining time, but if while officiating in a post, he transferred in the public interest¹ to another post, the authority ordering the transfer may allow him joining time and to draw pay during his transit under clause (a) of rule 93. Note.—A probationer who is transferred in the interest of public service shall get the benefit of the rule.
- 96. When the services of a person in employment other than Government service are required for a temporary purpose, such person is not ordinarily entitled either to joining time or to pay until he actually takes up his appointment' under Government: Provided, however, that the appointment of such person is made in the public interest¹ and that Government are satisfied that he will lose the emoluments of his private employment during the periods required either to join his appointment under Government or to return therefrom to his private employment, he may be allowed for such periods such joining time, not exceeding the amount admissible to a Government employee under clause (a) of rule 80, as Government think fit, and during such joining time he may be granted pay at such rate as Government may determine, not exceeding his pay while in Government employ or the emoluments (pay or leave salary as the case may be) which he last drew in his private employment whichever is less.

CHAPTER XII—FOREIGN SERVICE

97. No Government employee shall be transferred to foreign service whether within or outside India, against his will, and all transfers to foreign service require the sanction of Government: Provided that the consent of a Government employee shall not be necessary to his transfer *to* the service of a body-incorporate or not, which is wholly or substantially owned or controlled by any State Government or Government of India²⁵.

Note.—The following orders shall govern the pay, the amount of joining time admissible and the pay payable during joining time in the case of officers transferred on foreign service:

(1) When the transfer of a Government employee to foreign service is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning transfer. If it is intended that he shall receive any remuneration, or enjoy any

²⁵ F. D. Notification No. S027-P. dt, 19-11-66

concession of pecuniary value in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government employee will be permitted to receive any remuneration or enjoy any concession which is not so specified and if the order is silent as to any particular remuneration or concession; it must be assumed that the intention is that it shall not be enjoyed.

- (2) No order of transfer to foreign Service shall be issued without previous consultation with the Finance Department.
- (3) The following two general principles must be observed in sanctioning the conditions of transfer:—
- (a) The terms granted to the Government employee will not be such as to impose an unnecessary heavy burden on the foreign employer.
- (b) The terms granted will not be so greatly in excess of the remuneration which the Government employee would receive in Government service as to render foreign service appreciably more attractive than Government service.
- (4) Provided that the two principles laid down in paragraph (3) above are observed, Government may sanction after prior consultation with the foreign employer the grant of the following concessions by the foreign employer. Such concessions will not be sanctioned as a matter of course, but in those cases only which Government considers that circumstances justify their grant:—
- (a) the payment of contributions towards leave salary and pension under the ordinary rules regulating such contributions.
- (b) the grant of travelling allowance under the ordinary rules of Government or under the rules if., any, of the foreign employer and of permanent travelling allowance, conveyance allowance and horse allowance.
- (c) the use of tents, boats and transport owned or hired by the foreign employer on tour: provided that this accompanied by a corresponding reduction in the amount of travelling allowance admissible.
- (d) the grant of free residential accommodation, which may be furnished in cases in which Government consider this to be desirable, on such scale as may seem proper to Government.
- (5) the grant of any concession not specified in paragraph 4 above also requires the sanction of Government and in practice the foreign employer would be consulted before such sanction was granted.
- **98.** A transfer to foreign service is not permissible unless—

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government employee, and
- (b) the Government employee transferred holds at the time of transfer, a post either permanent or temporary, paid from general revenue, or holds a lien on a permanent post or, would hold a lien on such a post had his lien not been suspended.
- **99.** If a Government employee is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.
- **100.** (1) A Government employee transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive of officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, sod authority shall take into account—
- (a) the nature of the work performed in foreign service; and
- (b) the promotion given to juniors in the cadre in which the question of promotion arises.
- (2) Nothing in this rule shall prevent a member of a Group C or Group 'D' Service from receiving such other promotion in Government service as the authority who would have been competent (0 grant the promotion had he remained in Government service may decide.
- Note 1.-This rule does not apply to a Government employee having no lien or suspended lien on a permanent post under Government.
- **101.** A Government employee in foreign service, will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject *to* the provisions of rule 97, the amount of his pay, the amount of joining time admissible to him and his pay during sad joining time will be fixed by Government in consultation with the foreign employer.
- **102.** (1) While a Government employee is in foreign service, contributions must be paid *to* Government—
- (i) towards the cost of his pension;
- (ii) if the foreign service is in India, towards the cost of leave-salary;
- **Note.-The foreign employer shall maintain a leave account of the Government employee concerned. An extract of the leave account can be supplied to him by the concerned Head of the Office. The foreign employer shall determine the leave admissible to the Government employee concerned and sanction it under intimation to the concerned Head of Office. The foreign employer will then make payment of the leave

Leave and pension contribution.

salary to the officer concerned. Thereafter, he may claim half yearly re-imbursement of leave salary so paid from the concerned Head of Office. The half-yearly re-imbursement suggested may be in respect of the period from 1st April to 30th September and from 1st October to 31st March. The concerned Head of Office should verify the claims preferred by the foreign employer and arrange to reimburse the amount through Bank draft/ cheques, as the case nay be in favour of foreign employer within a month of the receipt of the claim.

- (2) Contribution due under clauses (i) and (ii) of sub-rule (I) shall be paid by the Government employee himself, unless the foreign employer agrees to pay them, but they shall not be payable during leave taken while in Foreign Service.
- (3) By special arrangement made under sub-rule (2) of rule 110, contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.
- Note 1.—Pensions throughout this Chapter, include Government contributions, if any, payable to a Government employee's credit in a provident fund.
- **103.** A copy of the orders sanctioning a Government employee's transfer to foreign service must always be communicated to the Accounts Officer. The Government employee himself should, without delay—
- (i) communicate a copy to the officer who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution,
- (ii) report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service, and
- (iii) furnish from rime *to* time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.
- **104.** (1) The rates of contribution prescribed in sub-rule (2) are designed to secure to the Government employee on foreign service the pension that he would have earned by service Oder Government, mid leave salary on (he scale and under the condition, applicable to him.
- (2) The rates of monthly contributions payable during the foreign service, including the periods of any joining rime taken while proceeding to or returning from foreign service *shall* subject to such directions as may be issued by Government on this behalf be as follows:
- *(i) for Pension, in accordance with the following tables:—

Service	employees	employees	employees	employees
1	2	3	4	5
Years	Rs.	Percentage of maximum monthly pay		
0—1	48	4	5	7
1—2	56	5	5	7
2—3	64	5	6	8
34	73	5	6	8
4—5	81	6	6	8
5—6	89	6	7	8
6—7	97	d	7	8
7—8	105	7	7	8
8—9	113	7	8	8
9—10	121	7	8	8
10—11	129	8	8	8
11—12	137	8	8	9
12—13	145	8	9	9
13—14	153	8	9	9
14—15	161	9	9	9
15—16	169	9	10	9
16—17	177	9	10	9
17—18	185	10	10	9
18—19	193	10	11	9
19—20	201	10	11	9
20—21	209		11	9
21—22	218		11	10
22—23	226		12	10
23—24	226		12	10
24—25	226		12	10
25—26	226		12	10
26—27	226		12	10
27—28	226		12	10
28—29	226		12	10
Over 29	226		12	10

(ii) for leave salary in accordance with the following table .—

Grup 'A', Group 'B', Group 'C', Group 'D' employees, subject *to* the Leave Rules in section II of the Chapter XV—11 percent of pay drawn a foreign service.

Note 1.—The expression "length of service" in this rule means the total period running from the date from which service fox pension commences or *is* likely to commence, including service counting for pension under Articles 370 and 371 of the Civil Service Regulations.

Note 2.—The leave salary contribution for the period of joining time taken by a Government employee in continuation of leave under clause (b) of rule SO before reversion from foreign service, should be calculated on the pay he was getting immediately before he proceeded on leave.

Note 3.—Under the existing rules, Government may by order direct recovery of pension contribution in respect of temporary Government employee who are transferred to foreign services. As under the orders lately issued by Government, past temporary service if followed by confirmation counts for pension, there is a greater possibility of temporary service counting for pension and it is but reasonable that pension contribution should be recovered in all such cases. It has accordingly been decided that when a temporary Government employee is transferred to foreign service, pension contribution shall be recovered at the rate as in the case of permanent Government employees.

105. Contribution may be remitted under orders of Government for any period for which a Government employee in foreign service is temporarily employed under Government on duties additional to or distinct from his duties in foreign service.

*106. Contribution for leave salary or pension, due in respect cf a Government employee in foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of foreign service, if the deputation on foreign service expires before the end of a financial year, and if (he payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless specially exempted by Government, at the rate of two paise per day per Rs. 100 from (he date of expiry of the period aforesaid op to the date on which the contribution is finally paid. The interest shall be paid by the Government employee or the foreign employer according as the contribution is paid by the former or the latter.

107. A Government employee in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

108. A Government employee transferred to foreign service may not, without the sanction of Government, accept a pension or gratuity from his foreign employer in respect of such service.

- **109.** A Government employee in foreign service in India may not be granted leave otherwise than in accordance with the rules or conditions as the case may be applicable to him as a Government employee, and may not take leave or receive leave salary from Government unless he actually guits duty and goes on leave.
- Note 1.—A Government employee in foreign service in India is personally responsible for the observance of the rule regarding taking of leave and receiving leave salary as contained in this rule. If he accepts leave to which he is not entitled under this rule, he renders himself liable to refund leave salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government and to cease to have any claim on Government in respect of either pension or leave salary.
- **110.** (1) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, Government may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.
- (2) In special circumstances, Government may make an arrangement with the foreign employer, under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employer pays to general revenue leave contribution at the rates prescribed under rule 104.

On Officiating appointment in a post under Government.

111. A Government employee in foreign service, if appointed to officiate in a post in Government service will draw pay calculated on the pay of the post in Government service on which he holds a lien or would, hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

Reversion from foreign service.

- **112.** A Government employee reverts from foreign service to Government service on the date on which he takes charge of his post in Government service: provided that, if he takes leave on the conclusion of foreign service before joining his post, his reversion shall take effect from such date as Government may decide.
- **113**. If a Government employee proceeds on leave from his foreign service appointment, he shall not ordinarily be considered to have reverted to Government service until he rejoins his post under Government.

- **114.** When a Government employee reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contribution will be discontinued, with effect from the date of reversion.
- **115.** The travelling allowance of a Government employee both when proceeding on transfer to foreign service and when reverting to duty under Government, shall be borne by the foreign employer.

Travelling allowance.

116. When an addition is made to a regular establishment on the condition that the cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:

When an addition is made to permanent staff.

- (a) The amount to be recovered shall be the gross sanctioned cost of the service or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contribution at the rates laid down in rule 104 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) Government may reduce the amount of recoveries or may entirely forego them. Note 1.—Omitted.

Note 2.—The amount to be recovered as pension contribution in the case of Group A employee shall be the average of the rates prescribed in column 2 of the table appended to rule 104 (2) (i) and in the case of Group B, Group C and Group D employees, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in columns 3 4 and 5 respectively.

As regards contribution for leave salary, recoveries shall be made by levying the actual percentage prescribed in rule 104 (2) (ii) on the total sanctioned cost, or in the case of time-scale of pay on the average cost of all the posts concerned.

CHAPTER XIII—SERVICE UNDER LOCAL FUNDS

117. Government employees paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI and XIV to XVI of these rules.

Funds administered by Government.

Note 1.—Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government employees are subject to the above mentioned provisions.

Funds not administered by Government, **118.** A person transferred to Government service from a local fund not administered by Government shall be treated as joining a first post under Government, and his service under the local fund will not count as duty unless Government by special order and to such extent as they think fit to prescribe direct otherwise. When a Government employee reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contribution will be discontinued, with effect from the date of reversion.

Free Passage— Rules for the grant of—

CHAPTER XIV—PASSAGES FROM OR TO INDIA

- **119.** Without prejudice to the power of Government to grant special relief in necessitous cases to enable Government employees or their dependants to travel from or to India, the grant of free passage is governed by the following rules.
- **120.** A free passage under these rules shall be of such class and subject to such conditions as Government may *by* general or special order prescribe, and shall ordinarily be a passage by sea from or to Calcutta.
- **121.** Omitted.
- **122.** Free passages will ordinarily be granted for the journeys from and to India to Government employees deputed out of India in accordance with the rules in force for the time being:

Provided that the grant of return passages is conditional upon the Government employee's return to duty in India forthwith on the conclusion of his deputation, unless arrangements to the contrary are sanctioned by Government before the deputation ends. **123-143.** Omitted.

CHAPTER XV—LEAVE

Section I.—General Conditions

Extent of application.

144. Unless in any case it be otherwise expressly provided in Section V of this Chapter, the rules In Sections I to IV of this Chapter apply to all Government employees to whom the West Bengal Service Rules, Part I, as a whole apply.

Government employees on foreign service or in deputation. **145. Government employees to whom these rules apply shall continue to be governed by these rules while on deputation or on foreign service within India. A portion of the leave charges shall, however, be borne by the borrowing Government in the manner laid down in Appendix 3 of the Account Code, Vol. I, or contribution shall be recoverable from the Statutory bodies under rule 104.

When transferred from a service or poet to which these roles do not

**146. Unless in any case it be otherwise provided in these rules, a Government employee to whom these rules do not apply—

- (a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer;
- (b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case (he leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limit of accumulation of 240 days as prescribed in rule 169. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. Leave salary in respect of leave carried forward shall be borne by the Department/ Statutory body or Government from which Government employee is transferred:
- (c) a Government employee reverting from duty as Judge of a High Court or the Administrator-General and Official Trustee, West Bengal, may count such duty for leave as though it were duly performed in a Vacation Department! all leave taken during the service concerned being treated as taken under these rules.
- **147.** (1) If a Government employee, who quits the public service on compensation or invalid pension or gratuity, is re-employed, and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(2) A Government employee who is dismissed or removed from the public service, but *is* reinstated on appeal or revision, is entitled to count his former service for leave.

- **(3) Except as provided in this rule and rule 168A, any *claim* to leave at the credit of a Government employee who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.
- **(4) Where a Government employee applies for another post under this Government but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of leave at his credit.
- **148. Omitted.

**149. In the case of a person re-employed after retirement, the provisions of these rules in this Chapter shall apply, as if, be had entered Government service for the first time on the date of his re-employment.

Counting of former service on reemployment.

Person reemployed after retirement. Grant of special disability leave.

Leave sanctioning authority.

**150. Special disability leave may be granted by the Secretaries in-charge of the Administrative Departments in favour of the employees under their administrative control after being personally satisfied that the necessary conditions and criteria for the grant of such leave as laid down elsewhere in the rules are fulfilled and the fact being recorded in writing.

151. Leave admissible under these rules may be granted to a Group A employee by the authority competent to fill up his post substantively, or subject to rule 150 and to any further conditions which Government think fit to impose, by an authority empowered in this behalf by Government

Note 1.—An authorization to grant leave under (his rule or rule 152 includes the power to grant leave in combination with Sundays, holidays and vacations, and subject to any conditions imposed or provision to the contrary in any case, to make the consequent acting arrangements.

**Note 2.—Authorities empowered to grant leave shall continue to do so to the extent covered by the existing general or special orders, as the case may be.

Note 3.—The intention underlying Note 1 is that when the day immediately following the day on which a Government employee's leave expires is a Sunday or holiday or one of series of holidays, the Government employee may be allowed to prefix or affix such Sunday or holiday(s), subject to the condition that he was otherwise fit to resume his duties before commencement or on expiry of his leave as the case may be but foi Sunday or holidays. No prefixation or affixation should be allowed unless the aforesaid condition is fulfilled²⁶.

152. Subject *to* rule 150, leave admissible under these rules may be granted to a Group B, C, and D employee by the authority competent to fill his post substantively, or subject to such farther restrictions as Government think fit to impose, by such other authority specialty empowered in this behalf by Government.

**Note 1.—Authorities empowered to grant leave-shall continue to do so to the extent covered by the existing general or special orders, as the case may be.

153. (1) Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Cannot be claimed as of right.

²⁶ Finance Department Memo No 243-F, dated 20th January 1966.

**(2) A Government employee's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

Note 1.—An authority competent to grant leave may refuse to grant the full amount of leave applied for in any case and should, by the exercise of this power, so regulate the date of a Government employee's return from leave as to cause as little change as possible in administrative arrangements.

Note 2.—Leave of any description should not be granted to an extern which would unduly deplete the strength of a service or department available for active duty. Consequently, when the duty strength has been reduced to a point which in the opinion of the leave sanctioning authority is for the time being an essential minimum, no further leave of any description will be given save in case of the most absolute necessity, such as sickness or most urgent private affairs, until the strength available for duty has increased. In applying this principle, special consideration may be given to the case of Government employees who applied for leave in India, for as they can be readily recalled, if necessary, they stand on a different footing from Government employees, who are out of convenient reach.

Note 3.—Applications for leave by Government employees likely to revert from higher pay should always be scrutinized with special jealousy, and the leave should be granted only when very cogent reason are adduced. It is not the intention of Government, however, that leave in ordinary circumstances should be granted more sparingly, the general principle being that a Government employee need not be debarred from taking the leave which he has earned at such times and for such periods as may suit the exigencies of the public service.

**154. Except as provided in rule 155 leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

**155.(1) When the day immediately preceding the day on which a Government employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or a series of holidays, the Government employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holidays or series of holidays:

Provided that—

Date of beginning and end.

Combination of holidays with leave and joining time.

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a Government employee *to* perform his duties; and
- (c) the delay in his return does not involve a correspondingly delay in the transfer to another station of the Government employee who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it
- (2) In the case of leave on medical certificate—
- (a) when a Government employee is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s), if any, immediately following the days he is so certified (including that day) shall be treated as part of the leave; and
- (b) when a Government employee is certified medically fit for joining duty, holiday(s), if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.
- **156.** On condition that the departing Government employee remains responsible for the monies in his charge, a Head oft a Department may declare that proviso (a) to rule 155 is not applicable to any particular case.
- **157. Unless the Head of the Department in any case otherwise directs—
- (a) if holidays are prefixed to leave, the leave and any consequent at rearrangement of pay and allowances take effect from the first day after the holidays, and
- (b) if holidays are affixed to leave the leave is treated as having terminated on, and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been affixed.

Note.-.The term 'allowances' used in the rule includes compensatory allowances. The certificate of likelihood of return to the station from which an officer proceeds on leave need not be specifically asked for also during the period of holidays which have been allowed to be affixed or prefixed. Similarly, if a certificate is available to the effect that the Government employee or his family or both resided for the period of leave at the station from which he proceeded on leave, it should be sufficient for the purpose of

holidays also prefixed or affixed to leave. A specific certificate covering the period of holidays also need not be insisted upon²⁷.

**158. In case a Government employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Government employee shall foe entitled—

Recall from leave.

- (a) if the leave from which he is recalled is in India, to be treated as on duty from the date or. which he starts for the station to which he is ordered, and to draw— (i) traveling allowance under rules made in this behalf for the journey, and (ii) leave-salary, until he joins the post, at the same rate at which he would have drawn it but for recall to duty;
- (b) if the leave from which he is recalled is out of India, to *count* the time spent on the voyage to India as duty for the purposes of calculating leave and to receive—-
- (i) leave-salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post at the same rate at which he would have drawn it but for recall to duty,
- (ii) a free passage to India,
- (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three mouths, whichever is shorter,
- (iv) travelling allowance, under the rules for the time being in force, for travel from the place of Loading in India to place of duty,
- 159. No Government employee who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. Any Government employee, who has been granted leave or extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may, at the discretion of the authority under which the Government employee will be employed on return from leave, be required, to produce a similar certificate of fitness before being permitted to return to duty.
- **160.** (1) Unless he is permitted to do so by the authority which granted his leave, a Government employee oa leave may not return to duty before the expiry of the period of leave granted to him.
- Note 1. A Government employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course, the particular post which he vacated before his leave. He must report his return to duty and await orders.
- **(2) The provisions of rule 34 shall apply in case of absent* after expiry of leave.

Certificate of fitness to return to duty.

Return from leave before due date.

²⁷ F. D. Memo No. 2399-P., dated 2798-68.

Absence after expiry of leave.

Short extensions in oases of overstayal.

Employment during leave.

- **161.** The authority which granted the leave may sanction retrospectively an extent of leave up to a maximum period of 14 days to a Government employee who overstays his leave, provided that he is satisfied either—
- (a) that the overstay was due to circumstances beyond the Government employee's control, and in the case of leave outside India, that an application to the Head of the Indian Mission accredited to the country for an extension was impossible before ecabarkation; or
- (b) that the overstay was administratively convenient. He may also sanction retrospectively an extension up to a similar limit (inclusive of any extension which may Lave been granted by the Head of the Indian Mission), to a Government employee returning from leave on medical certificate, if in his opinion the circumstances seem to require it.

**162. No Government employee shall take up employment daring leave under any Government or under a body incorporate or not, wholly and substantially owned or controlled by Government or under a private employer.

Note 1.—The leave salary of a Government employee who is guided by the provisions of the West Bengal Government Employees' Conduct Rules, 1959 and is so permitted to take up during leave an employment under Government or under a body incorporate or not, wholly or substantially owned or .controlled by Government or under a private employer, shall be restricted to leave salary admissible in respect of leave on half pay. Dearness and any other compensatory allowance will neither be admissible on leave salary nor will the leave salary be taken into account in calculating the allowances admissible on employment during leave.

Note 2.—(1) The West Bengal Government Servants' Conduct Rules, 1959 are printed in Appendix 6, (2) The West Bengal Services (Duties, Rights and Obligations of Government employees) Rules, 1980 are printed in Appendix 6A.

Sections II—Leave Rules

Extent of application.

- **163.** Unless otherwise expressly provided in these rules, the leave rules contained in this section shall apply with effect from 1st August, 1960 to the following classes of persons subject to the rule-making control of Government:—
- (i) All persons who enter or have entered or are or have been re-employed in Government service, whether in a permanent or other capacity, on or after the 22nd July, 1931; and

(ii) Persons who were in Government service whether in a permanent or other capacity on the 21st July, 1931, if there is a break in their service after that date:

Provide that in the case of a Munsif who officiated on or before the 21st July, 1931 any break in service prior to permanent appointment as Munsif shall not constitute a break in his service for the purpose of these rules.

Note 1.—For the purpose of these rules the term 'Government service' shall be deemed to include prior service under the Government of India or any other State Government in India or under Local Funds administered by Government.

Note 2.—For the purpose of clause (ii) of this rule a person re-employed after resignation or after discharge on reduction of establishment or after retirement, will be regarded as having had a break in service.

- **164.** The leave rules shall not apply to person for whom special provisions regarding leave have been made.
- **165.** All other rules regulating leave and leave procedure contained elsewhere in these rules, shall, in so far as they are not inconsistent with, or repugnant in subject or context to, the rules in this section remain operative in the case of all persons to whom the leave rules apply.

**166. In this Chapter and elsewhere in these rules,—

- (i) "commuted "leave" means the leave taken under rule 173.
- (ii) "complete year's of service" or "one year's continuous service" means continuous service . of specified duration under the Government and includes the period spent¹, on duty as well as absence on leave including extraordinary leave,
- (iii) "date of retirement" or "date of his retirement" in relation to a Government employee means the afternoon of the last day of the month in which the Government employee attains the age prescribed for retirement under the terms and condition governing his service.
- (iv) "earned leave" means leave earned under rule 169, rule 170, rule 171 or rule 172.
- (v) "earned leave, due" means the amount of earned leave to the credit of a Government employee on the date immediately preceding the date of effect of this rule under the rules in force on that day plus the amount of earned leave calculated as prescribed in rule 169, rule 170, rule 171 or rule 172, as |he case may be, diminished by the amount of earned leave taken after the introduction of these rules,
- (vi) "Half-pay leave" means leave earned in respect of completed years of service under rule 173,

Leave andleave procedure.

Definitions.

(vii) "Half-pay leave due" means the amount of half-pay leave calculated under rule 173 for the entire continuous service diminished by the amount of leave on private affairs and] or leave on medical certificate taken before introduction of these rules.

Note.—If the calculation under this clause results in a minus balance on the date of introduction of these rules, it should be adjusted against half-pay leave with leave earned subsequently, such minus balance being treated as "leave not due" for the purpose of 180 day limit in rule 174.

- (viii) "leave" includes "earned leave", "half-pay leave", "commuted leave", "leave not due" and "extra-ordinary leave",
- (ix) "special kind of leave" includes "special disability-leave", "study leave", "quarantine leave", "maternity leave", "hospital leave", "special sick leave", "leave to survey parties", "special casual leave" to sportsman and to the delegates attending the conference annual meeting of the Employees Association and "casual leaved.
- **167.** Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation—(1) Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

- (2) Special casual leave—As a general rule it is open to the competent authority to grant casual leave in combination with special casual leave, but in cases where it is permissible to grant regular leave in combination with special casual leave, casual leave should not be granted in combination with both special casual leave and regular leave.
- (3) Combining half-a-day's casual leave—Regarding the question as to how half-a-day's casual leave availed of by an officer in the afternoon is to be treated if the officer has no casual leave in his credit but he is unable to resume his duty on the next working day due to sickness or other compelling grounds and has to avail of regular leave to cover his absence for that working day, such Government employee, as an exception to the general rule, be permitted to combine half-a-day's casual leave with regular leave. Those who have only half-a-day's casual leave at their credit and who will not attend office on the Next working day (having already applied for leave of the kind due and admissible to cover their absence on that working day or subsequent days, if any), shall not be allowed the last half-a-day's casual leave for the afternoon.

**168²⁸. (1) A Government employee may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due not exceeding 240 days together with half-pay leave due, subject to the condition that such leave extends upto and includes the date of retirement.

Cash equivalent of leave salary in case of drawn in service.

Note.—The leave granted as leave preparatory to' retirement shall not include extraordinary leave.

- (2) (a) Where a Government employee who is on foreign service in or under any local authority or in a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant such leave shall be taken by the foreign employer with the concurrence of the lending authority under the Government.
- (b) The Government employee on foreign service shall also be allowed to en-cash earned leave at his credit on *Up* date o4 retirement in the manner provided in sub-rule (2) of rule 168A.
- (3) Where a Government employee is on foreign service in or under a local body other than those mentioned in clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government employee continues in service under such foreign employer, he shall not be eligible for grant of cash payment in lieu of leave under rule 168A be so retires or is retired from service and the *date* on which be would have retired in the normal course after attaining the age of superannuation.

The cash equivalent shall be equal to the leave salary as admissible for earned leave and [or equal to the leave salary as admissible for half pay leave plus clearness and medical allowances as admissible on that leave salary for the first 240 days, at the rates in force on the. date the Government employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits and ad-hoc relief [graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which 'the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as one time settlement. No house rent allowance, hill allowance and other compensator} allowance shall be payable:

Provided that if leave salary for half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted:

²⁸ This rule is effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

Provided further (hat a Government employer who is retired by Government by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding 'hat period for which pay and allowances in lien of notice have been allowed.

- (5) (a) (i) Where the services of a Government employee are terminated by notice or otherwise in accordance with the terms and conditions of his appointment may be granted, *suo motu* by the authority competent' to grant leave, cash equivalent in respect of earned leave at his credit on the date on' which be ceases to be in service subject to a maximum of 240 days.
- (ii) If a Government employee resigns or quits service. he may be granted suo motu by the authority competent *to* grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 120 days.
- (iii) A Government employee who is re-employed after retirement may, on termination of his re-employment, be granted, suo motu, by the authority competent *to* grant leave, cash equivalent in respect of earned leave at his credit on *the* date of termination of re-employment subject to a maximum of 240 days including the period for which encashment was allowed at the time of retirement.
- (b) The cash equivalent under clause (a) shall be equal *to* leave salary admissible ^for earned leave calculated under rule 176 plus dearness and medical allowance admissible on that leave salary at the rates in force on the date the Government employee .ceases to be in service. The amount so calculated shall be paid in one lump sum as one time settlement. No house rent allowance or hill allowance or other compensatory allowances shall be payable.
- **168B. In case a Government employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for his death on the date immediately following the date and in any case not exceeding leave salary for 240 days, shall be paid to his family without any reduction on account of pension equivalent of death-cum-retirement gratuity.

In addition to the cash equivalent of leave salary admissible the family of the deceased Government employee shall also be entitled to payment of dearness allowance admissible on the basis of leave salary as also medical allowance.

Note 1.—(i) The term family in this rule shall mean and include the following :—

- (1) Wife in the case of a male officer;
- (2) husband in the case of a female officer;
- (3) minor sons including adopted sons;
- (4) unmarried minor daughters including adopted daughters;
- (5) dependent parents.
- (ii) Cash equivalent of leave salary shall not be payable to more than one member of the deceased Government employee's family dt the same time. It shall first be admissible to the widow(s) widower and then to the children in equal shares and thereafter to the mother and lastly to father. Where a Government employee survives by more than one widow such leave salary shall be paid to them in equal share.
- Note 2.—The provision of this rule is also applicable in the case of death of a reemployed pensioner.
- Note 3.—For method of calculation of cash equivalent to leave salary under this rule, procedure laid down in clause (b) of sub-rule (2) of rule 468A shall be followed.
- **168C²⁹. A Government employee who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, suo mottu, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age of superannuation. The cash equivalent thus payable shall be equal *to* the leave salary as calculated under sub-rule (4) of rule 168A. A Government employee not in permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half-pay *leave* standing at his credit on the date of his invalidation from service.
- **169³⁰. (1) (a) The leave account of every Government employee who is serving in a Department other than a vacation Department shall be credited with earned leave, in advance, in two installments of 15 days each on the first *day* of January and July of every calendar year.
- (b) The leave at the credit of a Government employee at the close if the previous halfyear shall be carried forward to the next half-year subject to the condition that the leave

Cash equivalent of leave salary in case of retirement on invalidation from service.

Earned leave for government employees earning in department other than a vacation department.

²⁹ These are effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

³⁰ This is effective from 1-7-86, vide F.D. Notification' No. 11260-F., dated 12-10-87.

so carried forward plus the credit for the half-year do not exceed the maximum limit of 240 days.

- (2) Subject to the provisions of rule 34 and rule 168, the maximum earned leave that can be granted at a time shall be 120 days.
- (3) Earned leave may be granted *to* a Government employee for a period exceeding 120 days, but *not* exceeding 240 days if the entire leave so granted or any portion thereof *is* spent outside India, Bangladesh, Bhutan, Burma, Ceylon, Nepal and Pakistan: Provided that where earned leave for a period exceeding 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limit.

Note.—For detailed procedures see notes below Schedule II of Appendix 7.

Calculation of earned leave.

- **170. (1) Earned leave shall be credited to the leave account of a Government employee at the rate of 21 days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.
- (2) (a) The credit for the half-year in with a Government employee is due to rehire or resign from the service shall be afforded only at the rate of 2 1/2 days per completed calendar month up to the *date* of retirement or resignation.
- (b) Whew a Government employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 1/2 days per completed calendar month up to the end of calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.
- (3) If a Government employee has availed himself of extraordinary leave and I or some period of his absence has .been treated as "dies non" in a half-year the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/ or "dies non" subject "to a maximum of 15 days.
- (4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.
- **171. Subject to the provisions in rule 172—
- (1) earned leave is not admissible to an employee serving in the vacation Department in respect of duty performed in any year in which lie avails himself of (he full vacation;
- (2) earned leave admissible to such Government employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days as the number of days of vacation not taken bears to foe full vacation;

Provided that if in any year he is prevented from availing himself of any part of the vacation, earned leave shall be admissible to him in respect of that year in accordance with the provision laid down in rule 169 or rule 170, as the case may be.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under the rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is Oaken in combination with or in continuation of other kinds of leave, excepting commuted leave, or not, shall not exceed 120 days at a time:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 180 days.

- (4) As regards accumulation of earned leave at the credit of the employees serving in the vacation Department the limit of 240 days as prescribed in sub-rule (I)(b) of rule 169 shall apply.
- **172. Notwithstanding anything contemned in sub-roles (1) and (2) of rule 171—
- (a) earned leave-admissible to any of the following classes of Government employees, viz.,-
- (i) Judges and Registrars of Small Cassese Court Calcutta, (ii) Members of the West Bengal Civil Service (Judicial).
- (iii) Other employees of the Small Causes Court, Calcutta or the Civil Courts or Criminal Courts of Judicial Magistrates and Metropolitan Magistrates, shall, in respect of duty performed in any year in which such a Government employee avails himself of the full vacation, be 1/22nd of the period spent on duty;
- (b) the earned leave admissible to such a Government employee in respect of any year in which be is prevented from availing himself of the full vacation shall be such proportion of 15 days earned leave as the number of days of vacation not taken bears to the full vacation.
- (c) Government employees belonging to a vacation Department posted, on deputation to Departments or organizations not falling in the category of vacation Departments shall be entitled to earned leave in respect of the period of deputation in accordance with the provisions laid down in rules 169 and 170.
- * 173.(1)(a) A Government employee shall be entitled to half-pay leave for 20 days in respect of each completed year of service.
- (b) The leave under clause (a) may be granted on medical certificate or on private affairs;

Provided that in the case of a Government employee not in permanent employ no halfpay leave may be granted unless the authority competent to grant leave has reason to believe that the Government employee will return to duty on its expiry except in the case of a Government employee who has been declared completely and permanently incapacitated for further service by a competent medical authority, j

- (2) If a Government employee is on leave on the day on which he completes 2 year of service, he shall be entitled to half-pay leave without having to return to duty.
- (3) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate to a Government employee subject to the conditions that—
- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government employee returning to duty on its expiry;
- (b) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;
- (c) the authority competent to grant leave obtains an undertaking from the Government employee that in the event of his resignation or retiring voluntarily from service be shall refund the difference between the leave-salary drawn during commuted leave and the leave-salary admissible during half-pay leave;
- (d) half-pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified *to* be in public interest by the leave sanctioning authority.
- **Notes.—A bond as in case of study leave under Appendix 5 is to be executed by the temporary/ permanent Government employee as the case may be.
- (4) Where a Government employee who having availed himself of leave not due returns to duty' but resigns or retires from 'service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under sub-rule (3) or this sub-rule ii the retirement is by reasons of ill health incapacitating the Government employee for further service or in the event of his death.

Provided that no leave salary shall be recovered under sub-rule (3) or this sub-rule if the Government employee is compulsorily retired prematurely under the West Bengal

Services (Death cum-Retirement Benefit) Rules, 1971 and clause (aa) or clause (aaa) of rule 75 of these rules.

Note 1.—Leave not due is intended to be regarded as an advance of leave and its grant should therefore be -limited to the amount that both can be and will be earned by subsequent duty; further, it is meant to be granted only in exceptional cases of illness and finally when the exceptional step of granting such leave is taken, it shall be irrevocable, except at the request of the officer, who should not be penalized if reasonable anticipations fail to materialize.

Leave not due should in no case be granted unless the sanctioning authority is satisfied that so far as can be reasonably foreseen, the officer shall return to duty and earn it; but the leave when granted should in all cases, subject to the officer's wishes and to subrules (3) and (4) be allowed to stand including cases in which the officer fails to earn it by subsequent duty.

- **175. (1) Extraordinary leave may be granted to a Government employee in special circumstances:—
- (a) when no other leave is admissible,
- (b) when other leave is admissible, but the Government employee applies in writing for the grant of extraordinary leave.
- (2) (a) Except in case of Government employee in permanent employ, no Government employee shall be granted extraordinary leave on any occasion in excess of three months.
- (b) The Governor in view of the exceptional circ instances in *the* following cases may grant extraordinary leave in excess of the limit prescribed in clause (a):—
- (i) six months, where the Government employee has completed one year's continuous service on (he date of expiry of the leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a Medical certificate as required under these rules;
- (ii) eighteen months, where the Government employee who has completed one year's continuous service is undergoing treatment for—
- (a) pulmonary tuberculosis or pleurisy of tubercular origin in a recognized sanatorium,
- (b) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Medical Officer of Health.

- (c) leprosy in a recognized leprosy institution by a Medical Officer of Health or a specialist in leprosy recognised as such by State Administrative Medical Officer concerned.
- (d) cancer or for mental disease in an institution recognised for the treatment of such diseases or by a Medical Officer of Health or, a. specialist in such diseases recognised as such by the State Administrative Medical Officer concerned,
- (iii) twenty-four months, where leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government employee concerned has completed three year's continuous service on the date of expiry of leave of the kind due and admissible under these rules including three months' extraordinary¹ leave under clause (a) of sub-rule (2).
- (3) (a) Where a Government employee is granted extraordinary leave in terms of the provisions contained in sub-clause (iii) of clause (b) of sub-rule (2), he shall be required to execute a bond as in case of study leave under Appendix 5 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.
- (b) The bond shall be supported by sureties from two permanent Government employees having" a status comparable to or higher than that of the Government employee.
- (4) Two spells of extraordinary leave, if intervened by any other kind of leave including maternity leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).
- (5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.
- Note 1.—The concession of extraordinary leave upto 18 months under sub-rule (2) (b) (ii) would be admissible also to a Government employee suffering from pulmonary tuberculosis, who receives treatment at his residence under a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

Note 2.—The expression "Medical Officer of Health" used in this rule shall include besides the Chief Medical Officer of Health, District Medical Officers of Health and the Presidency Surgeons.

Note 3.—The 3 months' limit laid down in sub-rule (3) does not apply to cases where extraordinary leave is granted, to regularize the period of suspension under rule 72.

Note 4.—The power of commuting retrospectively the period, of absence without, leave into extraordinary leave under his rule is absolute and not subject to any condition. In other words such commutation is permissible even when other leave was admissible to the Government employee concerned, at the time of his absence without leave commenced.

**176. (1) Government employees of all categories during earned leave shall be entitled to leave salary at the following rates:—

Pay (substantive or officiating) which would have been admissible had he not proceeded on leave and such leave salary shall include increment of pay which falls due during such leave, and dearness and other allowances sanctioned from time to time during the period of leave.

(2) A Government employee on half-pay leave or leave not due is entitled to leave salary at the following rates:—

Half the pay admissible under sub-rule (1) and dearness and other allowances admissible as per orders issued by Government from time to time,. Dearness Pay, if any, will be calculated on the basis of leave salary actually drawn.

- (3) A Government employee on commuted leave *is* entitled to leave-salary equal to twice the amount admissible under sub-rule (2).
- (4) A Government employee on extraordinary leave is not entitled to any leave-salary.
- (5) Omitted.
- (6) In the case of a Government employee who is granted leave earned by him during the period of re-employment, or is granted cash-equivalent under clause (b) of sub-rule (5) of rule 168A the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.
- (7) (a) If, in the case of a Government employee who retires or resigns from the service, the leave already availed of is more than the credit so due to him necessary adjustment shall *be* made in respect of leave salary, if any, overdrawn.
- (b) Where the quantum of earned leave already availed of by a Government employee who. is dismissed or removed from service or who dies in service is in excess of the

leave due to him under rule 170, the over payment of leave salary shall be recovered in such cases.

Note 1.—For the purpose of this rule "substantive pay" means the substantive pay of the permanent post which a Government employee holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended and "officiating pay" means the pay of a post in which Government employee is allowed to officiate, within the meaning of rule 5(26).

Note 2.—Omitted.

Note 3.—The term "pay" in ibis rule shall mean pay m defined in sub-clauses (i) to (iii) of rule 5(28)..

Note 4.—In the case of a Government employee who has been allowed for the period passed under suspension, a proportion of pay and allowances under rule 72 and who proceeds on leave shortly after or immediately on re-instatement the average pay shall be calculated on the basis of pay actually drawn by or allowed to the Government employee concerned during the 12 complete months preceding the month in which the leave is taken.

Section III—Ordinary Leave Rules

**Rules 177 to 194. Omitted.

Section IV—Special kinds of Leave

- **195. (1) Subject to the conditions hereinafter specified special disability leave may be granted to a Government employee whether permanent or temporary, who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.
- (2) Such leave shall not he granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it *to* notice, provided that if Government are satisfied as to the cause of the disability, such leave may be granted in cases where the disability manifested itself more thaw three months after the occurrence of its cause.
- (3) The period of leave grafted shall be .such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.
- (4) Such leave may be combined with leave of any other

- (5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.
- (6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in rule (2) hi Appendix 7 of these rules, be debited against the leave account.
- (7) Leave salary during such leave shall be equal to—
- (a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave, and,
- (b) for the remaining period of any such leave, be equal to leave salary during half-pay leave:

Provided that a Government employee may at his option be allowed leave salary as in clause (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half-pay leave account.

- (8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section 4 of that Act.
- (9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; but any period of leave granted to such a person under military rules in respect of his disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.
- **196.** The application of the provisions of rule 195 may be extended to a Government employee who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds, The grant of this concession is subject to the further conditions—
- (i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and
- (ii) that, if the Government employee has contacted such disability dining service otherwise than with a military force, it must be in the opinion of Government, so

exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and

- (iii) that the period of absence recommended by the medical board may be covered in part by leave under this rule and in part by other leave, and that the amount of special disability leave granted may be less than four months.
- 197. Leave may be granted to Government employees on such terms as Government may by general order prescribe to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave unless otherwise decided by Government, is not debited against the leave account.

Note.—The general orders of Government under this rule are contained in Appendix No. 5.

- **198. (1) Where, in consequence of the presence of an infectious disease, referred to in sub-rule (2), in the family or household of a Government employee at his place of duty, residence or sojourns, his attendance at his office is considered as hazardous to the health of other Government employees, such Government employee may be granted quarantine leave.
- (2)(a) For the purpose of sub-rule (1), small-pox may be considered as infectious disease, chicken-pox shall not, however, be considered as infectious disease unless the Medical Officer or Public Health Officer considers that because of doubt as to the true nature of the disease, e.g., small-pox, there is reason for the grant of such leave.
- (b) The following diseases shall also be treated as infectious for the purpose of grant of Quarantine leave:—
- (I) (i) Scarlet Fever,
- (ii) Plague (Bueekmonic or bubonic),
- (iii) Typhus,
- (iv) Cerebro-spinal meningitis;
- (II) for persons employed in the preparation and distribution of food, trie following additional diseases shall also be treated as infectious:—
- (i) Dysentery,
- (ii)) Enteric fever (Typhoid fever),
- (iii) Malta fever,
- (iv) Paratyphoid fever.

- (3)(a) Quarantine leave may be granted by the head of office on the certificate of a Medical Officer or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days.
- (b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Government employee.
- (4) Quarantine leave, subject to the maximum laid down in sub-rule (3), may also be granted, when necessary, in continuation of other leave.
- (5) A Government employee on Quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

Note.—The term "Medical Offider, or Public HeHh Officer" occurring in this rule includes Medical Officer in charge of- any Government (Civil or Military) or Municipal Hospital or dispensary. In case of a Government employee at whose place of duty, there is no Government or Municipal Hospital or Dispensary, it includes the Medical Officer in charge of a Government or Municipal Hospital or Dispensary situated nearest to his; place of duty.

- **199.(1) A female Government employee may be granted maternity leave by an, authority competent to grant leave -for a period of 90 days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn while on earned leave.
- (2) Maternity leave may also be granted in case, of miscarriage including abortion subject to the conditions that
- (a) the if leave dots not exceed six weeks; and
- (b) the application of leave is supported by a certificate in the case of a Group 'A' Government employee from the authorized Medical attendant, and in the case of other Government employees from a 'registered medical practitioner.
- (3)(a) Maternity leave may be combined with leave of any other kind,
- (b) Notwithstanding the provisions contained in rule 173, any leave including commuted leave, for a period not exceeding sixty days applied for in continuation' of maternity leave may be granted without production of medical certificate.
- (4) Leave in further continuation of leave granted under clause (b) of sub-rule (3) may be granted on production of a medical certificate for the illness of the female Government employee. Such leave may also be granted in case of illness of a newly born baby subject to the production of a medical certificate to the effect that the condition

- of the baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.
- (5) The maternity leave shall not be debited against the leave account.
- Note.—The provisions of this rule shall also be applicable in the case of abortion induced under the Medical Termination of Pregnancy Act, 1971 and shall be guided by sub-rub (2) of this rule treating it as a case of abortion.
- **200.** Hospital leave means leave on account of ill-health granted to specified members of subordinate (services whose duties expose them to special risk of accident of illness.
- **201.** The authority competent to appoint them substantively may grant hospital leave to, Government employees of the following classes while under medical treatment-for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:
- (a) Forest Subordinates, other than clerks, in receipt of pay not exceeding Rs. 415.
- (b) Government employees employed in Government Presses whether on fixed pay or on piece rates.
- (c) Subordinates employed in Government Laboratories.
- (d) Subordinates employed in the working of Government machinery.
- (e) Peons and guards in permanent employ.
- (f) Subordinates of the Excise Department on pay not exceeding Rs. 415.
- (g) Head Warders or warders, male or female, of lunatic asylums.
- (h) Syces of Government stallions.
- (i) Subordinate Operational staff, other than clerks of the State-owned electric system drawing pay not exceeding Rs. 685 per mensem if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installations for charging plant or to lines at power crossings.
- (j) Leaders, Firemen and Drivers of the West Bengal Fire Service.
- **202.** (1) The head of the office or the appointing authority may grant hispital leave to police officers of rank not higher than that of Assistant Sub-Inspectors or head constable, to men of the military police or to members of crews of police launches (including serangs and drivers) and to chief head warders or warders, male or female, of jails, to matrons of the Jail Department or to the Chief Officer, Assistant Chief Officer, Gate-Keeper and Petty Officers of the Borstal School, for a period during which they are under treatment as indoor or outdoor patients of a Police or Jail Hospital, as the case

may be, provided that the said authority certifies that the illness or injury for which treatment is given is not directly due to intemperate or irregular habits.

(2) Such leave may also be granted on similar conditions and by the same authorities to men who have been treated in hospitals other than Police or Jail Hospitals provided that the authority sanctioning the leave is satisfied in each *case* that treatment in such a hospital was in the circumstances desirable

and that the patient had taken proper steps to secure the permission of his superiors before obtaining treatment in or admission to such a hospital, provided that such leave cannot be granted to men who receive treatment in a hospital in their native district or elsewhere while they are on leave.

203.Notwithstanding anything contained in rules 200, 201 and 202, the Head of th* office or the appointing authority may grant hospital leave to Government employees of the classes mentioned in rules 201 and 202 for a period during which they are under treatment for venereal diseases in a hospital in the district in which they are employed or in such other hospital as may be approved by the authority sanctioning the leave.

Note.—The object of this rule is to encourage Government employees suffering from venereal diseases to come forward voluntarily for medical examination and treatment. Hospital leave under this rule will not therefore be admissible to a Government employee who conceals or attempts to conceal the disease until concealment is no longer possible.

- **204.** (1) Hospital leave is not debited against the leave account and may be combined with any Other leave which may be admissible: provided that the total period of leave, after such combination, shall not exceed twenty-eight months;
- (2) The amount of hospital leave which may be granted to a Government employee is limited to three months on full pay in any period of three years. Hospital leave on half pay counts, for the purpose of this limit, as half the amount of leave on full pay.
- (3) Hospital leave may be granted on leave salary equal to either full or half pay, as the authority granting it may consider necessary:

Provided that the leave salary shall be reduced by the amount of any benefits under (d) of sub-section (1) of section 4 of the Workmen's Compensation Act, 1923, to which the Government employee may be entitled.

Note 1.—Omitted.

205. (1) A Government employee serving as an officer warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury

either on his vessel or in hospital, be granted by the Commander of the vessel special sick leave on leave salary equal to full pay for a period not exceeding six weeks: Provided that such leave shall not be granted if a responsible medical officer certifies that the Government employee is malingering" or that his ill health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

- (2) A seaman, disabled in the exercise of his duty may be allowed special sick leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled:
- (i) A Government medical officer must certify the disability.
- (ii) The disability must not be due to the Seaman's own carelessness or inexperience.
- (iii) The vacancy caused by his absence must not be filled.
- (3) The grant of special sick leave under this rule is subject to the condition that the leave salary is not in addition *to* the benefits that the employee may be entitled to under clause (*d*) of sub-section (1) of section 4 of the Workmen's Compensation Act, 1923, but is inclusive of them.
- (4) Leave granted under this rule is not debited against the leave account.
- (5) The expression "full pay" in this rule means the pay which will be admissible under rule 176.
- **206.** The grant of leave to subordinates in Group B. Group C or Group D service attached to parties in the Survey Department of West Bengal; nor being member of the office establishment located with the headquarters offices in Calcutta *is* regulated as follows:
- (i) In addition to leave to which they may be otherwise eligible under, this Chapter, departmental leave may be granted to such Government employee in the circumstances and on the conditions prescribed in this rule.
- (ii) (a) Departmental leave may *not* be granted except to a Government employee whose- services are temporarily not required.
- (b) It may be granted during the recess by the head of the party provided in the case, of a subordinate in Group D service that the officer granting the leave considers it desirable to re-employ him in the ensuing season.
- (c) It may be granted at times other than the recess for not more than six months at a time by the Director of Land Records and Surveys, West Bengal: Provided that the leave is granted in the interest of Government and not at the Government employee's own

request, and leave so granted may, in special cases, be extended up to a maximum of one year in all Leave on medical certificate should never be regarded as granted in the interests of Government.

- (iii). Departmental leave may be granted on such leave salary, not exceeding half the pay drawn at the time of taking leave, as the authority granting the leave may think fit. The leave salary is payable on return to duty after the expiration of leave and is not payable unless the Government employee returns to duty when required by his superior officer to do so. If, however, a Government employee dies while on departmental leave, his leave salary up to the date of his death will be paid *to* his heirs.
- (iv) Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half average pay.
- (v) Departmental leave may be granted when no leave is due, and it shall not be taken into account when calculating the maximum amount of leave admissible.
- (vi) Departmental leave may be combined with any other kind of leave which may be due;
- (vii) When a Government employee subject to these rules holds a post in which the Director of Land Records and Surveys, West Bengal, considers that he is unlikely to be eligible for departmental leave in future, the Director of Land Records and Surveys, West Bengal, may by special order in writing declare that with effect from such date not being earlier than the Government employees last return from departmental leave as the Director of Land Records and Surveys, West Bengal, may fix, any balance of leave *at* debit in the Government employees leave account shall be cancelled, to such extent as may be due to the departmental leave. All leave earned after such date will be credited as due in the Government employees leave account; and all leave taken after such date, including depart' mental leave, if any, will be debited in it.
- **207.** A Government employee on casual leave is not treated as absent from duty and his pay during such leave is not interrupted. Casual leave shall not, however, be given *so* as to cause an evasion of the rules regarding—
- (i) date of reckoning allowance—Rule 26;
- (ii) charge of office—Rule 28;
- (iii) Commencement and end of leave—Rules 154, 158,
- 159 and 160; (iv) return to duty—Ditto; or so as to extend the term of any leave beyond the time admissible by rule.

Note 1.—The general instructions of Government regarding grant of- casual leave are contained in Appendix No. 10.

Section V—Special Provisions

- **208.** The Administrator-General and Official Trustee, West Bengal is entitled to leave on the terms applicable to Judges of a High Court, subject to the following modifications, namely:
- (a) their leave salary shall not exceed, while on leave on half allowances, half average pay, and while on leave on full allowance, average pay; and
- (b) in lieu of the leave credited to the leave account of a High Court Judge because of his having been detained on duty as a Vacation Judge, to a credit in the leave account of a period equal *to* two-elevenths of the period of actual service performed.
- **209.** The grant of leave to military officers in civil employ is regulated by the Fundamental Rules of the Government of India.
- **210.** Unless Government in any case otherwise directs, the following provisions apply to Government employees placed on deputation out of India, if the period of the deputation exceeds one year—
- (a) the period of deputation shall not count as duty for the purpose of this chapter;
- (b) the amount of leave which can be earned by the deputation shall be determined by Government Such leave can only be taken during the period of deputation and will not be credited or debited in Government employee's leave accounts;
- (c) leave salary during such leave shall be equal to the rate of deputation pay:

 Provided that where a deputation originally sanctioned for one year or less is
 subsequently extended so that the total period exceeds one year, these provisions shall apply only in respect of the period in excess of one year.
- **211.** A Government employee on an establishment whose duties are not continuous* but are limited to certain periods in each year, may be granted *the* following leave during a period:
- (a) Leave on medical certificate on half-pay not exceeding one month, provided that if he remains absent on the date of re-employment of the establishment owing to illness, such leave may be extended by the authority appointing him to two months in all.
- (b) Extraordinary leave not exceeding one month.
- **212.** Leave to Press employees, paid under the piece-work system is regulated as follows:
- (1) (a) Leave on full grade pay will be granted according to their service as shown below:

Length Leave admissible

Less than 10 years 16 days in each calendar year 10 years but less than 15 years ... 23 days in each calendar yew 15 years above ... 31 days in each calendar year

Note.—In calculating the length of service for the purpose of this rule, the period of continuous service on the fluctuating piece establishment, extra-piece establishment as well as on the permanent piece establishment shall be taken into account.

- (b) This leave will be non-cumulative, i.e., any leave not taken during the year will lapse without any monetary compensation.
- (c) Gazetted holidays and Sundays falling within a period of leave will count as leave. Other gazetted holidays actually enjoyed may at the option of the pieceworker, be counted against any leave admissible to him under clause (a) and, if so counted, will be paid for but Sundays intervening between such gazetted holidays as are counted against leave need not be treated as leave and paid for.
- (d) Applications to count gazetted holidays or absences as Leave. On full-grade pay must be made before the close of the piece month in which the holidays or absence occur.
- (e) The grant of leave under these rules is subject to the provision of rule 153. It may also be withheld from piece-workers who have been irregular in attendance.
- (f) Full grade pay shall not be allowed for gazetted holidays unless they are covered by the leave admissible under clause (a) and an application has been made that they should be counted as leave on full-grade pay. If no leave on full-grade pay is admissible the application, if supported by a medical certificate, should be dealt with under clause (a) of sub-rule (2).
- (2) (a) Leave on medical certificate on half-grade pay will be earned at the rate of one month's leave far every complete period of eleven months' duty and as regards incomplete periods one day's leave for every 11 day's duty. It will be cumulative and will be granted only when no leave on full-grade pay is admissible. Any such leave in excess of three months at a time or any extension beyond three months should, however, be granted only on the production of a medical certificate from the Officer-in-Chief Medical charge of the district in which the piece-worker is residing.

Note.—In calculating leave on medical certificate under clause (a) of this sub-rule the actual number of days of duty performed should first be counted and then multiplied by 1/11th and the product expressed in days (and fraction of a day).

- (b) Leave on medical 'certificate on half-grade pay shall be calculated from the date of appointment of the piece-worker, subject to the condition that no medical leave without allowances, granted prior to the 1st April, 1931 can be commuted to leave on medical Certificate on half-grade pay.
- (c) Leave without pay may be granted when no other leave is admissible.
- (e) Injury leave *it* half-grade pay may be granted from the commencement of disablement to all piece-workers who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act, 1923. This leave shall be granted so long as is necessary, subject *to* a limit of two years for any one's disability and five years during a piece-worker's total service. It shall not be taken into account in calculating the limits laid down in clauses (a) and (b) of this sub-rule. Leave salary payable under this rule will, in the case of a workman, to whom the Workmen's Compensation Act, 1923, applies, be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of that Act.
- (f) The special disability leave under rule 195 and the hospital leave admissible under rule 201 will not be admissible to workmen to whom the Workmen's Compensation Act, 1923, applies.
- (3) (a) Piece-workers in whose houses there are cases of infectious diseases such as small-pox, etc., should submit a medical certificate to this effect and obtain leave of absence from the office until another medical certificate can be produced showing that all danger of infection has ceased. Men in whose houses infectious diseases have occurred will, if they attend office, be liable to be suspended from work.
- (b) Employees compelled under the above order to absent themselves from office not on account of their own sickness but on account of the occurrence of infectious diseases in their houses, may be allowed casual leave for the period, not exceeding 30 days during which they are prevented from attending. Casual leave up to 30 days will also be admissible to Press employees returning from leave, who are detained in plague camps on their way to rejoin.
- (c) During casual leave piece-workers will be remunerated at full-grade pay.
- (d) If the period of absence exceeds 30 days, employees may be allowed leave with leave salary of any kind which may be due to them and thereafter leave without leave-salary.

Note 1.—Grade pay for the purpose of these rules is the

- (4) Leave to piece-workers transferred to the salaried establishment shall be regulated as follows:—
- (a) When appointed to the post on the salaried establishment is substantive, the piece-workers shall earn leave under the rules applicable to such establishment and may carry forward the balance of unspent leave earned under clause (a) of sub-rule (2),' half the period of such leave being credited to his leave account for leave on medical certificate.
- (b) In all other cases of appointment, temporary or officiating, to the salaried establishment the pieceworker shall be governed by the provisions of sub-rules (1), (2) and (3) with the exception that clauses (c), (d) and (f) of sub-rule (1) shall not have any operation.
- **213.** Leave to Government employees engaged on contract shall be governed mutatis mutandis by the Leave Rules in Section II of this Chapter, subject to the following provisions:
- (1) Where the contract is for a period not exceeding five years, the said rules shall apply to the officer as to an officer not in permanent employ:

Provided that no half-pay leave shall be admissible to such an officer otherwise than on medical certificate:

Provided further that; no extraordinary leave shall be admissible to such an officer if the contract is for one year or less, and if the contract is for more than one year but riot more than five years, the total amount of extraordinary leave admissible during the entire period of the contract shall be limited to three months.

(2) Where the contract is for a longer term than five years and where an original contract for five years or less is extended so as to make the total period of contract longer than five years, the said Rules shall apply to the officer as to an officer in permanent employ: Provided that no half-pay leave shall be admissible to such an officer otherwise than on medical certificate:

Provided further that in the matter of extraordinary leave the said Rules shall apply to such an officer as to an officer not in permanent employ.

Note.—In the case of extension of a contract for a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been initially one or more than five years diminished by any earned leave already taken.

- (3) Where the contract is for an indefinite period or an original contract for a definite period is extended for an indefinite period, the said Rules shall apply to the officer as to an officer in permanent employ.
- Note.—In the case of extension of a contract for an indefinite period the officer will be credited with earned leave that would have been admissible had the contract been initially one for an indefinite period diminished by any earned leave already taken.
- (4) In the case of a Government employee whose contract is for a year or less, no leave shall be granted beyond the date of expiry of the contract even if the officer has been denied in whole or in part on account of the exigencies of the public service, leave which was due to him during the period of contract. In all other cases, earned leave may be granted after the expiry of the contract only when it has been applied for during the period of the contract and refused owing to the exigencies of the public service.
- (5) The leave salary during leave taken under the above clauses shall be regulated by rule 176 of these rules.
- (6) These rules take effect from the date of issue of these rules; but a contract officer in service on-the aforesaid date will have the option of retaining his existing leave terms in respect of subsisting contract. An officer who decides to retain his existing leave terms in respect of his subsisting contract shall communicate his decision in writing to his Accounts Officer or the head of his office, as the case may be, within 3 months from the date of issue of these rules or before he applies for leave for the first time after the issue of these rules, whichever is earlier. The option once exercised will be final and cannot be modified at any subsequent date.
- 214. Subject to rule 215, a Law Officer holding one of the posts mentioned below, viz.—
- (a) An Advocate-General;
- (b) A standing Counsel;
- (c) A Government Advocate or Assistant Government Advocate;
- (d) A Government Solicitor;
- and whose pay is fixed at a definite rate, but his whole-time is not retained for the service of Government, may be granted leave as follows, it being permissible to combine leave under one clause with leave under any other clause:
- (a) Leave on full pay during the vacation of the High Court; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.
- (b) Leave on half-pay for not more than six months once only in his service after six years of duty; provided that no extra expense is thereby caused to Government

- (c) On medical certificate, leave on ha If-pay up lo a maximum of .20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate; provided that no extra expense is thereby caused to Government.
- (d) On the conditions prescribed in clause (1) of rule 175, extraordinary leave up to maximum of 3 months on any one occasion.
- 215. Law Officer to whom, if they were whole-time Government employees, the rules in Section II of this Chapter would apply will be governed in respect of leave by rule 214, save that the grant to them of leave on medical certificate will be regulated as follows:— Leave on medical certificate may be allowed subject to maximum of 12 months during the whole service; when the maximum period of 12 months is exhausted, further leave on medical certificate not exceeding 6 months in all may be granted in exceptional cases on the recommendation of a medical board. Leave on medical certificate may be granted without the restriction prescribed in clause (C) of rule 214 but is subject to the proviso that no extra expense is thereby caused to Government.
- **216.** A Government Pleader or a Government Prosecutor is entitled to such leave of absence and to such leave-salary when on leave, as the authority who appoints him may think fit to grant, provided that no extra expense be caused to Government.
- **217.** Any other part-time Government employee, whether permanent or temporary, may be granted leave under the same terms and conditions as temporary and officiating whole-time Government employees under the rules in Section II of this Chapter.
- **218.** A Government employee remunerated by fees may be *granted* leave on the terms laid down in rule 215, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that during leave of the kind contemplated by clause (b) of rule 214, the whole of the fees are paid to the person who officiates in his post.
- **219.** During their period of probation or apprenticeship, or probationers and apprentices are entitled to leave as follows:
- (i) Probationers, to the leave admissible under the leave rules which would be applicable to them if they held the posts substantively otherwise than on probation; and
- (ii) Apprentices—to leave on medical certificate on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship, and to extraordinary leave.
- **220** Leave as admissible to temporary Government employees may be allowed to the following classes of Government employees paid from contingencies:

- (i) Whole time and employed throughout the year.
- (ii) Whole time but not employed throughout the year.

Section VI—Leave procedure

221. Rules made by Government regulating leave procedure, including the maintenance of records of service, are contained in Appendix No. 7.

CHAPTER XVI—OCCUPATION OF GOVERNMENT RESIDENCES

N.B.—To be printed later on after amendments of the rules in this chapter are made in consultation with Housing Deptt. and Public Works Deptt.

APPENDIX No. 1

Heads of Department [Rule 5(16)]

The following have been declared to be Heads of Departments for the purpose of those rules and of the West Bengal Service Rules, Part II:—

- (1) Director of Agriculture and Food Production.
- (2) Milk Commissioner.
- (2A) Director of Animal Husbandry.
- (3) Director Veterinary Services.
- (4) Director of Industries.
- (5) Director of Cinchona.
- (6) Director of Medicinal Plants.
- (7) Mining Adviser and Ex-officio Director of Mines.
- (8) Chief Electric Inspector.
- (9) Controller of Weights and Measures.
- (10) Registrar of Co-operative Societies.
- (11) Development Commissioner.
- (12) Chief and Superintending Engineers in the Construction Boards Branch of the Department of Public Works.
- (13) Chief and Superintending Engineers in the Roads Branch of the Department of Public Works.
- (13A) Director, Roads and Building Research Institute.
- (14) Chief Electrical Engineer and Electrical Adviser to the Government of West Bengal in the Electrical Development Branch of the Development Department.
- (15) Director of Public Instruction.
- (16) Commissioner of Excise.

- (17) Director, Bureau of Applied Economics and Statistics.
- (18) Commissioner, Commercial Taxes.
- (19) Commissioner, Agricultural Income Taxes.
- (20) Director of Fisheries.
- (21) Director of Rationing in the Department of Food and Supplies.
- (21 A) Director of District Distribution, Procurement and Supply in the Department of Food and Supplies.
- (22) Director of Consumer's Goods in the Department of Food and Supplies.
- (23) Director of Textiles in the Department of Food and Supplies.
- (24) Director of Storage in the Department of Food and Supplies.
- (25) Director of Transportation in the Department of Food and Supplies.
- (26) Director of Statistics in the Department of Food and Supplies.
- (27) Controller of Finance in the Department of Food and Supplies.
- (28) Director of Relief in the Department of Food and Supplies.
- (29) Chief Conservator of Forests. (29A) Conservators of Forests. .
- (30) Omitted.
- (31) Director of Health Services.
- (32) Chief Engineer, Public Health Engineering.
- (33) Director, Social Welfare.
- (34) Principal Officer, Mercantile Marine Department, Calcutta District, Calcutta.
- (35) Director, Public Vehicles Department.
- (36) Director of Tourism.
- (37) Inspector-General of Police.
- (38) Commissioner of Police, Calcutta.
- (39) Inspector-General of Prisons.
- (40) Director of Information and Public Relations.
- (41) Chief and Superintending Engineers in the Department of Housing.
- (42) Chief and Superintending Engineers in the Department of Irrigation and Waterways.
- (43) Chief and Superintending Engineers in the Department of Public Works.
- (44) Director, River Research Institute.
- (45) Commissioner of Labour.
- (46) Commissioner of Workmen's Compensation.
- (47) Chief Inspector of Boilers.

- (48) Chief Inspector of Factories.
- (49) Director, National Employment Service.
- (49A) Chief Inspector of Shops and Establishment.
- (50) Board of Revenue.
- (51) Commissioners of Divisions.
- (52) Director of Land Records and Surveys.
- (53) Superintendent and Remembrancer of Legal Affairs.
- (54) Chief Judge, City Civil and Sessions Court.
- (55) Chief Presidency Magistrate, Calcutta.
- (56) Chief Judge, Small Causes Court.
- (57) Administrator-General and Official Trustee.
- (58) Official Receiver, Calcutta.
- (59) Official Assignee.
- (60) District and Sessions Judges.
- (61) Inspector-General of Registration.
- (62) Director of Panchayats.
- (63) Director of Fire Service.
- (64) Omitted.
- (65) Director of Scheduled Castes and Tribal Welfare.
- (66) Director, Cultural Research Institute under the Department of Scheduled Castes and Tribal Welfare.
- (67) Advocate-General.
- (68) Sheriff, Calcutta.
- (69) Chairman, Public Service Commission.
- (70) Secretaries to Government (or where there is no Secretary, Joint Secretarics-incharge of the Department in respect of officers who are not subordinate to any of the other Heads of Departments mentioned in the list).
- (71) Director, State Lotteries, West Bengal.
- (72) Secretary to the Governor of West Bengal.
- *(73) Secretary, State Soldiers' Sailors' and Airmen's Board, West Bengal. *(74) Vigilance Commissioner, West Bengal.
- *(75) Registrar-General of Births, Deaths and Marriages, West Bengal.
- *(76) Director, State Drugs Control and Research Laboratory.

*(77) Director of Treasuries and Accounts, West Bengal. *(78) Commissioner of Urban Land Ceiling. *(79) Director of Pension, Provident Fund & Group Insurance.

APPENDIX NO. 2

*(80) Director, Administrative Training Institute Govt, of West Bengal at Bidhannagar, (Salt Lake City.)

Members of Clerical Staff

[Vide Note 1 below rule 5(8)]

- 1. Office Superintendent (Non-gazetted).
- 2. Head Assistant, Assistant-in-charge, Section-in-charge.
- 3. Posts of Clerks of any designation such as Chief Clerk, Head Clerk, Principal Clerk, Upper Division Clerk. Lower Division Clerk, Senior Clerk, 2nd Grade Clerks, 3rd Grade Clerks, 4th Grade Clerks, Junior Clerk, Corresponding Clerk, Work-shop Clerks. Burmese-Knowing Clerks, Chinese Clerks, Survey-knowing Clerks, Statistical Clerk, Calculators.
- 4. Posts of Assistants of any designation such as Upper Division Assistants, Senior Assistant, Lower Division Assistants, Ward Assistants, Security Assistants, Statistical Assistants, Assistant (Establishment), etc. (but not the Laboratory Assistant in the different Department of Government), the Information Assistants (in the Department of Publicity) or the Health Assistants, Depot Assistants, X-Ray Assistants, Dark-room Assistants and Medical Assistants (in the Directorate of Health).
- 5. Stenographers, Personal Assistants (hitherto designated as Stenographers), Stenotypists.
- 6. Typists, Clerk-Typists.
- 7. Despatches
- 8. Time Keeper, Assistant Time Keeper.
- 9. Chief Store Keeper, Store Keeper, Assistant Store Keepers, Storeman, Miscellaneous Store Keeper, Assistant Miscellaneous Store Keeper, .Stock-taker.
- 10. Librarian, Assistant Librarian, Library Assistants.
- 11. Omitted.
- 12. Clerk Interpreter, Chinese Interpreter, Assisant Chinese Interpreter.
- 13. Confidential Record Keeper of Governor's Secretariat.
- 14. Nagri Munsi.

- 15. Sheristadar, Record Keeper, Assistant Record Keeper, Peshkar, Nazir, Translator, Copyist, Touzi Navis, Revenue
- 16. Assistant Tahsildar, Tahsildar, Naib, Mohurrir.
- 17. Checker, Notice Writer.
- 18. Accountants of any designation such as Senior Accountant, Junior Accountant, Store Accountant, Assistant Accountant, etc.
- 19. Clerk Supervisor.
- 20. Treasurer, Assistant Treasurer.
- 21. Cashier, Nazir, Assistant Cashier, Toll Daroga, Toll Collector, Assistant Toll Collector, Treasurer, Nazir-cum-Cashier, Cash Sarkar, Rent Collecting Sarkar, Rent Collector, Bed Rent Collector, Diet Sarkar.
- 22. P. A. to the Principal, Bengal Engineering College (None-Gazetted).
- 23. Stewards and Care-takers of Government Colleges.-
- 24. Head Reader and Assistant Readers in the office of the Registrar of Publications.
- 25. Milk Recorder and Egg Recorder in the Directorate of Animal Husbandry and Veterinary Services.
- 26. Vehicle Superintendent, Supervisor, Store-Verification Officer, Officer-in-charge, District Revenue Store and Inspector of Accounts in the Directorate of Health Services.
- 27. Instrument Care-taker, Linen Keeper, Linen Store-Keeper, Inspector (Stores) and Laundry charge.* women in Offices under the Director of Health Services.

APPENDIX No. 3

** Omitted

APPENDIX No. 4

** Omitted

**APPENDIX No. 5

Study Leave

1. Conditions for grant of study leave--(I) Subject to the conditions specified in this Appendix, study leave may be granted to a Government employee with due regard to the exigencies of public service to enable him to undergo, in or out of West Bengali India, a special course of study consisting of higher studies or specialized training in a

professional or a technical subject having a direct and close connection with the sphere of his duty.

- (2) Study leave may also be granted—
- (i) for a course of training or study tour in which a Government employee may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to the sphere of duties of the Government employee,
- (ii) for the purpose of studies connected with the frame-; work or background of public administration subject to the conditions that—
- (a) the particular study or study tour shall be approved by the authority competent to grant leave; and
- (b) the Government employee shall be required to submit, on his return, a full report on the work done by him while on study leave, and
- (iii) for the studies which may not be closely or directly connected with the work of a Government employee, but which are capable of widening his mind in a manner likely to improve his abilities as a civil employee and to equip him better to collaborate with those employed in other branches of the public service.

Note.—Application of study leave in cases falling, under clause (iii) shall be considered on merits of each case in consultation with the Department of Finance.

- (3) Study leave shall not be granted unless—
- (i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest,
- (ii) it is for prosecution of studies in subjects other than academic or literary subject,
- (iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.
- (4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by this Government or by the Government of India.
- (5) Study leave shall not ordinarily be granted to a Government employee—
- (i) who has rendered less than five year's service under the Government,
- (ii) who is due to retire, or has the option to retire, from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

- (6) Study leave shall not be granted to a Government employee with such frequency as to remove him from contact with his regular work or to cause cadre or service difficulties owing to his absence on leave.
- 2. *Maximum amount of study leave*—The maximum amount of study leave which may be granted to a Government employee shall be—
- (a) ordinarily twelve months at any one-time, and
- (b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rule).
- **3.** Applications for study leave—(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.
- (b) The course or courses of study contemplated by the Government employee and any examination which he 'proposes to undergo shall be clearly specified in such application.
- (2) Where it is not possible for the Government employee to give full details in his application, or if, after leaving India, he is to make any change in the programme which has. been approved in West Bengal/India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.
- **4.** Sanction of study leave—(1) A report regarding the admissibility of the study leave shall be obtained from the Head of Office:

Provided that the study leave, if any, already availed of by the Government employee shall be included in the report.

- (2) Where a Government employee borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.
- (3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave.
- *Note.*—The Head of the Mission shall be contacted by the Government employee for issue of any letters of introduction or for other similar facilities that may be required.
- (4) (a) Every Government employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 2 or

- Form 3, as the case may be, before the study leave or extension of such study leave granted to him commences.
- (b) Every Government employee not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 4 or Form 5, as the case may be, before the study leave or extension of such study leave granted to him commences.
- (c) The Authority competent to grant leave shall send to the Head of Office a certificate to the effect that the Government employee referred to in clause (a) or clause (b) has executed the requisite bond.
- (5) (a) On completion of the course of study, the Government employee shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority-in-charge of the course of study.
- (b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.
- (6) The Competent authority to grant study leave is the Government only.
- **5.** Accounting of study leave and combination with leave of other kinds—(1) Study leave shall not be debited against the leave account of the Government employee.
- (2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government employee.
- Explanation.—The limit of twenty-eight months of absence prescribed in this sub-rule includes die period of vacation.
- (3) A Government employee granted study leave in combination with, any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in rule 8 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

6. Regulation of study leave extending beyond course of study—When the course of study falls short of study leave granted to a Government employee, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the

authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

- 7. Leave salary during study leave—(1) During study leave availed of outside India, a Government employee shall draw leave salary equal to the pay (without allowances other than the dearness allowance) that the Government employee drew while . on duty with Government immediately before proceeding on such leave, in addition to the study allowance admissible in accordance with the provisions of rules 8 to 10.
- (2) (a) During study leave availed in India, a Government employee shall draw leave salary equal to the pay without allowances that the Government employee drew while on duty with Government immediately before proceeding on such leave.
- (b) Payment of leave salary at full rate under clause (a), shall be subject to furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.
- (c) The amount, if any, received by a Government employee during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-rule (2) of rule 8, shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.
- (d) No study allowance shall be paid during study leave for courses of study in India. *Note.*—A Government employee who is granted study leave shall be entitled to draw house rent allowance during the first 120 days of the study leave at the rate admissible to the Government employee from time to time at the station from where he proceeded on study leave. The continuance of payment of house rent allowance beyond 120 days of the study leave shall, however, be subject to the production of certificates as prescribed.
- **8.** Conditions for grant of study allowance—(I) A study allowance shall be granted to a Government employee who has been granted study leave for studies outside India for the period spent in prosecuting a definite-course of study at a recognized institution or in any definite tour or inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.
- (2) Where a Government employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a

Government or non-Government sources, or any other remuneration in respect of any part-time employment—

- (a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government employee from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible,
- (b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.
- (3) Study allowance shall not be granted for any period during which a Government employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave or the Head of Mission may authorize the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

- (4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that—
- (a) the Government employee attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or
- (b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

- (5) The period for which study allowance may be granted shall not exceed 24 months in all.
- **9.** Rates of study allowance—The rates of study allowance for countries abroad shall be at the rates fixed by Government of India for its employees from time to time.
- **10.** *Procedure for payment of study allowance*—(1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

- (2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government employee that he would refund to the Government any overpayment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.
- (3) (a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by die authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the Government employee from time to time}-, supported by proper certificates of attendance.
- (b) The certificate of attendance required for be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Government employee is undergoing study in an educational institution/ or at intervals not exceeding three months, if he is undergoing study at any other institution.
- (4) (a) When the programme of study approved does not, include, or does not consist entirely of such a course of study, the Government employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has-been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as the possibility of adopting such methods or operations to condition obtaining in India.
- (b) The authority competent to grant of leave shall decide whether the diary and report show that the time of the Government employee was properly utilized and shall determine accordingly for what periods study allowance may be granted.
- **11.** Admissibility of allowances in addition to study allowance—No allowance of any kind other' than dearness allowance and house rent allowance referred to in Note below rule 7 and study allowance where admissible, shall be admissible to a Government employee in respect of the period of study leave granted to him.
- **12.** Travelling allowance during study leave—A Government employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Governor may in exceptional circumstances sanction the payment of such allowance.
- **13.** Cost of fees for study—A Government employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees to be paid for the study but in exceptional cases, the Governor may sanction the grant .of such fees:

Provided that in no case shall the cost of fees be paid to a Government employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

- **14.** Resignation or retirement after study leave—(1) If a Government employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund—
- (i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government,
- (ii) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or, permission to retire is granted or his quitting service otherwise:

Provided that nothing in this rule shall apply—

- (a) to a Government employee who, after return to duty from study leave, is permitted to retire from service on medical grounds; or
- (b) to a Government employee who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.
- (2) (a) The study leave availed of by such Government employee shall be converted into regular leave standing at his credit on the date on which the study leave commences, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.
- (b) In addition to the amount to be refunded by the Government employee under subrule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.
- (3) Notwithstanding anything contained in this rule, the Governor may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount

required to be refunded under sub-rule (1) by the Government employee concerned or class of Government employees.

Form 1 BOND FOR TEMPORARY GOVERNMENT EMPLOYEE GRANTED EXTRAORDINARY LEAVE IN TERMS OF RULE 175(2)(iii) OF THE WEST BENGAL SERVICE RULES, PART I, FOR STUDY.

KNOW ALL MEN BY, THESE PRESENTS THAT

I resident of in the district of
Office of(hereinafter called the "Obligor") and Shri/ Shrimati/
Kumari of
called 'the sureties'), do hereby jointly and severally bind ourselves and our respective
heirs, executors and administrators, to pay to the Governor of West Bengal, his
successors and assigns (hereinafter called the "Government") on demand the sum of
Rs(Rupees) together with interest thereon from the
date of demand of Government rates for the time being in force on Government loans,
or, if the payment is .made in a country other than India, the equivalent of the said
amount in the currency of that country converted at the official rate of exchange between
that country and India AND TOGETHER with all costs between attorney and client and
all charges and expenses that shall or may have been incurred by the. Government;
WHEREAS the Government has, at the request for the above bounden Shri/ Shrimati/
Kumarigranted him/her regular leave,
followed by extraordinary leave without pay and allowance for a period of
monthsdays with effect fromin order to enable him/her to study at
;
AND WHEREAS the Government has appointed / will have to appoint a substitute to
perform the duties ofduring the period of absence of Shri/ Shrimati/ Kumari
on extraordinary leave;
AND WHEREAS for the better protection of the Government, the obligor has agreed to
execute this bond with two sureties with such condition as hereunder written;
AND WHEREAS the said sureties have agreed to execute this bond as sureties on
behalf of the bounden;
NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event
of the above bounden. Shri/ Shrimati/ Kumari failing to rejoin on the

expiry of the period of extraordinary leave, the post originally held by him/ her and
serve the Government after rejoining for such period not exceeding a period
ofyears as the Government may require or refusing to serve the Government in
any other capacity as may required by the Government on a salary to which he she
would be entitled under the rules, the said Shri/ Shrimati/ Kumari
or his her heirs, executors and administrators shall forthwith pay to the
Government on demand the said sum of Rs together with interest
thereon from the date of demand at Government rates for the time being in force on
Government loans;
AND upon the obligor Shri/ Shrimati/ Kumariand/or Shri/
Shrimati/Kumariand/ or Shri/ Shrimati/ Kumari
, the sureties aforesaid, making such payment the above written obligation
shall be void and be of no effect, otherwise it shall be and remain in force and virtue :
PROVIDED always that the liability of the sureties hereunder shall not be
impaired or discharged by reason of time being granted or by any forbearance, act or
omission of the Government or any person authorized by them (whether with or without
the consent or knowledge of the sureties) nor shall it be necessary for the Government
to use the obligor before suing the sureties Shri/ Shrimati/ Kumariand
Shri/ Shrimati/ Kumari or any of them for amounts due hereunder.
The bond shall in all respects be governed by the Laws of West Bengal for the time
being in force and the rights and liabilities hereunder shall where necessary be
accordingly determined by the appropriate Courts in India.
The Government of West Bengal has agreed to bear the stamp duty playable on this
bond.
Signed arid dated this day of one thousand
nine hundred and
Signed and delivered by the obligor above named Shri/ Shrimati/ Kumari
in the presence of
Witnesses: 1
2
Signed and delivered by the surety above named Shri/ Shrimati/
Kumari in the presence of
Witnesses: 1
2

Signed	and	delivered	by	the	surety	above	named	Shri/	Shrimati/	Kumari
Witness	es:	1								
		2								

ACCEPTED for and on behalf of the Governor of West Bengal.

Form 2 [See Rule 4(4)]

execute this bond with such condition as hereunder is written;

BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE KNOW ALL MEN BY THESE PRESENTS THAT

I in the district of in the district of
at present employed asin the Department/ Office of do
hereby bind myself and my heirs, executors and administrators to pay to the
Governor of West Bengal (hereinafter called the "Government") on demand the
sum of Rs(Rupees) together with interest thereon from the
date of demand at Government rates for the time being in force on Government loans or,
if payment is made in a country other than India, the equivalent of the said amount in the
currency of that country converted at the official rate of exchange between that country
and India AND TOGETHER with all costs between attorney and client and all charges
and expenses that shall or may have been incurred by the Government.
WHEREAS I have been granted study leave by Government;
AND WHEREAS for the better protection of the Government I have agreed to

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty, after the expiry or termination of the period of study leave or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs......................(Rupees....................) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans;

AND upon my making such payment the above written obligations shall be void and be of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

ACCEPTED for and on behalf of the Governor of West Bengal.

Form 3 [See Rule 4(4)] BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE KNOW ALL MEN BY THESE PRESENTS THAT

I resident of in the district
ofat present employed asin the Department / Office
of do hereby bind myself and my heirs, executors and administrators to
the Governor ,of West Bengal (hereinafter called "the Government") on demand
the sum of Rs(Rupees) only together with interest thereon
from the date of demand at Government rates for the time being in force on Government
loans or, if payment is made in a country other than India, the equivalent of the said
amount in the currency of that country converted at the official rate of exchange between
that country and India AND TOGETHER with all costs between attorney and client and
all charges and expenses that shall or may have been incurred by the Government;
WHEREAS I was granted study leave by Government
for the period from to in consideration of which I
executed a bond datedfor Rs(Rupees) only in
favour of the Governor of West Bengal;
AND WHEREAS the extension of study leave has been granted to me at my
request until;

AND WHEREAS for the better protection of the Government I have agreed to execute this .bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty, after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.................(Rupees) only together with interest thereon from the date of demand at Government rates for the time being in force on-Government loans.

AND upon my making such payment the above written obligation shall be void and be of no 'effect, otherwise it shall be and remain in full force and virtue.

The Bead shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate. Courts in India.

The Government, of West Bengal has agreed to bear the stamp duty payable on this bond.

Signed and d	ated this day of	one thousand nine hundred and
Signed and d	elivered by	
in the presen	ce of	
Witnesses:	1	
	2	

ACCEPTED for and on behalf of the Governor of West Bengal.

Form 4

[Sec Rule 4(4)]

'BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE NOT IN PERMANENT EMPLOY, W**EN PROCEEDING ON STUDY LEAVE KNOW ALL MEN BY THESE PRESENTS THAT

We,	resident	of				in	the	district	of
at	present	employ	ed as.		in the	Depa	rtment	/ Office	of
(h	ereinafter	called	d "the	obligo	or") and	Shri/	Shrim	ati / Kum	ari
	son/ daug	ghter	of		of			, and SI	hri/
Shrimati / Kumari									

son / daughter of			.of			(ł	nereinaft	er called		
"the sureties") do hereby jointly and serverally bind ourselves and our respective heir's,										
executors and ac	Iministra	tors to pay to the	he G	aovernor	of	West	Bengal	(hereina	after	
called	"the	Government")	or	n dem	nand	the	sum	of	Rs.	
(Rupe	es)	only	togethe	r with	intere	st there	on from	the	
date of demand at Government rates for the time being in force on Government loans or,										
if payment is made in a country other than India,, the equivalent of the said amount in										
the currency of	that cou	intry converted	at th	e official	rate	of exc	hange b	etween	that	
country and India	a AND 1	TOGETHER wit	h all	costs bet	tween	attorn	ey and c	lient and	d all	
charges and expe	enses th	at shall or may l	nave I	been incı	urred	by the (Governm	ent ;		
WHEREA	S the ob	oligor is granted	study	leave by	the (Governi	ment;			
AND WH	EREAS	for the better	protec	ction of t	he G	overnm	ent, the	obligor	has	
agreed to execute	e this bo	nd with such co	nditio	n as here	eunde	r is writ	ten;			
AND WHI	EREAS	the said sureties	s hav	e agreed	l to ex	kecute 1	this bond	l as sure	eties	
on behalf of the a	lbove bo	unden ;								
NOW THE CON	DITION	OF THE ABOY	VE W	/RITTEN	OBL	IGATIC	NS IS 7	THAT in	the	
event of the obliq	gor Shri/	Shrimati / Kum	ıari				failin	g to resi	ume	
duty, or resigning	g from s	service or other	wise	quitting	servic	e witho	ut returr	ning to c	luty,	
after the expiry o	f termina	ation of. the peri	iod of	study lea	ave o	r at any	time wit	:hin a pe	riod	
of three years aff	ter his re	eturn to duty, th	e obli	gor and	the su	ureties	shall fort	hwith pa	y to	
the Government	or as ma	y be directed	by th	ne Gove	ernme	nt on	• deman	d the	said	
sum of										
Rs	(Rupe	es) onl	y toge	ether wi	th intere	st therec	n	
from the date of d	demand	at Government	rates	for the ti	me be	eing in f	orce on	Governn	nent	
loans;										
AND upo	n the o	bligor Shri/ Shr	imati	/ Kumar	ii			and/or S	Shri/	
Shrimati / Kur	nari			and/or	Shri	/ Shri	mati /	Kumari		
	the	sureties afore	said	making s	such	paymer	nt the al	ove wr	itten	
obligation shall b	e void a	nd be of no effe	ct, ot	herwise i	it shal	ll be an	d remair	in full f	orce	
and virtue :										

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reasons of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without

the consent or knowledge of the sureties) nor shall it be necessary, for the Government									
to sue the obligor									
before suing the sureties Shri/ Shrimati / Kumari and Shri/ Shrimati									
/ Kumari or any of them for amounts due hereunder.									
The bond shall in all respects be governed by the laws of West Bengal for the time being									
in force and the rights and liabilities hereunder shall where necessary be accordingly									
determined by the appropriate Courts in India.									
The Government of West Bengal have agreed to bear the stamp duty payable on this									
bond.									
Signed and dated thisday of one thousand nine									
hundred and Signed and delivered by the obligor above named Shri/ Shrimati /									
Kumari in the presence of									
Witnesses: 1									
2									
Signed and delivered, by the Surety above named Shri/ Shrimati /									
Kumari in the presence of									
Witnesses: 1									
2									
Signed and delivered by the surety above named Shri/ Shrimati /									
Kumari in the presence of									
Witnesses: 1									
2									
ACCEPTED									
for and on behalf of the Governor of West Bengal.									
Form 5									
[See .Rule 4(4)] BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE NOT IN PERMANENT									
'EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE									
KNOW ALL MEN BY THESE. PRESENTS THAT									
I resident of in the District of									
at present employed as in the Department Office									
as(hereinafter called "the obligor") and Shri/ Shrimati / Kumari									
son/daughter ofofand Shri/ Shrimati / Kumari									
(hereinafter called "the sureties") do hereby jointly and severally bind ourselves and our									
respective heirs, executors and administrators to pay to the Governor of West Bengal									

(hereinafter called "the Government") on demand the sum of Rs.......(Rupees) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than West Bengal, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government;

WHEREAS the obligor was granted study leave by the Government for the period from toin consideration of which he executed a bond datedfor Rs......(Rupees........) only in favour of the Governor of West Bengal; AND WHEREAS the extension of study leave has been granted to the obligor at his request until.........;

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden......;

PROVIDED "ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/ Shrimati / Kumari

And Shri/ Shrimati / Kumari	or any of them for
amounts due hereunder.	
The bend shall in all respects be governed by the laws of V	Vest Bengal for the time being
in force and the rights and liabilities hereunder shall who	ere necessary be accordingly
determined by the appropriate Courts in India.	
The Government of West Bengal have agreed to bear the	e stamp duty payable on this
bond.	
Signed and dated this day of	one thousand nine hundred
and	
Signed and delivered by the obligor above	ve named Shri/ Shrimati /
Kumariin the presence	
Witnesses: 1	
2	
Signed and delivered by the obligor above name	d Shri/ Shrimati / Kumari
in the presence of	
Witnesses: 1	
2	
Signed and delivered by the surety above na	amed Shri/ Shrimati / Kumari
in the presence of	
Witnesses: 1	
2	
	ACCEPTED for and on behalf of the Governor of West Bengal.

Appendix No. 8.

GOVERNMENT OF WEST BENGAL FINANCE DEPARTMENT Audit Branch

NOTIFICATION

No. 2888-F.

Calcutta, the 7th August 1959

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules regulating the conditions of service Training to conduct of persons appointed to public services or posts in connection with the affairs of the State, namely:

RULES

- **1.** Short title and applications.—(a) These, rules may be called the West Bengal Government Servants' Conduct Rules, 1959. They shall come into force with effect from the 7th day of August 1959.
- **(b) They shall apply to the members of Police and Jail staff falling under the purview of the Jail Code:

Provided that nothing in these rules shall apply to persons appointed to any all-India service.

- Definitions.—In these rules, unless the context otherwise requires,—
- (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:
- "Provided that in respect of a Government employee referred to in *Explanation I* or *Explanation II* of clause (d), the appointing authority shall be the appointing authority in respect of the post or service held by him substantively, before his services were placed at the disposal of, or transferred to, the body or the Government referred to in those *Explanations*.
- (b) "Foreign service" means service in which a Government employee receives his pay with the sanction of Government, from any source (including the revenues of a local fund) other than the consolidated fund of the Government of India or of a State Government.
- (c) "Government" means the Government of West Bengal.
- (d) "Government employee" means any person appointed to a public service or post in connection with the affair of the State.

Explanation I.-A Government employee shall not cease to be a Government employee merely because his services have, for the time being, been placed on foreign service at the disposal of a company, corporation, organisation or local authority and his pay, allowances, or other benefits are drawn from sources-other than the consolidated fund of the State.

Explanation II.—A Government employee who is deputed or transferred to, or whose services are placed at the disposal of, the Government of India or any other State Government shall, for the period of his deputation or transfer or for the period during which his services are so placed, be governed by the Conduct Rules of the Government to which he is deputed or transferred or, as the case may be, at the disposal of which his services are so placed.

(e) "Members of the family," in relation to a Government employee, means—

- (f) the wife, child or step-child of such Government employee whether residing with him or not and where the Government employee is a woman the husband; but does not include—.
- (1) a wife or husband legally separated from him or her; and
- (2) a child or step-child who is no longer, in any way, dependent on him or her or of whose custody he or she has been deprived by law; and
- (ii) any other person related, whether by blood or by marriage, to the Government employee or to the Government employee's wife or husband and wholly dependent on such Government employee-
- (f) "State" means the State of West Bengal.
- **3.** *General.*—Every Government employee shall, at all times, maintain a very high standard of integrity, impartiality and devotion to duty.
- **4.** *Improper and unbecoming conduct*.—No Government employee shall behave in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of Government.

Explanation I.-Any Government employee who takes part in a demonstration of any kind in a public street which interferes with the movement of people or traffic or involves any-other offence, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Government.

*Explanation II.—A Government employee who, while present on any premises including any open space under the control of the Government, holds or participates in meetings without prior permission of the Government or holds any demonstration or raises any slogan or indulges in objectionable writings or disorderly conduct or interferes in any way with the smooth running of office work, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Government.

*4A. Consumption of intoxicating drinks and drugs.

A Government employee shall—

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) refrain from consuming any intoxicating drink or drug in a public place;
- (d) not appear in a public place in a state of intoxication;
- (e) not use any intoxicating drink or drug to excess.

Explanation I.—For the purposes of this rule, 'Public Place' means any place of premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

Explanation II.—The term 'Public Place'- also means any place to which public, either on payment of some consideration or otherwise has a right to access and includes hotel, bar, restaurant, mess, club, cinema or theatre etc. Thus, for determination of the question whether any place or premises should be a 'Public Place' within the meaning of the rule, the accessibility of the place or premises to members of the public is the deciding factor. In other words, even in the case of clubs exclusively open to members only, if non-members are permitted by the clubs to be invited as guests of members, it would legally amount to the club authorities permitting access to the public. Then the club will be a public place not only for the non-members guests but also for the members so that the restriction as to consuming any intoxicating drinks' or drug would be attracted to the latter also.

- 5. Cases in which a Government employee or a relation of his is personally interested.—Where a Government employee in the discharge of his official duties is called upon to decide a matter in which he or a relation of his is financially interested, he shall, at the earliest possible opportunity, bring the facts to the notice of the authority to whom he is subordinate.
- **6.** Use of Government vehicles and safes.—Subject to any rules and orders made in this behalf no Government employee shall use or permit any member of his family to use a Government vehicle not meant for his use even on payment of cost of petrol, oil, lubricants, etc., nor shall he use or permit any member of his family to use any Government safe for the custody, of his personal valuables.
- 7. Travelling allowance on tour and transfer.—A Government employee traveling on tour or transfer by rail or steamer shall ordinarily travel in that class of accommodation to which he is entitled to travel. If, however, he has occasion to travel in a lower class in connection with a journey on tour or transfer, he shall not draw the traveling allowance for that journey at the higher rate admissible for journey by the higher class on the ground that he is entitled to travel by the higher class.
- **8.** Application for a patent for an invention made by a Government employee.—A Government' employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain or cause or permit any other person to apply for or obtain a patent for an invention made by such Government employee save with the permission of Government and in accordance with such conditions as Government may impose.

Note.—If a question arises whether a Government employee's duties involve the carrying out of scientific or technical research within the meaning of this rule, the decision of Government shall be final.

- **9.** *Employment of official subordinates*.—No Government employee shall employ any official subordinate on regular domestic service.
- **10.** *Gifts.*—(1) Save as otherwise provided. in this rule, no Government employee shall except with the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family so to accept from any person any gift of more than trifling value :

Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings anniversaries, funerals .and religious functions, when the making*/ or receiving of such gifts is in conformity with the prevailing- religious or social customs; but acceptance of such gifts other, than those of a trifling value should .be reported to the, appointing authority and the gifts shall be disposed of in such a manner as he may direct.

- (2) If a question arises whether any gift is of trifling value or not, or where a Government employee is in any doubt whether a gift offered to him is of a trifling value or not, a, reference shall be made to the appointing authority by such Government employee and the decision of the appointing authority thereon shall be final.
- 11. Public demonstrations in honour of Government employee.—No Government employee shall, except with the . previous sanction of the appointing authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government employee:

Provided that nothing in this rule shall apply to—

- (i) a farewell entertainment in honour of a Government employee or any other Government employee on the occasions of his retirement or transfer; and
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.
- **12.** Naming of buildings, roads, bridges, etc.—No Government employee shall, without the previous sanction of his appointing authority, allow any buildings, roads, bridges, parks or public institutions such as hospitals, schools or colleges to be named after him.

13. *Subscriptions.*—Save, as otherwise provided in this rule, no Government employee shall, except in accordance with such orders of Government as may be issued from time to time in this behalf, ask for or accept contributions to, or otherwise associate himself with, the raising of any fund in pursuance of any object whatsoever.

Note. - See Annexure II for clarification.

- **14.** Lending and borrowing.—(1) Subject to the provision of sub-rules (2) and (3) below, no Government employee shall except with .the previous sanction of the appointing authority,—
- (a) lend or permit any member of his family to lend—
 - (i) money (whether with or without interest) to any person possessing land or valuable property or carrying on business or residing within the local limits of his authority; or
 - (ii) money at interest to any other person:

Provided that he may make an advance or permit any member of his family to make any advance "of pay to a private servant or give a loan or permit any member of his family to make a loan of small amount free of interest to a personal friend or relative, even if such person possesses land or valuable property or carries on business or resides within the local limits of his authority.

(b) save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under a pecuniary obligation to any person residing, possessing land or valuable property or carrying on business within the local limits of his authority or any other person with whom he is likely to have official dealings; nor shall he permit any member of his family to enter into any such transanction:

Provided that he may accept or permit any member of his family to accept a purely temporary loan of small amount, free of interest, from a personal friend or relation or operate a credit account with a bona fide tradesman.

- (2) Sub-rule (1) in so far as it relates to the lending to or borrowing by Government employees from Co-operative Societies as defined in the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940), shall be subject to any general or special restrictions or relaxations made or permitted by -Government.
- (3) When a Government employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of any of the aforesaid sub-rules, he shall forthwith report the circumstances to the appointing authority through the usual

channel, and shall thereafter act in accordance with such orders as may be passed by him.

15. Movable, immovable and valuable properly.

- (1) No Government employee who is in any .way connected in his official capacity with the disposal of any kind of property, movable or immovable, at a sale on account of Government dues or under the order of *the* Court or otherwise shall either himself or through any "benamdar" acquire or attempt to acquire any interest in the property sold or shall permit any member of his family to do so.
- (2) No Government employee shall, except with the previous knowledge of the appointing authority,—
 - (a) Acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family nor shall he permit any member of his family to do so.
 - (b) Enter into any transaction concerning any movable property exceeding one thousand rupees in values, whether by way of purchase, sale or otherwise, nor shall he permit any member of his family to do so:
 - Provided that, in either case, any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the appointing authority.
 - (c) Allow himself or any member of his family to be a "benamdar" for the acquisition of any kind of person.
- (3) Notwithstanding anything contained In these *rules*, Government employee who is about to quit the station, distort or other local limits for which he. has been appointed may, without reference to any authority, dispose of or permit any member of his family to dispose of any of his movable property by circulating a list of -it among the public generally or by causing it to be sold by public auction.
- (4) Subject to the provisions of any general or special order, every Government employee other than one in Group D. (inferior) service, shall submit to the appointing authority, in the form in the Annexure to these rules, a periodic return of the movable and immovable properties and other assets owned, acquired or inherited by him or by any member of his family;

Provided that when a person enters Government service for the first time, he shall, within a period of three months of his joining Government service submit His first return showing his assets as they stood on the 1st January immediately preceding the date of

his joining and shall thereafter submit periodic returns like all other Government employees.

State Government decision in this connection the following questions have been raised:

- (i) whether a Government employee has to submit return of properties, etc., of all members of the joint family (which may include his cousins, parents, etc., not necessarily dependent upon him);
- (ii) whether a Government employee or any member of the joint family (as described above) who may be a 'sebait of any Devottar property' has to submit returns of such property;
- (iii), whether a Government employee has to submit returns of any property which he has dedicated ox endowed for public use, charity, etc.;
- (iv) what it the definition of "Benarndar" mentioned in the Government employees' Conduct Rules and in the 'Instructions for filling up the Declaration' (Annexure to the Rules).

After careful consideration of the points raised, the Governor has been pleased to decide as follows:

- (i) a. Government employee should submit returns of all the properties standing in his own name, in the name of his wife, his children and dependents;
- (ii) if a Government employee or any member of his family derives any benefit from the "Devottar" property it should be mentioned in the returns;
- (iii) the property which has been dedicated or endowed for public use need not be shown;
- (iv) as to the definition of "Benarndar" it may be observed that "Benami" property and "Benarndar" are well-known terms and as such require no further clarification.

Note 2.—See Annexure II for clarification.

16. Speculations and investment's.—{I) No Government employee shall speculate either himself or through any "Benamdar" nor shall be permit any member of his family to do so.

Explanation.—The following shall be treated as speculation:

- (i) the habitual purchase and sale of securities of notoriously fluctuating value and speculative dealings with the stock exchanging,
- (ii) regular participation in gambling on the turf.

- (2) No Government employee shall either himself or through any "Benamdar" make any investment which is likely to influence or embarrass him in the discharge of his official duties nor shall he permit any member of his family to do so.
- 17. **Private trade or employment**.—{1) No Government employee shall, except with the previous sanction of the Government, engage in any trader or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking or use his position as a Government employee to help such business or undertaking.
- (2) A Government employee may undertake honorary work of a social or charitable nature or; work of a literary, artistic ' or scientific character, provided that his official duties do not suffer thereby but the appointing authority may, in its discretion, at any time, forbid him to undertake, or require him to abandon any such work, if it is in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.
- Note 1.—Promoting the sale of shares of companies as defined in the Companies' Act, 1956 (I of 1956), or taking up insurance agencies will be regarded as carrying on business for the purpose of sub-rule (1). Canvassing by a Government employee in support of the business of (a) companies as defined in the Companies' Act, 1956 (I of 1956), and (b) an insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall also be regarded as a breach of sub-rule (1).
- Note 2. An honorary chairmanship or honorary secretaryship of philanthropic, charitable religious or co-operative societies is not employment within the meaning of this rule. The secretaryship of a club consisting mainly of Government employees does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his official duties and that it is an honorary office. In all these cases, however, the Government employee concerned may be required by his appointing authority to abandon the work either because the work is interfering with the official duties of the Government employee concerned or because it is undesirable in any other way.
- **18.** *Promotion and management* of *companies.*—No Government employee shall, except with the previous sanction of Government, take part in the promotion, registration or management of any bank or company as defined in the Banking Companies' Act, 1949 (Act X of 1949), or the Companies Act, 1956 (Act I of 1956).
- Note.—A Government employee may take part in the promotion, registration or management of a co-operative society as defined in the Bengal Co-operative Societies

Act, 1940 (Bengal Act XXI of 1940), or a literary, scientific or charitable society registered under the Societies Registration Act (XXI of ... 1860).

- 19. Employment in other departments of the State Government or under other Governments.—(1) A Government employee shall not apply for an appointment in another office or department of Government or under another Government unless the head of such office or department or such other Government has invited applications for the post.
- (2) A "Government employee must submit his application for such an appointment through his appointing authority who shall decide whether he may be permitted to apply.
- (3) Bar to candidature for direct appointment in cases of eligibility for promotion.—A Government employee having a lien for a conditional lien on a permanent post, who is eligible for appointment by promotion to any other service or post, shall not, unless otherwise provided in the recruitment (rules relating to such other service or post, apply for appointment by direct recruitment thereto:

Provided that where the recruitment is to be made by an open competitive written examination with or without viva voce test may, with the previous permission of his appointing authority, apply for appearing at such competitive examination.

- (4) Appearance at examinations for recruitment to services or posts.—A Government employee shall not appear at a competitive examination held by a Public Service Commission for recruitment to another post or service without the previous permission of the Government.
- **20.** *Insolvency and habitual indebtedness.*—(1) A Government employee shall so manage his private affairs as to avoid insolvency or habitual indebtedness.
- (2) Where a Government employee has been adjudged an insolvent or when a part of the salary of the Government employee is being repeatedly attached or has been continuously under attachment for a period exceeding two years, or is attached for a sum which in ordinary circumstances, cannot be repaid within a period of two years, the matter shall be reported by the immediate superior of the Government employee concerned to the appointing authority of the said Government employee. The report shall show what is the proportion of debts to the salary; how far they detract front the debtor's efficiency as a Government employee; whether the debtor's position is irretrievable; and whether in the circumstances of the case, it is desirable to retain him in the post occupied by him at the time when the matter was brought to notice or in any other post under Government.

- (3) In every case under this rule, the burden of proving that the insolvency or habitual indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, shall be upon the debtor.
- **21.** *Submission of petitions*.—No Government employee shall submit any petition direct to Government or to any higher authority otherwise than through his immediate departmental superior and no Government employee shall send copies of such petitions to outside authorities that is to say, authorities who are not directly connected with the consideration thereof (e.g. Ministers of other departments, Members of Legislature).

Note.—A Government employee, wishing to press a claim or to seek redress of a grievance in any matter connected with the service rights or conditions shall address his immediate official superior or the head of his office or such other authority at the lowest level, as is competent to 'deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. When such an appeal or representation is made, it shall be submitted through the proper channel, though an advance copy of the appeal or representation may, at this stage, be sent direct.

- **22.** Canvassing of non-official or other outside influence.— No Government employee shall bring or attempt to bring any. political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government.
- 23. Unauthorised communication of information,—No Government employee shall,, except in accordance with any general or special order of Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly to Government employees belonging to other departments, or to non-official persons, or to the press any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him whether from official sources or otherwise:

Provided that nothing in this rule shall be deemed to prohibit disclosure of any information or document by a Government employee to the Vigilance Commission, West Bengal, on a bona fide belief that the information will lead to checking corruption or other malpractices or in detecting or punishing delinquents.

24. *Discussion of the policy or action of Government.*— No Government employee shall, in any radio broadcast or in any document published anonymously or in his own

name or in the name of any other person or in any communication to the press or in any public utterances, make any statement of fact or opinion—

- (i) which has the effect of any adverse criticism of any current or recent policy or action of Government or of the Central Government or the Government of any other State; or
- (ii) which is capable of embarrassing the relations between Government and the Central Government or the Government of any, other State; or
- (iii) which is capable of embarrassing the relations between Government and the Government, of any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government employee in his official capacity or in the due performance of the duties assigned to him.

- **25.** *Connection with the press or radio.*—(1) No Government employee shall, except with the previous sanction of Government, own whollly or in part, or conduct, or participate in the editing or managing of any newspaper or other periodical publication.
 - (2) No Government employee shall—
- (a) participate in a radio broadcast, except with the ' previous sanction of Government, or
- (b) contribute, without, the previous sanction of his appointing authority, any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that the no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character and does not contain any matter which a Government employee is forbidden by rule 24 to disclose.

Note 1.—A Government employee who has been asked to deliver a broadcast talk shall while asking for the sanction of Government under sub-rule (2) report the administrative department of Government under which he is employed the subject of bis proposed talk, whether it is connected with his official work or not.

Note 2.—If the talk is on a subject directly or indirectly connected with the official work on which he is at present employed or on which he has been employed, he must submit to the administrative department of Government under which he is employed the full text of the talk for examination 'and the talk shall not be delivered without the previous approval of Government.

26. *Taking part in politics and elections.-(1)* No Government employee shall be a member of or be otherwise associated with, any political party or any organisation which

takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) No Government employee shall canvass or otherwise interfere or use his influence in connection with or stand as a candidate or take part in an election to any legislature or local authority:

Provided that—

- (i) A Government employee qualified to vote at such election may exercise his right to vote, but where he docs so, he shall give no indication of the manner in which he proposes to vote or has voted.
- (ii) A Government employee shall not be deemed to have contravened the provision of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.
- Note 1.—The display by a Government employee on his person or vehicle or residence of any electoral symbol shall amount to use his influence in connection with an election within the meaning of this rule.
- Note 2. A Government employee who has reason to believe that attempts are being made to induce him to break the provisions of this rule by or on behalf of an official superior or superiors shall report the facts to the Chief Secretary to the Government of West Bengal.
- Note 3.—Proposing or seconding the nomination of a candidate at an election or acting as a Polling Agent shall be deemed as an active participation in the election.
- Note 4.—If any question arises whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.
- **27.** *Demonstration and strike.*—(1) No Government employee shall make any communication to the press concerning his conditions of service.
- (2) Government employees shall not call a public meeting for discussing their conditions of service nor shall any Government employee participate in any such meeting or public discussions.
- (3) No Government employee shall—
- (i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or
- (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government employee.

28. Vindication of acts and character of Government employees.—No Government employee shall, except with the previous sanction of Government, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack, of defamatory character.

Explanation.—Nothing in this rule shall be deemed 'to prohibit a Government employee from vindicating his private character or any act done by him in his private capacity.

- **29.** Evidence before Committee or any other authority- (1) Save as provided in subrule (3), no Government employee shall, except with the previous sanction of the appointing authority give evidence in connection with any inquiry conducted by any person, committee or authority.
- (2) Where any sanction has- been accorded under sub-rule (1), no Government employee giving such evidence shall criticize the policy or any action of Government or of the Central Government or the Government of any other State.
- (3) Nothing in this rule shall apply to-'
 - (a) evidence given at an inquiry before an authority appointed by Government, by Parliament or by a State Legislature; or
 - (b) evidence given in any judicial inquiry; or
 - (c) evidence given at any departmental inquiry ordered, by authorities subordinate to Government.
- **30.** *Bigamous marriages.*—No Government employee, who has a wife living, shall contract another marriage without first obtaining the permission of the appointing authority, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
- **31.** *Joining of Associations by Government employees*.- No Government employee shall join or continue to be a member of an Association the objects or activities, of which are prejudicial to the interest, of the sovereignty of India or public order or morality.
- **32.** Acceptance of employment during leave.—A Government employee on leave may not take any service or accept any employment without the prior sanction of-
 - (a) the Governor, if the proposed service or employment lies elsewhere than in 'India,; and
 - (b) his appointing authority, if the proposed service or employment lies in India:

Provided that a Government employee who has been granted permission to take any service or accept any employment under this rule during any leave preparatory to retirement, shall be precluded, save with the specific consent of the Governor, or the

appointing authority, as the case may be, from withdrawing his request for permission to retire and from returning to duty.

Note.—This rule shall not be construed as permitting a Government employee who avails himself of leave on medical grounds to undertake regular employment during such leave.

- 33. Control of Government employees outside India.-Government employees visiting foreign countries whether on official duty or private affairs, continue to be subject to all the provisions of the West Bengal Government Employees' Conduct Rules, 1959. They shall not therefore give expression to views on India or foreign affairs in a manner contrary to these rules and in particular make any written or oral statement in the press, on the platform or over the radio without the specific prior consent of the Head of the Indian Mission accredited to the country visited.
- **34.** *Interpretation.*-If any question arises relating to the interpretation of these rules it shall be referred to Government whose decision thereon shall be final.
- **35.** *Repeal and saving.*-Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government employees to whom these rules apply are hereby repealed:

Provided that in respect of anything done, any act committed or any omission made by any Government employee before the commencement of these rules, the rules regulating the conduct of Government employees 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.

By order of the Governor, H. N. RAY, Secretary to the Government of West Bengal.

Annexure I

[see Rule 15(4)]

Declaration of Assets as they stood on
Name (in full) of Officer Service
Designation now appointed as
Substantive Pay
Special Pay
INSTRUCTIONS FOR FILLING UP THE DECLARATION

1. (a) Every Government employee employed under the administrative control of the Government of West Bengal, other than a person in inferior service, shall submit to the

proper authority an annual return of the movable and immovable properties owned, acquired or inherited by him, or his wife or dependants or held on lease or mortgage either in his own name or in the name of any member of his family or of any other person. These orders will not apply to member of the All-India Services who are governed by sub-rule 1 of Rule 16 of the All-India Service (Conduct) Rules, 1968.

- (b) This Declaration of Assets must always refer to the 1st January of the current year. Any asset acquired between the 1st January and the date of declaration should not ordinarily be entered in the declaration. But in case of doubt regarding the exact date of the assets in question may be entered for the current year but should be repeated in the declaration of the next year too. It is best to submit the Declaration of Assets as soon after New Year's Day as possible.-
- (c) A person who has entered Government Service for the first time should submit the return within three months of his joining Government Service and it should relate to his assets as they stood on the 1st of January immediately preceding his date of joining.
- 2. If there is no change of assets on the: 1st January of the previous year the declaration should never be nil. There should be a fresh Declaration of Assets in full as on the 1st January of every year.
- 3. The Declaration of Assets must show the assets belonging to the Government employee even though they may stand in the name of his wife (in the case of a male Government employee), children, other dependants or benamdars, and must also show the assets belonging to the wife of a male Government employee or to his dependants even though they are acquired by the wife or dependants in their own right.
- N.B.—If any difficulty arises regarding the declaration of assets of a Government employee's wife (in the case of a male Government employee) or dependants, the matter should be reported to Government with full particulars and further instructions sought.
- 4. Any officer making a declaration discovered to be materially incomplete, misleading or false will earn for himself the penalty of immediate suspension, drawing up of proceedings, which may ultimately result in dismissal from Government Service with forfeiture of pension and all other discretionary benefits. A subsequent explanation that the failure strictly to comply with the instructions or the presence of material defects in

the declaration were by oversight or ignorance will not be accepted. Ambiguity in a declaration must be avoided as any ambiguity will be liable to be interpreted against him.

- 5. In declaring shares and stocks and other securities, jewellery, motor cars, motor cycles, refrigerators, other valuable movable articles and immovable property, the actual price paid by an officer must be mentioned, whatever the face value or depreciation might be. Movable articles costing less than Rs. 500 for each item need not be mentioned. In columns 8 of Part A(I), 6 of Parts A(2) and A(3), and 5 of Parts B(I) and B(2) of the form of Declaration of Assets, the manner of acquisition of the property must be clearly and unambiguously given, i.e., whether the property was acquired by means of savings from the Government employee's salary or from income from any other source, or by loan in cash or kind, or by inheritance or by any other means to be specified. If an immovable or movable property is in the process of acquisition, for example, a piece of landed property which is being purchased in installments or under one of the various mortgage schemes, or a car or a refrigerator or other pieces of furniture or jewellery are being paid for under a hire-purchase scheme in installments ' or are mortgaged while being acquired, the full particulars of such properties should be given even though the title to the property may not yet have devolved upon the Government employee making the declaration. It is incumbent upon the declarant in such cases to state the amount paid up to the relevant date for the purchase of the particular property.
- 6. In declaring Insurance Policies, the number of policy or policies, the amount of Insurance, the name and address of the Company, the number of years during which premium have to be paid must be mentioned. Fully or partly paid-up Policies, Single or Limited Payment Policies must be described as such. Any omission in this respect will be liable to be interpreted as an attempt to conceal real assets. The names and addresses of the Banks of the declarant and his dependants together with the nature and number of the accounts should be given.
- 7. Every declaration must be made in the prescribed printed form and the prescribed declaration at the foot of every page must be signed.
- 8. If in the declaration it is not possible to give a correct statement of every asset as it stood exactly on the 1st January, the statement should be correct to the nearest date and that date should be mentioned. (Sometimes it is difficult to get a precise statement of Bank-Accounts, for example, as they stood on the 1st January.)

- 9. A Government employee whose service is placed temporarily at the disposal of the Central or any other State Government or any other authority should be required to submit the Declaration of Assets to the Government of West Bengal.
- 10. The categories of assets mentioned in brackets in the printed declaration form are merely illustrative and not meant to be exhaustive.
- 11. In declaring precise location in column 2 of Schedule A—Immovable Property—(1) Lands, (2) Houses, record correct and full address including the number of municipal holding with street and lane in municipal areas and C.S. Plot numbers, C.S. Mouza number, village, union, thana, subdivision and district in rural areas.
- 12. In column 6 of AI and column 4 of A2, please state the full value of the land and the house. If the value has not yet been determined please state how much has generally been paid. In case of a building, state the actual amount of money that has been spent up to 1st January or as near that date as possible even if the construction may be incomplete or just started. In the case of land, please state the amount of loan, if any taken in cash and in the case of house the amount of such loan in cash or kind including the value of materials purchased on credit.
- 13. The last date of submission of this Declaration of Assets is the 30th April every year for assets as they stood on the previous 1st January of that year. Gazetted Officers will submit these declarations by registered post at Government expense in double sealed covers direct to their appointing authorities/Secretaries in charge of the administrative department concerned. The outer sealed cover will be addressed to the appointing authorities/Secretaries in charge of administrative department concerned and should not contain any indication of the contents. The inner sealed cover should contain the name of the officer, his service, rank and address and a certificate of the date for which the declaration stands (in the form: Declaration of Assets as they stood on 1st January, 19). On receipt of the declarations the appointing authorities subordinate to Government should send them to the Secretary of the administrative department concerned who will maintain the declarations under his custody. Non-gazetted officers will submit their declarations in sealed cover to their respective heads of offices for safe custody, the above instructions being followed mutatis mutandis. Government employees are not required to supply more than one copy of the return, and instructions for submission of returns in duplicate, triplicate, etc., are unauthorized.

(1) Lands

Serial No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (wife, child, depen- dent, other relation or benamdar) the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6.	7	8	9
					(2) Houses			
Serial No.	Precise location	Exter inter			In whose name (wife, child, dependent, other relation or bznamdar) the asset is		Date and manner of acquisition	Remarks
1	.2	3		4	5		6	7

Signature of Declarant

(3) Immovable Properties of Other Description (Including mortgages and such other rights)

Serial No.	Brief description	Extent of interest	(wife, child, dependent,	Date and manner of acquisition	Remarks

1	2	3	4	5	6	7

B—Movable Property

(1) Cash, Bank Balance, Credit, Insurance Policies, Shares, Debentures, etc.

Serial No.	Description of item	Value	In whose name (wife, child, dependent, other relation or benamdar) the asset is	loan the name of the person from whom the loan was	Date and manner of acquisition	Remarks
1	2	3	4	4A	5	.6

(2) Other Movables

(Including jewellery and other valuables, motor vehicles, refrigerators and **other** articles or materials of Rs. 500 and over for each item)

Serial No.	Description of item	Value	In whose name (wife, child, dependent, other relation or <i>benamdar</i>), the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6

I hereby declare that the Declaration made "above is complete, true **and correct** to the best of my knowledge and belief.

ANNEXURE II (Rule 13)

Questions have been raised about the propriety of the reported raising of subscriptions by some officers of the Government in connection with the Rabindra Centenary Celebrations. For avoiding any doubt, the following policy is laid down for the guidance of all concerned:

The raising of subscription by Government officers, unless carefully controlled, is open to the risk that the giving of a subscription may be expected to result in favour or its refusal in disfavour on the part of the officer in deciding administrative matters that ought to be decided on merits, for valid reasons and without suspicion of caprice.

It has, therefore, been decided that while the officers of Food and Supplies Branch of the Food, and Supplies Department or the Police Department should be totally prohibited from associating themselves from realization of subscriptions of any manner, other Government officers may be permitted to raise subscriptions subject to the following conditions:

- (a) Subject to the advice and control of the Distict Magistrates and to any special instruction to Judicial Officers that may be passed by the High Court, Officers may initiate or support movements for raising of subscriptions to deserving public objects and may also make personal appeals, .but it should be ensured that such appeals would not be misconstrued and are appropriate to the status of the individual officers. Utmost care should be taken to ensure that nothing is said which could be taken as implying that the response would influence the officer one way or the other in the exercise of his public duties.
- (b) No officer should initiate or support a movement for rising of subscriptions except with the sanction of the senior officer of his department in the district. It will be a condition of such sanction that strict accounts will be kept and shall be open to inspection by members of a reputed non-official committee to be associated with the appeal.
- (c) The officer who initiates or supports such action should personally select and nominate only such of his subordinates whose zeal for the cause or for personal credit is not likely to overrun their discretion or obscure their judgment as to what is and is not improper pressure.
- (d) No officer may make the payment whether directly to himself or indirectly through any person of f a subscription to any object, a condition of his exercising or failure to exercise his powers in a particular manner.
- (e) Every officer is absolutely prohibited not only from asking for but even from accepting subscriptions at the time of performing any kind of official act, such as the grant or renewal of any kind of licence (e.g. for arms, motor vehicles, poison, cinema, etc.), the issue of permits of any kind, the allotment of contracts, withdrawing of prosecutions or the compounding of criminal case, etc.
- (f) No subscription box should be placed in any public office.

(Rule 15)

The phrase "dispose of any immovable property by lease" in Rule 15 of the West Bengal Government Employees' Conduct Rules, 1959, includes letting out a house, whether in whole or part, to a person on a monthly rent. A lease of immovable property is a transfer of a right to enjoy certain property made for a certain time, express or implied or in perpetuity, in consideration of money to be rendered periodically to the transferor by the transferee. The transferor is called the lessor, the transferee is called the lessee and the money to be so rendered is called the rent³¹.

The 20th May 1970

A. BHATTACHARYYA,

The 20th May 1970

A. K. DE.

Superintendent and Remembrancer of Legal Affair.

Appendix No. 6A

West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980

- **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 die 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. Definitions**—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;

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³¹ F. D. Memo. No. 1156 (175)F., dated 15th April 1961.

F.D. Memo. No. 2122F, dated 30th June 1970,

- (d) "member 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 dudes 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 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 of 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;

Note.—The right to strike shall not; now ever, 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 6 of these rules, participate in a radio or television programme:

Provided that nothing should be said in such programme 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 I960);
- (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 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, engaged 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 authorizes 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 proceeding 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.
- **7A.** Rules not to be in derogation of the West Bengal Government Servants' Conduct Rules, 1959—Nothing in these rules shall be construed to be in derogation of the provisions of the West Bengal Government Servants' Conduct Rules, 1959.
- **8. Repeal and savings**—(1) Subject to the provisions of rule 7A, as from the coming into force of these rules, the West Bengal Government Servants' Conduct Rules, 1959, shall, in relation to the Government employees to whom these rules apply, stand 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 such thing was done or such act was committed or such

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

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 thirty 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 Associations/ Unions/ Federative Bodies on the grievances of the employees both of general nature and 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 falls 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 reasonable period, the Appropriate Authority may 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 the/ 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 here all the parties to the dispute and give its award within a period of-one month.
- 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.

Appendix No. 7

Rules prescribing Leave Procedure
(Rule 221)

Under West Bengal Services Rule, 1971

Note.—The rules of this Appendix are numbered throughout in parenthesis, e.g., "rule (15)," References to rules without the parenthesis in this Appendix are, unless the contrary is expressly stated, references to the Service Rules, West Bengal.

I—General

- (1) [Omitted].
- **(2) (a) [Omitted].
- **(b) [Omitted].
- (c) in the case of Government employees to whom leave rules in Section II of Chapter XV apply, a leave account shall be kept in the form prescribed in Schedule II to these rules:

Provided that in the case of special disability leave granted under rule 195, only half the amount of earned leave under clause (b) of sub-rule (7) of that rule shall be counted as 'earned leave' taken and entered in the Service records.

- **Note 1.—**The form appended in Schedule II of these rules shall, in the case of each Government employee be attached to his Service book;
- **(3) (a) The leave account of a Group A Government employee shall be maintained by the head of the office in which he is employed.
- (b) The leave account of a Group B, C and D Government employee shall be maintained by the head of the office in which he is employed.
- **(4) Every application for leave or for an extension of leave shall be sent to an authority competent to sanction the leave through the intermediate superior, if any, of the Government employee applying for leave. In the case of Group-A Government employee, the application should be sent through the head of office. The application of a Government employee in foreign employ shall be sent through the Audit Officer who accounts for the contribution recovered from the foreign employer.
- **(5) Factions of a day should not appear in the leave account, fractions below should be ignored, and those of i or more should be reckoned as one day.
- *(6) A separate account should be kept of the leave earned by a Government employee serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government.
- *(7) Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government employee concerned will

ever be fit to resume his duties. In such cases, the opinion that the Government employee is permanently unfit for Government Service should be recorded in the medical certificate.

- *(8) Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government employee must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government employee under the terms of his contract or of the rules to which he is subject.
- **(9) Before a Group A Government employee can be granted leave or an extension of leave on medical certificate, he must obtain a certificate accompanied by a Statement of his case in the following form :—

Name (to be filled in by the applicant in the presence of the Medical Officer of Health) Appointment

Age

Total Service

Previous period of leave of absence on

medical certificate

Habits

Disease

I,, Medical Officer at	after ca	reful
personal examination of the case hereby certify that	is	in a
bad state of health, and I solemnly and sincerely declare that according t	o best o	f my
judgement a period of absence from duty is essentially necessary for the	e recove	ry of
his health and recommend that he may be grantedmonths' leave with	h effect f	rom-

Medical Officer of Health

Dated, the

Note 1.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

*(10) Having secured such a certificate, the Government employee must, except in cases covered by rule (13), obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department *to* appear before a Medical Committee. He should then present himself with two copies of the statement of his case before such a committee.

The committee will be assembled under the orders of the administrative medical officer of the State who will, where practicable, preside over it: The committee will be assembled either at the headquarters of the State or as such other place as Government may appoint.

*(11) Before the required leave or extension of leave can be granted, the Government employee must obtain from the committee a certificate to the following effect:—

We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of CD. to be such as to render leave of absence for a period of months absolutely necessary for his recovery.

- (12) Before deciding whether to grant or refuse the certificate the committee may in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:—
- CD. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C D. under professional observation for days.
- *(13) (1) If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to *b&* such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule (11) either—.
- (a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil station, in whatsoever State they may be serving; or
- (b) if the authority considers it unnecessary *to* require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district or the Commissioner of the Division.

- (2) Notwithstanding anything contained in sub-rule (1), the authority competent to sanction leave may, when the leave recommended by the authorized medical attendant or the Medical Superintendent of the hospital in which the applicant is undergoing treatment is for a period not exceeding one month, dispense with the procedure laid down in rules (10) and (11) and grant leave on the recommendation of such Medical Officer provided that such Medical Officer certifies that, in his opinion it is unnecessary for the applicant to appear before a medical committee.
- *(14) The grant of a certificate under rules (II), (13) or 07) does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the order of the authority should be awaited.
- **(15) Every application for leave on medical certificate made by a Group B, Group C or Group D Government employee shall be accompanied by a medical certificate given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.
- (16) The authority competent to sanction leave may, at his discretion, secure a second medical opinion by requesting the Presidency Surgeon or the District Medical Officer of Health to have the applicant medically examined. Should he decide to do so, he must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.
- (17) It will be the duty of the Presidency Surgeon or the District Medical Officer of Health to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.
- *(18) The following farm of medical certificate is prescribed for Group B, Group C or Group D employee recommended for leave or extension or commutation of leave :—

			(Signature*	of applicant)
l	after careful personal e	examination of th	e case hereby	certify that
whose signat	ure given above, is suffe	ring from:	and I cor	nsider that a
period of absence f	rom duty ofis ab	osolutely necessa	ary for the resto	ration of his
health.				
Dated, the .				

Government Medical Officer or Registered Medical Practitioner.

Note 1.—The nature and probable duration of the illness, should be specified, vide rule (15).

Note 2.—This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that; he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service,

- (19) The medical certificate of fitness required by rule 159 shall be as prescribed below:—
- (a) if the leave is taken outside India,

"We certify that we have carefully examined A.B. of the, Service and find that he is in good health and fit to return to his duty in India. We also certify that before arriving at this decision, we have examined the original medical certificate(s) and statement(s) of (he case (or certified copies thereof) on which the leave was granted or extended, and have taken these into consideration in arriving at our decision."

**In the case of a Group A employee in India, such certificate shall be obtained from a Medical Committee except—

(i) in cases in which the leave is for not more than three months, or (ii) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months, but the Medical Committee granting the original certificate or the certificate . for extension state, at the time of granting such certificate, that the Government employee need not appear before another Medical Committee for obtaining the certificate of fitness.

Note 1.—A certificate signed by one or two medical officers obtaining under rule (13) shall be deemed equivalent for the purpose of this rule to a certificate obtained from a Medical Committee.

- (20) The original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which the leave was originally granted or extended shall be produced before the authorities asked to issue the certificate's prescribed in rule (19).
- **(21) In support of an application for leave, or for an extension of leave, on medical certificate from Group D employees, the authority competent to grant the leave may accept such certificate as he may deem sufficient.

III—Grant of leave

- (22) In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should in deciding which application should be granted, lake into account the following considerations:—
 - (a) The Government employees who can, for the time being, best be spared.
 - (b) The amount of leave due to the various applicants.
 - (c) The amount and character of the service rendered by each applicant since he last returned from leave.
 - (d) The fact that any such applicant was compulsorily recalled from his last leave.
 - (e) The fact that any such applicant has been refused leave in the public interests.

Note.—Grant of leave on private affairs to the men of the Military Police is subject to. the condition that the number absent on leave on half average salary, whether on medical certificate or not, does not exceed 5 per cent, of the Battalion from 15th October to 15th April, and 10 per cent, from 16th April to 14th October.

- (23) When a medical committee in India has reported that there is no reasonable prospect that a particular Government employee will ever be fit to return to duty, leave may only be granted by Government and on the following conditions:—
- (a) It the medical committee is unable to say with certainty that the Government employee will never be tit for service again, leave not exceeding twelve months in all may be granted. Such leave may not be extended without further reference to medical committee.
- (b) If the medical committee declares that Government employee to be completely and permanently incapacitated for further service, the Government employee should, except as provided in clause (c) below be invalided from the service either on the expiration of the leave already granted to him. if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report. (c) A Government employee declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government employee's breakdown in health has been caused in and by Government service, or when the Government employee has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension. Note.—A report form a single Medical Officer shall be accepted for purposes of

leave under this rule in cases where such a certificate is deemed sufficient for granting invalid pensions.

- (24) Leave should not be granted to a Government employee who ought at once to be dismissed or removed from Government service for misconduct or general incapacity:
- (25) If, in a case not covered by rule (24) an authority competent to remove a Government employee from service decides, before such Government employee departs from India on leave, that he will not be permitted to return to duty in India, the authority shall inform him to that effect before he leaves India.
- (26) If, when a Government employee is about to depart from India, on leave it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary or if for any reason it is considered inexpedient that a Government employee on leave should return to India, a full report of the circumstances shall be made by Government to the High Commissioner in time to enable him to take any necessary measures before the Government employee would in the ordinary course be permitted to return to duty. The report should, in any case, reach the office of the High Commissioner at the latest three months before the end of the Government employee's leave.
- (27) The abolition of the substantive post of a Government employee absent on leave out of Asia should be immediately communicated to the High Commissioner.
- (28) When leave on medical certificate has been granted to a Government employee, if such Government employee proposes to spend his leave in Europe, North Africa, America or the West Indies, Government shall without delay forward a copy of the Medical statement of the case to the High Commissioner for India.
- (29) When a Government employee who has been granted leave for reasons of health proceeds to any of the localities named in rule (28), the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under rule 159.
- (30) Every Government employee proceeding on leave out of Asia should procure from the Head of Office and take with him a copy of the memorandum of information issued for the guidance of Government employees proceeding on leave out of Asia. If the leave has been granted on medical certificate, he must take a copy of the medical statement of his case also.

- (31) A Government employee taking leave out of India must, if so required by the Head of Office report his embarkation, through that Officer, to the authority which granted his leave in such form as the Government may prescribe.
- **(32) A Group A employee, on return from leave, must report his return to Government or Head of Office.
- (33) On return from leave exceeding two months a Group "A" employee must obtain orders as to his posting. On return from leave not exceeding two months, a gazetted Government employee may resume the post which he held before going on leave unless he receives orders to the contrary.

Note.—Authorities empowered to grant leave may when they sanction leave, permit group "A" employees to return from leave exceeding two months to resume the post which they held before going on leave.

- (34) Unless specially otherwise ordered, leave must begin within 35 days, of the date on which it is granted.
- (35) Omitted.
- TV—Records of Service
- *(36) Omitted.
- *(37) A service book in such form as the Auditor-General may prescribe must be maintained for every whole time Government employee other than those employed casually on daily wage basis.
- *(38) The service book shall be maintained in duplicate for each Government employee from the date of his first appointment to Government service. One copy shall be kept in the custody of the Head of the Office in which such Government employee is serving and transferred with him from office to office. In the case of the officers of the West Bengal Civil Service (Executive) and the West Bengal Police Service, the "service records shall, however, be maintained centrally by the Home (Personnel and Administrative Reforms) Department. The other copy will be kept with the Government employee.
- *(39) Every step in the Government employee's official life must be recorded in his service book, and each entry must be attested by the head of his office or, if he himself is the head of the office, by his immediate superior. The head of the office must see that all entries are duly made and attested and that the book contains no erasure or overwriting, all corrections being made and properly attested.

At a fixed time early in the year the service books should be taken up for verification by the head of the office or other officer as may be specially authorised by Government in this behalf who, after satisfying himself that the services of the Government employee concerned are correctly recorded in each service book, should record in it a certificate in the following form over his signature:

"Service verified up to (date) from (the records from which the verification is made)".

The officer in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods (naming them) a statement in writing by the Government employee, as well as a record of evidence of his contemporaries, is attached to the book.

The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

Before the establishment pay bills are destroyed, the periods of temporary officers as may be specially authorised by Government in this behalf, from the pay bills concerned and the fact of verification recorded under proper attestation in the service books, and officiating service should be verified by the Heads of Offices or such other Such officers should also invariably give necessary particulars with a view to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not.

When a Group A, Group B, Group C and Group D employee is transferred from one office to another, the Head of the Office or such other officers as may be specially authorised by Government in this behalf under whom he was originally employed, should record in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls, in respect of the whole period during which the officer was employed under him, before forwarding the service book to the office where the services are transferred.

*The entries in the copy of the service book which will remain in the personal custody of the Government employee will be made up-to-date at least once a year and also when a Government employee is transferred, under proper attestation by the Head of the Office or by any other officer authorised by the Head, of Office.

Any addition, alteration or overwriting in the entries made in any of the copies of the service book will not be accepted as authentic unless the same is attested by the competent authority.

The! service book will be made in Bengali or in Nepali (for the Nepalese speaking Government employees) in addition to English.

- (40) For the words "in any entry made across the page of the service book" substitute by the words "in the relevant column of the service book".
- (41) Personal certificates of character must not unless the head of the department so directs, be entered in a service book, but if a Government employee is reduced to a lower substantive post, the reason of the reduction must be briefly shown in the relevant column.
- (42) It shall be the duty of every Head of Office to initiate action to show the service book to Government employees under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the 15th March of every year. The Government employees shall, *inter alia*, ensure before affixing their signature that their service* have been duly verified and certified as such. In the case of a Government employee on foreign service, his signature shall be obtained in his service book after the Audit Officer has made, therein necessary entries connected with his foreign service.
- **(43) When a Group A, Group B, Group C or Group D Government employee istransferred, whether permanently or temporarily, from one office to, another, the; necessary entry of the nature of the transfer shall be made in his service book, which, after being duly verified to date and attested by the Head of that Office or such other officer as may be specially authorised by Government in this behalf, shall be 'transmitted to the Head of the Office to which the Government employee has been transferred who will thenceforward have the book maintained in his office.
- **(44) Omitted.
- (45) If a Government employee is transferred to foreign service, the Head of his Office or department must send his service book to such Audit Officer as the Auditor-General may prescribe. The Audit Officer will return it after noting in it, over his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government employee's retransfer to Government service, his service book must again be sent,' to the Audit Officer who will, then note in it, over his signature all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other thaw the Audit Officer.

- *(46) Omitted.
- *(47) Omitted.
- *(48) Omitted.
- *(49) Omitted.

**Schedule I—Omitted.

Schedule II

[See rule (2) (c)]

FORM OF LEAVE ACCOUNT

Name of Government employee	
Date of commencement /continuous service	
Date of permanent employment	.Date of retirement

	EARNED LEAVE							
Particulars of service in the half-year of a calendar year		year of a of service in the beginning of		No. of day so E.O.L. (Col. IK!) availed of during the previous calendar half year				
From 1	To 2	3	4	5				

E.L. to be deducted	Total E.L. at credit	Leave taken			Balance of E.L. on
(1/10th of the period	in days (Col. 4+11-	From	То	No. of	return from leave
in Gol. 5)	6)			days	(Col.7-10)
6	7	8	9	10	11

HALF-PAY LEAVE TAKEN
(On Private Affairs and Medical Certificate including Commuted leave and leave not due)

	Length of	service	Credit	of leave
From	То	No. of completed years	Leave earned (in Col. 15-4-35)	Leave at (credit days)
12	13	14	15	16

Leave aga	Leave against the earning on half-pay			ve on medical ce	ertificate on full
				pay	
From	То	No. of days	From	То	No. of day*
17	18	19	20	21	22

HALF-PAY LEAVE TAKEN

(on Private Affairs and Medical Certificate including Commuted Leave and leave not due)

Commuted leave witho be in public interest lim com	Commuted leave converted into half-pay leave (twice of Col. 22 and 25)		
From	То	No. of days	
23	24	25	26

On Medical Certificate			Otherwise tha	n on Medical' to 180 days	Certificate limited
From	То	No. of days	From.	То	No. of days
27	28	29	30	31	32

Leave not due limited to 360 days in entire service.

Total of leave not due (Col. 29+32)	Total half-pay leave taken (Col. 19+26+33)	Balance of half-pay leave <i>on</i> return from	*Other kinds of leave taken
33	34	leave (Col. 16-34) 35	36

^{*}Here insert the nature and duration of leave taken also on deputation to other Government, etc., and also allocation of periods of leave for which leave salary is debitable to another Government /Organisation with details of leave and the name of Government/ Organisation to which the same is debitable.

- Note 1. The Earned leave due should be expressed in days.
- Note 2. When a Government employee is appointed during the course of a half year of a particular calendar year earned leave shall be credited at the rate of 2 1/2 days for each completed calendar month and the fraction of day will be rounded to the nearest day.
- Note 3. The entries in column 6 shall be in complete days. Fraction of day shall be rounded to the nearest day.
- Note 4. Period of extraordinary leave shall be noted in red ink.
- Note 5. The entries in columns 12 and 13 shall indicate only the beginning and end of completed years of service at the time the half-pay leave commences. Where a Government employee completes another year of service while on half-pay leave, the extra credit shall be shown in columns 12 to 16 by making suitable additional entries and this should betaken into account while completing column 35.

Appendix No. 8

Concordance showing the source of each rule in the West Bengal Service Rules, Part I

N.B.-All references to the old rules in this Appendix relate to the rules in the West Bengal Service Rules, Part I (Corrected up to October 1971)

CHAPTER I—EXTENT OF APPLICATION

Rules-4 ... Based on old rules.

CHAPTER II—DEFINITIONS

Rule 5

Clause 1 Based on old rule.

Clause 2 and notes Amended under Notification No.10300F, dated 1-11-86, in view of the

thereunder provisions laid down in Memo. No. 3869-F, dated 25-3-78 altering the

concept of average pay.

Clause 3 Based on old rule.

Clause 4 Has been changed as per Govt, decision contained in Finance

Department No. 10606-F, dated 25-9-78.

Notes 1(a) do.

Proviso to 1(a) Based on Govt, decision No. 10606-F, dated 25-9-1978.

Proviso to 1 (b)

Explanation (a)

Based on old rule.

Has been retained.

(b) Has been revised in view of the upward revision of pay scales in 1981

ROPA Rules.

Note 2 Omitted in view of the new classification of services.

Notes 3-4 Based on Finance Deptt., Memo. No. 4809-F, dated 18-5-79 and Govt,

decision.

Clause 6 Based on old rule.

Clause 8 Based on new classification of services.

Clauses 9—11(a) (b) Based on old rules.

Note below 11 (b) Based on F.D. Nos. 5532-F, dated 9-11-71 and 7970-F, dated 1-11-73.

Sub-clause (c) Omitted as unnecessary. From sub-clause (d) of Based on old rules.

clause 11 to clause 12

Clause 13. Adopted the definition from FR and SR Vol. I.

Clause 14. Based on old rule. Clauses 16—20 Based on old rules.

Clause 21(a)(b) Omitted in view of the provision laid down in No. 3868-F.

dated 25-3-78

Clause 22 Adopted the definition from Govt, of India rules in FR and

SR, Vol. I

Clauses 23—42 Based on old rules. Rule 6 Based on old rule.

CHAPTER III—GENERAL CONDITIONS OF SERVICE

Rules 7—9 Based on old rules.

Note 2 below rule 9 Based on Govt, decision on L.R.'s advice.

and L.R.'s decision

Rules 10—15 Based on old rules.

Rule 16 Has been changed on the basis of rule 12 of FR and SR, Vol.1.

'Rules 17—18 Based on old rules.

Rule 19 Based on old rule.

Note 1 Omitted as unnecessary.

Note 2 Based on the provisions laid down in WBS (APC) Rules, 1979 and

Govt, decision thereunder.

Rule 20 Sub-rules 1. Based on old rule.

Sub-rule 1(b) Omitted in view of Govt, of India rules in F.R. 14.

Sub-rule 1(c)
Sub-rule 2.

Based on old rule.
Based on F.R. 14
Sub-rule 3.

Based on old rule.
Sub-rule 4.

Based on old rule.

Notes 1 and 2 Substituted on the lines of Govt, of India rules in F.R. 14.

Rule 20 Sub-rule 5. Based on old rule. Sub-rule 6. Based on old rule.

Note 1 and 2 Has been inserted on the basis of Govt, of India rules in FR. and SR in

rule 14.

Rule 21 Substituted on the lines of F.R. 14A.

Rules 22 to 25 Based on old rules.

Rule 26 and Note Substituted as per amendment in F.D. No. 740-F, dated 7-1-72.

thereunder

Note 4 below rule 31 Amended as per Govt, decision in No. 5778-F, dated 20-6-80.

Rules 32—33 Based on old rules.

Rule 34 Based on Govt, of India rules framed on Supreme Court ruling and

formally adopted under Notification No. 10300-F dated 1-10-86.

Rule 34 A and Note Main rule based on old rule* and Government decision on the advice of

L.R.

Rule 34 B Based on old rule.

CHAFFER IV-DOMICILE

Rules 35—37 Based on old rules.

CHAPTER V—PAY

Rules 38 to 42 Based on old rules.

Notes 1—5 of rule 42 Based on old rules.

Note 6 Based on F.D. No. 2729-F, dated 28-7-75.

Rule 42A Based on rule 11 of WBS (ROPA) Rules, 1981, as clarified in Finance

Deptt. No. 13452-F, dated 15-12-82 and also F.D. Nos. 14919-F, dated

15-12-83 and 3721-F. dated 12-4-83.

Rule 42 B Based on rule 9 of WBS (ROPA) Rules, 1981.

Rule 43 Based on old rule.
Rule 44 Based on old rule.

Note 6 of rule 44 As amended in Notification No. 7265-F. dated 27-10-75.

Rule 45' Based on old rule.
Rules 46 and 47 Based on old rules.

Rule 48

Clause (a) with note Based on old rules.

thereunder and Clause (b)

Note below Clause (b) Omitted in view of the provisions in WBS

(APC) Rules, 1979.

Clause (bb) Based on old rule.

Clause (bbb) Has been retained excepting the bracketed portion which is unnecessary. Note below Clause Amendment made in view of the revised classification of services and

(bbb) F.D. No. 7265-F. dated 27-10-75.

Rest of the Clauses Based on old rules.

Rule 48 A Based on F.D. Notification No. 1084-F, dated 1-3-84 and No.

7407-F, dated 24-7-74.

Rule 49 Based on old rule.

Rule 49 A Based on the provisions laid down in rata 10 of WBS (ROPA) Rules,

1981.

Rules 50—53 . Based on old rules.

Note below Rules 52 Based on administrative instructions Nog. (2) and (3) of F.R. 29 of F.R.

and 53 and S.R. Volume I.

Rule 54 Based on old rule; only paragraphs have been renumbered.

Sub-rule 1.

Note 2 below sub-rule Based on amendment made in F.D. Notification No. 1867-F. dated 3-4-

72.

Sub-rules 2 and 3 Based on old rules.

Sub-rule 4. Based on Government decision.

Rule 55

Sub-rule 1 Based on old rule.

Sub-rule 2 Is a redraft on the lines of Rule 42A.

Sub-rule 4 Based on F.D. No. 3368-F, dated I8-5-73_s

No. 8268-F, dated 4-12-75, and No. 4066-F, dated 25-6-73.

Rule 55 A Based on old rule.

Rule 55 B Based on old rule; proviso is based on F.D. Notification No. 4066-F,

dated 25-6-73.

Notes 1 and 2 Based on old rules.

Note 3 Based on 10107-F, dated 9-11-79.

Clause (b) Based on old rule.

Rules 56—61 Based on old rules.

CHAPTER VI—FEES AND HONORARIA

Rule 62 Based on Finance Deptt. Memo. No. 941-F, dated 7-2-80.

Clause (a)

Proviso Clause (b) and Based on old rule.

Notes 1 and 2 Omitted in terms of F.D. No. 3292-F, dated 31-3-79.

Note 3 Based on old rule.

Notes 4 (a) and (b) Have been modified on the basis of F.D. No. 941-F, dated 7-2-80 read

with No 10109-F, dated 20-9-84.

Note 5 Omitted.

Note 6 Based on old rule.

Rule 63 Based on old rule and F.D. No. 941-F, dated 7-2-80.

Rule 64 Based on Finance Deptt. No, 3292-F, dated 31-3-79.

CHAPTER VII—COMBINATION OF APPOINTMENTS

Rule 65 Redrafted on the basis of F.R. 49 keeping in view the principles of grant

of deputation allowance.

Note 4 Based on para 1(a) of Finance Deptt, No. 6725-F, dated 29-6-79.

-DEPUTATION OUT OF INDIA CHAPTER VIII-

f Rules 65A-69 .. Based on old rules.

CHAPTER IX—DISMISSAL. REMOVAL AND SUSPENSION

' Rule 70 .. Based on old rule.

Rule 71 Based on old rules and orders and also Govt* of India's provisions in F.R.

53 of F.R.S.R.* Vol. I., formally adopted under notification No. 10300-F,

dated 1-10-86.

Rules 72-72A and

72B..

Based on old rules as amended in notifications No. 5935-F, dated 9-12-71 read with No. 652-F. dated 11-2-74 and provision in F.R. 54 of

F:R.S.R., Vol. I., formally adopted under notification No. 10300-F dated

1-10-86.

Rules, 73—74A Based on old rules. CHAPTER X—COMPULSORY RETIREMENT

Based on amendment made in F.D. Nos. 3426-F, dated 29-Rule 75(a)

4-76, 3329-F, dated 26-4-76, 4961-F, dated 28-4-83 and 10606-F,

dated 25-9-78.

Second proviso Vide Education Department notification No. 1995-Edn(A), 1-10-81.

Note below 2nd Based on Government's decision.

proviso

Rule 75(aa) and Note Based on old rules and F.R. 56(11) of F.R.S.R. Vol. I.

Rule 75(aaa) and Based on Govt, of India's decisions below F.R. 56 of F.R.S.R., Vol. I.

Notes

Rule 76 Based on old rule as amended under notification No. 3426-F, dated 29-4-

76 and Govt, decision regarding classification of services and

consequent upon pay revision in 1981.

Rules 77—79A Based on old rules.

Rule 80 Based on old rule and Govt, of India's rules, viz., CCS. (Joining Time

Rules) 1979, formally adopted under notification No. 10300, dated 1-10-

86.

Rule 81 As in Rule 80. Rule 82 As in Rule 80.

Rule 83 Omitted.

Based on old rules. Rules 84—86

Rule 87 As in Rule 80.

Rules 88-89. Based on old rules. Rule 90 Based on old rule.

Sub-rule 1..

Note I Omitted.

Sub-rule 2. Based on S.R. 293A of F.R. and S.R., Vol. II.

Rule 91

Sub-rule 1. As in Rule 80.
Sub-rule 2. Based on old rule.

Rule 92 Based on old rule except the concluding portion which has been modified

on the model of rule 2(1) of Joining Time Rules, 1979 of Govt, of India

under notification No. 10300-F, dated 1-10-86.

Rule 93 Based on old rule and Rule 7 of Joining Time Rules, 1979 of Govt, of

India, formally adopted under notification No. 10300-F, dated 1-10-

86.

Rule 94 Based on old rule.
Rule 95 Based on old rule.

Note Based on F.D. No. 4728-F, dated 10-7-75.

Rule 96 Based on old rule.

CHAPTER XII—FOREIGN SERVICE

Rules 97—101 Based on old rules.

Rule 102 Based on old rule and F.D. No. 3589-F, dated 6-5-76.

Rule 103 Based on old rule.

Rule 104 Clause (i) and (ii) of Sub-Rule 2 ammended as per F.D. notification No.

11295-F dated 4. 11. 82.

Notes Based on old rules. Rule 105 Based on old rule.

Rule 106 Amended as per Notification no. 6312-F dated 17.05.83

Rules 107-116 Based on old rules.

CHAPTER XIII—SERVICE UNDER LOCAL FUNDS

Rules 117-118 Based on old rules.

CHAPTER XIV—PASSAGES FROM OR TO INDIA

Rules 119—143 Based on old rules

CHAPTER XV-LEAVE

SECTION I—GENERAL CONDITIONS
Rule 144 Based on old rule.

Rule 145 Based on rule 4 of CCS. (Leave) Rules, 1972 and in terms of Finance

Deptt. No. 9326-F, dated 12-10-78.

Rule 146 Based on old rule and rule 5 of CCS.

(Leave) Rules, 1972, formally adopted under notification No. 10300-F,

dated 1-10-86.

Rule 147 Based on old rule and rule 9 of CCS (Leave) Rules, 1972 as amended by

Government of India, formally adopted under notification No. 10300-F,

dated 1-10-86.

Rule 148 Omitted as redundant in view of the fact that there is no difference

between permanent and temporary employees in the leave matters.

Rule 149 Redrafted on the basis of Rule 34 of Government of India's CCS. (Leave)

Rules, 1972. Formally adopted under notification No. 10300-F, dated 1-

10-86.

Rule 150 Redrafted in terms of Finance Deptt. No. 3522-F, dated 6-5-81.

Rule 151 Verbal changes have been made in view of new classification of

services.

Note I Based on old rules.

Note 2 Omitted.

Note 3 Based on old rules.

Rule 152 Verbal changes have been made in view of new classification of

Note 1 services. Rule 153 Omitted.

Sub-rule (1) Based on old rule.

Sub-rule (2) Based on rule 8 of CCS. (Leave) Rules 1972. Formally adopted under

notification No. 10300-F, dated 1-10-86.

Notes Based on old rules.

Rule 154 Redrafted Certain portions and Notes 1 and 2 which are not relevant

have been omitted.

Rule 155 Redrafted on the model of rule 22 of CCS. (Leave) Rules, 1972 as

amended formally adopted under notification No. 10300-F, dated 1-10-

86.

Rule 156 Based on old rule.

Rule 157 Redrafted excluding the portion 'or joining time'.

Rule 158 Redrafted on the model of rule 23 of CCS. (Leave) Rules, 1972 as

amended, formally adopted under notification No. 10300-F, dated 1-10-

86

Rule 159 Based on old-rule.

Rule 160

Sub-rule 1 Based on old rule.

Sub-rule 2 Redrafted in view of the provisions made in Rule 34.

Rule 161 Based on old rule.

Rule 162 & Notes 1 Redrafted in view of the provisions made in West Bengal Govt.

and 2 Servant's Conduct Rules, 1959 and West Bengal Services (Duties,

Rights and Obligations of Govt, employees) Rules, 1980.

SECTION II -LEAVE RULES

(The term revised has been omitted from the head-line and in all rules)

Rules 16 3—165 Based on old rules.
Rule 166 Based on old rule.

Rule 167 Redrafted on the model of Rule 11 of CCS. (Leave) Rules, 1972 and

decisions thereunder, formally adopted under notification No. 10300-F,

dated 1-10-86.

Rules 168, 168A, Based on old rule and Finance Deptt. Memo. No. 3871-F, dated

168B, 168C, and 168D 25-3-1978 as amended in No. 7810-F, dated 27-7-78, No. 4118-F,

dated 3-4-78, and 5638-F. dated 14-6-79 and rules 38 and 39 of C.C.S. (Leave) Rules, 1972, formally adopted under notification No. 10300-F, dated 1-10-86, Memo. No. 9046-F, dated 6-9-78 and

3190-F, dated 29-3-79 is also relevant.

Rules 169—170 Based on F.D. Nos. 3868-F, dated 25-3-78, 6029-F, dated 10-5-83, and

rule 26(3) of C.C.S. (Leave) Rules, 1972 and decisions of this

Government.

Rules 171—172 Based on Finance Deptt. No. 3033-F, dated 28-3-80, issued in

consultation with Judicial Deptt. and Hon'ble High Court.

Rule 173 Based on amendment made in F.D. No. 8309-F, dated 10^9-80.

Note Based on Govt, decision.

Rule 174 Based on the 2nd Pay Commission's recommendations and Govt, of

India's Rules, formally adopted under notification No. 10300-F, dated 1-

10-86.

Rule 175 ... Ditto.

Rule 176 Redrafted on the lines of Finance Deptt. Memo. No. 3869-F, dated 25-

3-78 and also on C.C.S. (Leave) Rules, 1972, formally adopted

under notification No. 10300-F, dated 1-10-86.

SECTION -III ORDINARY LEAVE RULES

Rules 177—194 Omitted.

SECTION IV—SPECIAL KINDS OF LEAVE

Rules 195 & 196 Based on 2nd Pay Commission's recommendations and C. C. S.

(Leave) Rules, 1972 as amended.

Rule 197 Based on old rules.

Rule 198 Redrafted on the model of C. C. S, (Leave) Rules, 1972 and Finance

Department No 8536-F, dated 10-10-36.

Rule 199 Redrafted on the recommendations of the 2nd Pay Commission and

Rule 43 of C. C. S. (Leave) Rules, 1972, adopted under notification No. 10300-F, dated 1-10-86 and also on the Medical Termination of

Pregnancy Act, 1971.

Rules 200—204 Based *on* old rules. Rule 207 Based on old rule.

Note I Based on Note 3 below Rule 188 of the old rule which has been

omitted.

SECTION V—SPECIAL PROVISIONS
Rules 208—220 Based on old rules.
SECTION VI—LEAVE PROCEDURES
Rule 221 Based on old rule.

CHAPTER XVI—OCCUPATION OF GOVERNMENT RESIDENCES

APPENDIX

Appendix I Fresh compilations on the basis of amendments so far made.

Appendix 2 Based on old Appendix as amended in F. D. NO. 1024-F, dated 5-

3-75.

Appendix 3 & 4 Omitted in view- of delegation of powers of sanctioning leave to more

and more subordinate authorities.

A 'Note' in both these Appendices has been inserted to cover the power of sanctioning leave by authorities who were empowered

to do so under the existing general or special orders.

Appendix 5 Based on C. C. S. (Leave) Rules, 1972 as amended with suitable

modifications under notification No. 10300-F, dated 1-10-86.

Appendix 5A Based on old Appendix.

Appendix 6

Annexure I & II Rule 1(b) has been amended under notification No. 10299-F dated 1-10-

86. Amendments made in Finance Department No. 445-F, dated 30-1-74, (2) 6449-F, dated 10-9-75, (3) 465-F, dated 27-1-76, (4) 6200-F, dated 2-6-78, (5) 4862-F, dated 22-4-78, (6) 4196-F, dated

30-4-74 have been incorporated.

NOTIFICATION

Notification No. 5292-F.—15th October 1971.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules;—

CHAPTER I.—EXTENT OF APPLICATION

1. These rules may be called the West Bengal Service Rules, Part II (Compensatory Allowance Rules), Except where it is otherwise stated, they shall be deemed to have come into force with effect from 1st December 1971.

Short Title and Commencement

- 2. Subject to the provisions of the Constitution of India and except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of West Bengal are competent to prescribe. Subject as aforesaid they also apply to—
 - (i) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force;
 - (ii) any person in respect of whose service, pay and allowances or pension or any of them special provision has been made by an agreement made with him, in respect of any matter not covered by the provisions of such law or agreement.

To whom the rules apply.

NOTE.—Employees of Chandennagore Administration as have opted for the pre-merger conditions of service will be governed by the rules applicable to them before merger in respect of journeys within Chandemagore Municipality.

- 3. The power of interpreting these rules is reserved to Government.
- NOTE.—Whenever in these rules a power is ascribed to Government only, that power may not, unless expressly provided by other rules, orders or notifications, be exercised except after consultation with the Finance Department.
- 3A. Nothing in these rules shall be construed to limit or abridge the powers of the Governor to dispense with or relax the requirements of any of these rules to such extent and subject¹ to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.
- 3B. All rules, orders or notifications which were in force immediately before the commencement of these rules and applicable to Government employees to whom these rules apply are hereby repealed;

Relaxations.

Interpretation.

Provided that in respect of anything done, any act committed or any omission made before the commencement of these rules, the rules, orders or notifications 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.

CHAPTER II.—DEFINITIONS

Definition

- 4. Unless there be something repugnant in the subject or context the following terms are used in these rules in the sense here explained:—
- (1) Actual travelling expenses means the actual cost of transporting a Government employee with his servants and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment, if necessary. It does not include charges for hotels, travelers' bungalows or refreshments or for the carriage of stores or conveyance or the cost of telegraphic reservation of accommodation or conveyances or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.
- (2) Camp equipage means the apparatus for moving a camp.
- (3) Camp equipment means tents and the requisites for pitching and furnishing them or, where tents are not carried such articles of camp furniture as It may be necessary, in the interests of the public service, for a Government employee to take with him on tour.
- (4) Omitted.
- (5) Controlling Officer means the authority declared by Government to be the controlling officer for the purposes of travelling allowance of a particular Government employee or class of Government employees.
- **NOTE.I Omitted.
- NOTE 2.—The controlling officer for the purposes of travelling allowance for the journey of a Government employee to join his post under a borrowing Government as well as for the return journey will be the controlling officer in regard to his post under that Government.
- **(5A) Competent authority in relation to the exercise of any power conferred by or under these rules, means the Governor or any authority to which such power is delegated by or under these rules.
- (6) Darjeeling means the district of Darjeeling excluding the Siliguri subdivision.
- (6A) Dry and River District moans the district and the subdivisions or portions of the subdivision in it as may be specifically declared as "River" or "Dry" under the special orders of Government.
- NOTE.—A list showing the existing classification of the districts and subdivisions into "Rivers" or "Dry" is given in Appendix 21.

**(7) Family means a Government employee's wife (but not more than one wife) or husband, as the case may be, residing with and wholly dependent¹ on the Government employee and legitimate children and step children and includes parents, sisters and minor brothers if residing with and wholly dependent on the Government employee.

NOTE.—For the purpose of this clause—

- (1) "Children" shall mean and include major sons and married daughters of the Government employee so long as they are residing with and wholly dependent on the Government employee.
- (2) Legitimate children, step children, parents, sisters and minor brothers who reside with the Government employee and whose income from all sources including pension (inclusive of temporary increase in pension and pension equivalent of gratuity) does not exceed rupees two hundred and fifty per month shall be deemed to be "wholly dependent" on the Government employee.
- (8) Public Conveyance means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.
- (9) Sphere of Duty.—A Government employee's sphere of duty shall be such as the Head of the Department may define, and is, in the absence of orders to the contrary, the area of the executive jurisdiction of himself or the head of his office.
- NOTE.—A list showing spheres of duty of particular Government employees specially fixed is given in Appendix 3.
- 5. Unless there be something repugnant in the subject or context the terms defined in rule 5 of the West Bengal Service Rules, Part I, are used in these rules in the sense therein explained.
- Omitted.

CHAPTER III,—CONDITIONS REGULATING THE DRAWAL OF COMPENSATORY ALLOWANCE

- 7. The amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient.
- 8. In this chapter unless the context otherwise requires—
- (a) leave means leave (including extraordinary leave) taken for a period not exceeding four months, other than leave preparatory to retirement and except for the purposes of rules 13 and 14, includes extraordinary leave. The title to compensatory allowance will remain intact—

Not a source of profit.

Definitions.

- (i) when the original leave not exceeding four months is not subsequently extended or, if extended, the total period does not exceed four months, throughout the period.
- (ii) when the original or extended leave not exceeding four months referred to in subclause (i) is subsequently extended and the total period exceeds four months, up to the date of expiry of the original or extended leave not exceeding four months or the date of sanction to the first subsequent extension which causes the total period of leave to exceed four months, whichever is earlier; provided the authority sanctioning the leave certifies that he is satisfied that the application for extension was necessitated by a genuine change of intention;
- (b) temporary transfer means a transfer to duty in another station which is expressed to be for a period not exceeding four months. For the purpose of this division it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension unless the context otherwise requires.
- NOTE 1.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule.
- NOTE 2.—When vacation is combined. with leave, the entire period of vacation and the leave should be taken as one spell of leave for the purpose of clause (a) of this rule.
- 9. Save as provided in the following rules in this chapter, a compensatory allowance attached to a post will cease to be drawn by a Government employee when he vacates the post.
- 10. Where in the following rules in this chapter the title to a compensatory allowance during leave, temporary transfer or joining time is contingent upon any certification by the authority sanctioning the leave or transfer, such certificate must be embodied in the original orders sanctioning the leave or transfer. A certificate which is not so embodied in the original orders is not a valid certificate acceptable to audit to enable the compensatory allowance to be drawn.
- NOTE 1.—Where, due to some unavoidable reasons, an original order sanctioning leave or temporary transfer is issued after the expiry of the term of the leave or temporary transfer, the certificates to be given by the authority sanctioning the leave or temporary transfer shall always be in the past tense.
- NOTE 2.—Where a change in the element of likelihood of reposting to a qualified post occurs during the course of leave or temporary transfer, the drawl of the compensatory allowance during the leave or temporary transfer shall be regulated in accordance with

On vacating a post.

Certification by competent authority

the certificate embodied in the original order sanctioning the leave or temporary transfer and not with reference to any revised order issued subsequent to it.

11. A permanent travelling allowance is not admissible during leave, temporary transfer or joining time.

Permanent Travelling Allowance.

12. A conveyance allowance—

(a) to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached, or

Unconditional Conveyance Allowance or bicycle allowance.

**(b) for the maintenance of a bicycle, is not admissible during leave, temporary transfer or joining time or holidays prefixed or suffixed to the leave.

Allowances for Expensiveness of living.

allowance.

13. An allowance granted owing to the expensiveness of living, other than a grain compensation allowance or a house-rent allowance, may be drawn—

- (a) during leave if—
 - (i) the authority sanctioning such leave certifies that the Government employee is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or to join a post which carries a similar allowance.
 - (ii) the Government employee certifies that he or his family or both resided, for the period for which the allowance is claimed, at the station from! which he proceeded on leave or at another station in West Bengal where a similar allowance is admissible;
- (b) during temporary transfer, if—
 - (i) the authority sanctioning the transfer certifies that the Government employee is likely, on the expiry of the temporary duty, to return to the station from which he is transferred or to join a post which carries sach an allowance;
- (ii) the Government employee draws no allowance of the same kind in the post to which he is transferred temporarily, and
- (iii) the Government employee certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.
- **14. A house-rent allowance may be drawn during leave (including leave House-rent preparatory to retirement or refused leave) or temporary transfer, if—
- (a) Omitted.
- (b) the Government employee certifies either—

- (i) that his family continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred or
- (ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.
- NOTE 1.—(a) When a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn; and, when a certificate is given under either sub-clause (i) or sub clause (ii), such authority may require Uie Government employee to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.
- (b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred.
- NOTE 2.—This rule does not apply to an allowance granted under the Calcutta House Allowance Rules (vide Appendix 19) in so far as it is inconsistent with those rules.
- NOTE 3. For rules regulating the grant of house-rent allowance to officers to whom the Calcutta House Allowance Rules do not apply, vide Appendix 20.
- 15. A portion, not exceeding half of the allowance granted on condition that a motor car is owned or a motor cycle is possessed and maintained, may be drawn during leave or temporary transfer, if—
- (i) the substantive pay of the Government employee during the period of claim does not exceed Rs. 1,200(**)
- (ii) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary transfer, *to* return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which a similar allowance will be admissible; and
- (iii) the Government employee certifies that he continued to own the motor car or to possess and maintain the motor cycle, that the amount claimed was spent by him on garage hire or wages to the staff or both for the period for which the amount is claimed and that the vehicle was not, during that period, in use by anybody.

NOTE.—The maximum allowance for a motor cycle is limited to Rs. 20.(**)

16. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if—

Motor Car or Motor Cycle Allowance.

Home or Pony Allowance.

- (i) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary transfer, to return to the post from which he proceeds on leave or is transferred or to be appointed to a post in which a similar allowance will be admissible; and
- (ii).the Government employee certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period to which the claim relates.

17. Omitted.

18. A non-practicing allowance may be drawn during leave or temporary transfer, provided the Government employee certifies that during such leave or temporary transfer he did not engage in private practice.

Non-Practising Allowance.

19. A compensatory allowance other than an allowance for the regulation of which express provision is made in this chapter may be drawn during leave or temporary transfer if—

Miscellaneous Allowances.

- (a) the authority sanctioning the leave or transfer certifies that the Government employee is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and
- (b) the Government employee certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.
- 20. Subject to rules 11 and 12, a Government employee may draw during joining time granted to him to enable him to join a new post to which he is appointed while on duty in his old post, a compensatory allowance attached to the old post—

Compensatory allowance during the period of transit.

- (a) if an allowance of a similar kind attaches to his new post, provided that if the allowance be a motor car allowance or a horse or a conveyance allowance of other kind, the motor car is owned and the horse or the other conveyance is possessed and maintained during the joining time; or
- (b) if an allowance of a similar kind does not attach to his new post, only if the transfer is a temporary transfer and if the drawal of the allowance during such temporary transfer is admissible under the rules in this Chapter.

NOTE.—If the amount of the allowance differs in the two posts, the lesser amount only is admissible under clause (a).

When on duty outside the limits of the State.

Admissibility of allowance for expensiveness of living.

- 21. When a Government employee belonging to Group A, or B or C, is permitted to proceed on duty outside the limits of the State, the Head of the Department may, if he considers that the Government employee's expenses exceed those to which he might be put by a temporary transfer on duty within the State, grant him a compensatory allowance not exceeding one-fifth of his pay.. If the place of duty has been recognised as particularly expensive by the grant of special compensatory allowance to Government employees stationed there, the Head of the Department may grant such, Government employee a compensatory allowance, in lieu of or in addition to the allowance referred to above, similar to the compensatory allowance admissible in (hat place to a Government employee of his class.
- 21 A. Notwithstanding anything elsewhere contained in these rules, a Government employee shall not, merely because of his—
 - (a) going on leave for a period of more than four months,

or

(b) being transferred without there being any likelihood of his returning on duty, within a period of four months from the date of the transfer, to the station from which he is transferred forfeit his title to an expensive living allowance until the expiry of four months from the date of commencement of the leave or the date of the transfer, as the case may be, if the Government employee certifies that, for the period for which such allowance *is* claimed after such date, he himself resided, or kept his family, at the station from which he proceeded on leave or on transfer, as the case may be, and has incurred the expenses for which the allowance has been attached.

Explanation.—In this rule,—

- (a) "expensive living allowance" shall mean an allowance to compensate expensiveness of living, not being a grain compensation allowance, and shall include a house rent allowance;
- (b) "the period of four months" shall, in the case of a transfer immediately following a period of leave or a temporary transfer, be counted from the date of commencement of such leave or the date of such temporary transfer, as the case may be; and
- (c) "transfer" shall not include—
 - (i) a transfer on promotion, or
 - (ii) a transfer on the request of the Government employee himself, or

(iii) a transfer taking effect on the expiry of leave for a period of four months or more.

Chapter IV—Grades of Govt, employees

**22. For the purpose of travelling allowance Government employees are divided into four grades as follows:

- I. The first grade includes all Government employees in receipt of pay of Rs. 1,000 or more per month as well as the members incumbents of the following services / posts irrespective of the pay consolidated pay drawn:—
 - (i) Indian Administrative Service,
 - (ii) Indian Police Service,
 - (iii) Indian Forest Service,
 - (iv) Confidential Assistants to the Chief Minister, Ministers and Ministers of State, and
 - (v) Political Secretary to the Chief Minister.
- II. The second grade includes all Government employees in receipt of pay of Rs. 600 or more but less than Rs. 1,000 per month.
- III. The third grade includes all Government employees in receipt of pay of Rs. 350 or more but less than Rs. 600.
- IV. The fourth grade includes all Government employees in receipt of pay of less than Rs. 350 per month:

Provided that Government may, by special order, include any Government employee or class of Government employees in a grade higher or lower than those prescribed for such employees or class of employees.

- NOTE 1.—Government have ordered that the Jamadars of the Eastern Frontier Rifles shall be included in the second grade.
- NOTE 2.—The pay of a Government employee upon which his grade is to be determined is his pay as defined in clause (28) of rule 5 of the West Bengal Service Rules, Part I.
- NOTE 3.—No revision of claims of travelling allowance is permissible in a case where a Government employee is promoted or reverted or is granted an increased rate of pay with retrospective effect in respect of the period intervening between the date of promotion or reversion or grant of increased rate of Pay and the date on which it is notified, unless it is clear that there has been an actual change of duties. In the case of all bills audited before the notification appears, the Audit Office and the Pay and Accounts Office should be guided by the facts known officially at the time, but in the

Gradation of Government employees for the purpose of travelling allowance. case of travelling allowance bills there is no objection to the Audit Officer recognizing the retrospective effect of the notification.

NOTE 4.—The pay of a re-employed pensioner upon which his grade is to be determined shall be calculated as follows:

- (a) where the pension of a re-employed pensioner is held in abeyance during the period of re-employment, his pay for the purpose of determining his grade shall be the pay actually received by him from time to time;
- (b) where the pension is allowed to be drawn by him in addition to pay, he shall, for the purpose of determining his grade, be deemed to be in receipt of actual pay equivalent to his pay on re-employment plus the pension subject to the condition that where the amount of such pay and pension exceeds the pay of the post, if it is on a fixed rate of pay or the maximum of the scale of pay of the post, if it is on a time-scale of pay, such excess shall be ignored.

Explanation.—For the purpose of this note, the amount of pension to be taken into account shall be the amount originally sanctioned, i. e., before commutation, if any, and shall also include the pension equivalent of retiring gratuity, if any.

NOTE 5.—(1) A reference to any scale of pay in this rule shall be construed as a reference to a revised scale of pay specified in the West Bengal Services (Revision of Pay and Allowance) Rules, 1981. Government employees retaining the "existing scale of pay" within the meaning of the said rules shall continue to be governed by the classification incorporated in rule 22 as it stood before the issue of this rule until they begin to draw pay in the revised scale.

(2) Any Government employee who was drawing a pay of Rs. 425 or above under the West Bengal Services (Revision of Pay and Allowance) Rules, 1970 and was a second grade Government employee for the purpose of travelling allowance before the coming into effect of this rule may continue to be a second grade Government employee so long his pay under the West Bengal Service (Revision of Pay and Allowance) Rules, 1981 is less than Rs. 600 per month.

NOTE 6.—The Motor Drivers (Special cadre) exclusively for the Ministers shall be treated as Grade III employees drawing a pay of Rs. 400 per month for the purpose of drawal of travelling allowance while on tour in the interest of public service.

NOTE 7.—The Attendants to the Ministers, the Ministers of State or the Deputy Ministers shall be treated as Grade IV employees for the purpose of drawal of travelling allowance while on tour in the interest of public service.

**22A. A Government employee whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, shall rank in such grade as the Competent Authority may, with due regard to the Government employee's status, declare.

Gradation of part time Government employees for the purpose of travelling allowance.

23. A Government employee while in transit from a post in one grade to a post in another is included in the lower grade.

CHAPTER V.—DIFFERENT KINDS OF TRAVELLING ALLOWANCE

- 24. The following are the different kinds of (travelling allowance which may be drawn in different circumstances by Government employees:—
- General Rule.

- (i) Permanent travelling allowance,
- (ii) Conveyance or horse allowance.
- (iii) Allowance for distance travelled,
- (iv) Daily allowance.
- **(v) The actual cost of travelling.

SECTION I.—PERMANENT TRAVELLING ALLOWANCE

25. A Government employee whose duties require him to travel extensively may be granted subject to any conditions which Government think fit to impose a permanent monthly travelling allowance in lieu of all other forms of travelling allowance for journeys within his sphere of duty. Such an allowance may be sanctioned for the whole year or for such portion thereof as Government may decide, and during that period it may be drawn whether the Government employee is absent from his headquarters or not. Except¹ in any circumstances specifically provided in these rules, such an allowance shall not be drawn during a period for which travelling allowance of any other description is drawn.

NOTE 1.—A list of Government employees to whom permanent monthly travelling allowance has been granted is given in Appendix 4.

NOTE 2.—Where a permanent travelling allowance is granted on condition that the Government employee shall spend not less than a prescribed minimum number of days in a month on tour, the amount of allowance to be drawn each month shall be calculated on the basis of the following formula:

Amount of permanent
Travelling Allowance.

No. of days on tour or
the prescribed number
of days whichever is less.

No. of proscribed days.

No. of days of the month.

Condition of grant.

Illustration.—An officer is granted a permanent travelling allowance of Rs. 60 per month subject to the condition that the number of days spent on tour in a month is not less than 20.

- (i) He spends 16 days on tour in a particular month and remains on duty for 26 days having proceeded on regular leave for the last 4 days of the month. The amount of permanent travelling allowance payable to the officer will be 60x 16/20x26/3)=Rs. 41.60 P.
- (ii) He spends 20 days on tour In a month but proceeds on regular leave for the last 4 days of the month. The amount of permanent travelling allowance admissible to him for the month will be Rs. 60x20/20x26/30 = Rs. 52.

Explanation.—(a) The term "number of days on duty" occurring in the formula shall include Sundays and closed holidays and casual leave but shall exclude periods of regular leave, temporary transfer, joining time, suspension, etc., during which the permanent travelling allowance is not admissible.

(b) For the sake of convenience and facility of application, the number of days in a month is taken as 30 uniformly.

NOTE 3.—A Government Officer, who is in receipt of a permanent travelling allowance, shall surrender his permanent T. A. at the rate of 1/30th for each day he travels in a Govt, vehicle on duty or an amount equivalent to T. A. admissible under normal rules had there been no permanent T. A. whichever is less. This order will not however apply to cases where an officer is required to accompany a superior officer using a Government vehicle.

Every officer (**) in receipt of permanent travelling allowance and receiving payment of the allowance in full, should, at the end of the given month but not later than the 10th day of the following month, furnish to his disbursing officer a certificate in the following form:—

- (a) "Certified that I......(designation) hereby declare that I did not use Government vehicle for journeys on duty in the month of......" On the basis of certificates received from individual officers the departmental disbursing officers (**) should furnish a certificate in the following form on the body of the relevant pay bill of the following month:—
- (b) "Certified that the Government employees for whom permanent T. A. was claimed in full during the previous month in Bill bearing Token No. T. V. No......,

date......, have furnished necessary certificates in terms of Note 3 below rule 25 except in the case of SI. No......... from whom proportionate deductions have been effected and the amount adjusted by short-drawal in this bill.

Government officers (**) will embody a certificate as at (a) above on the bill in which the claim for the month will be preferred.

**25A. When a Government employee holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances as a Competent Authority may consider to be necessary in order to cover the travelling expenses which he has to incur.

Combination of posts.

SECTION II.—CONVEYANCE AND HORSE ALLOWANCES

26. A Government employee who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for travelling allowance of other descriptions, may be granted a monthly conveyance or horse allowance, subject to the production of a certificate that he owns and possesses a conveyance or horse and knows how to drive the conveyance or ride the horse.

Condition of grant.

Provided that where the conveyance allowance is claimed in respect of a motor car it shall be sufficient for the Government employee to produce a certificate that he owns and possesses a motor-car.

NOTE 1.—The general conditions for regulating the drawal of conveyance or horse allowance are given in Appendix 5.

**NOTE 2.—Vide notes below rule 88.

NOTE 3.—The term 'extensively' means a journey at least 200 km. on an average per month.

**NOTE 4.—(1) For the initial fixation of allowance under these rules a Government employee claiming the allowance should maintain a log book of journeys on duty qualifying for the grant of allowance for a minimum period of three months. The Controlling Officer shall scrutinize the log book as frequently as possible during this period. A longer period may be prescribed by the sanctioning authority at its discretion.

The log book shall contain the following particulars:—

- (i) the distance travelled daily on official duty;
- (ii) places visited with distance covered and purpose of each visit;
- (iii) the mode of conveyance maintained/ used.

- (2) The sanctioning authority shall scrutinize the log books for determining average mileage per month justified for official work for the post and fix the rate of conveyance allowance on the basis of mileage covered as well as other relevant factors, The sanctioning authority may then sanction an allowance at the appropriate rate with effect from any date from which, in its opinion, the grant of the allowance is justified. No allowance shall be sanctioned with effect from a date earlier than the date from which the log book was maintained.
- (3) All allowances under these rules shall be granted for a period not exceeding two years at a time and its continuance shall be reviewed at the end of each such period in accordance with the procedure laid down for the initial grant of an allowance.
- 27. Except as otherwise provided in these rules a conveyance or horse allowance may be drawn during absence from headquarters and in addition to any other travelling allowance admissible under these rules:

Provided that when a Government employee who is in receipt of motor car allowance or of conveyance allowance specifically granted for the possession of a motor cycle and also for its upkeep (hereinafter referred to as motor cycle allowance) makes a journey (a) by the motor car beyond a radius of 8 or 16 kms. from the headquarters, as the case may be, depending upon the minimum distance prescribed in Appendix 5 of these rules or (b) by the motor cycle beyond a radius of 8 kms. from the headquarters, he may draw usual travelling allowance (daily or any other allowance) but there shall be made a proportionate deduction of the motor car allowance or motor cycle allowance, as the case may be, at the rate of 1/30th per day for the period during which such travelling allowance is drawn.

28. Omitted.

20. Onnitied.

29. Conveyance and horse allowances are subject to the following maxima:—

	Hs.
(a) for horse or pony	62.50
(b) for a motor car	117.00
(c) for motor cycle	48.75
(d) for a bicycle or tricycle	9.75

**29A. (1) Heads of Department may sanction conveyance allowance to Government employees under their administrative

control, borne on regular establishments (including work charged staffs), who are blind or orthopedically handicapped with disability of lower extremities, at the rate Conveyance Allowance to Blind or Orthopedically Handicapped Government employees.

Maximum

limits

When drawn.

- of 10 per cent of basic pay, but not exceeding Rs. 75 per month, subject to the following conditions:—
- (i) An orthopedically handicapped employee shall be eligible for conveyance allowance only if he or she has a minimum of 40 per cent permanent partial disability of either upper or lower limb / limbs or 50 per cent permanent partial disability of both upper and lower limbs together.
- (ii) The conveyance allowance shall be admissible to the orthopedically handicapped employees on the recommendation of the Head of Orthopedics Department of a Government Hospital.
- (iii) In the case of blind employee, the allowance shall be admissible on the recommendation of the Head of Ophthalmological Department of a Government Hospital.
- (iv) The allowance shall not be admissible during leave (including leave preparatory to retirement and refused leave but excluding casual leave), joining time or suspension.
- (2) The Government employee concerned shall accordingly apply for the grant of conveyance allowance to the Head of his Department. It shall be the responsibility of the Head of the Department concerned to refer the case of the concerned employee to the appropriate medical authorities for obtaining their recommendations for the grant of the conveyance allowance. The allowance may be granted with effect from the date of receipt of the recommendation of the concerned medical authority by the Head of the Department.

NOTE 1.—For the purpose of estimation of disability, the standards as contained in the Manual for Orthopedic Surgeon in Evaluating Permanent Physical Impairment brought out by the American Academy of Orthopedic Surgeons, U.S.A. and published on their behalf by Artificial Limbs Manufacturing Corporation of India, G. T. Road, Kanpur shall apply. Other conditions for the grant of conveyance allowance shall, however, remain unchanged.

NOTE 2.—The concession shall not be admissible to one-eyed (partially blind) employees.

NOTE 3.—In cases where handicapped employees are referred by Heads of Departments concerned to Government Hospitals located at stations outside their headquarters for getting recommendations for grant of conveyance allowance, they may be reimbursed the actual travelling expenses admissible for a journey on tour without

any daily allowance for the period of journey and for halts. The period spent on journeys as also at the hospital, shall, however, be treated as duty. The above concession shall be admissible only to those who satisfy **the** prescribed conditions and are recommended conveyance allowance by the competent medical authority.

NOTE 4.—The expenditure on account of conveyance allowance sanctioned to blind and orthopedically handicapped employees shall be debitable to the head "Salaries—Houserent and Other Allowances" under the appropriate Budget head.

30. Omitted.

SECTION III.—ALLOWANCE FOR DISTANCE TRAVELLED

(i) General

31. An allowance for distance travelled is an allowance calculated on the distance travelled which is given to meet cost of a particular journey.

**NOTE 1.—Charges levied by Railways in connection with the reservation of accommodation in train shall be reimbursed jo the Government employees treating these charges as part of the fare. The telegram expenses charged by the Railways in connection with the reservation of accommodation in trains for onward and/or return journeys travelling on duty shall also be reimbursed to the Government employees concerned.

NOTE 2.—Refund of cancellation charges and ordinary reservation fee paid by Government employees on air, railway and steamer tickets purchased by them in connation with journeys on tour may be allowed, if the cancellation of journeys is due to circumstances which were unavoidable and beyond the control of the Government employee.

The charges paid on account of cancellation of passages booked by air, railway or steamer should be debited to the same head under which travelling allowance of the officer claiming reimbursement is adjustable.

***NOTE 3.—Tax on passenger fares collected by Railway authorities Airline Companies as an addition to the fares shall be reimbursed to the Government employees. Where the journey is performed otherwise than by Railways / Airways and where the travelling allowance is restricted under the rules to the amount which would have been admissible had the journey been performed by rail, the amount to be reimbursed shall include the element of tax on passenger fare.

Definition

Principle for calculation

32. For the purpose of calculating allowance for distance travelled, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short:

Provided that when there are alternative railway routes and the difference between them in point of time and cost¹ is not great, allowance should be calculated on the route actually used:

Provided further that where a Journey is actually performed by a route other than the shortest or cheapest the Head of the Department may, for special reasons of a public nature which should be recorded, permit the allowance to be calculated on the route actually used.

NOTE 1.—The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling, in a case of doubt the Head of the Department shall decide which is the shortest of two or more routes. In cases where more than one mode of conveyances are available, e.g., where two places are connected by a direct bus as well as by a bus which plies by a longer route and where other public conveyances are available, and a doubt or difficulty arises **in** determining the shortest practicable route, the distance as ascertained from the local authorities concerned may be accepted for the purpose of local journeys irrespective of the mode of conveyance used by the Government employee. (**)

NOTE 2.—If a Government employee travels by a route which is not the shortest but is cheaper than shortest his mileage allowance should be calculated on the route actually used.

NOTE 3.—Where the calculation is authorised under the second proviso to this rule because the shortest route was impracticable for travelling at the time when the journey was performed, the Head of the Department should obtain and record a certificate from the Collector of the district that no shorter route was practicable than that which was adopted.

NOTE 4.—When a Government employee travels by a route which is not the direct or the cheapest route, it is necessary that he should show in the travelling allowance bill, the details of the journey and the various stages by which it was made. It is the duty of the controlling officer to accept or reject the necessity for the Government employee to travel by those stages.

NOTE 5. An officer on tour or on transfer from one station to another, the shortest route between which lies through Bangladesh (**) territory, may perform the journey and

transport his personal effects by the shortest and the cheapest route which runs entirely through India and draw mileage allowance calculated on the basis of the route actually used.

Point of commencement and end of journey

33. The point in any station at which a journey is held to commence or end is the chief public office or such other point as may be fixed for the purpose by Government

NOTE 1.—The court-house of the chief local executive authority, or where such an office does not exist, the headquarters police-station is ordinarily the "chief public office" for the purpose of this rule.

NOTE 2.—Raj Bhavan shall be treated as the chief public office for the purpose of this rule in respect of offices whose headquarters are situated in Calcutta.

NOTE 3.—The court-house, Alipore, shall be treated as the chief public office for the purpose of this rule in respect of offices whose headquarters are situated within the district of 24-Parganas but which are located within the jurisdiction of the Calcutta Corporation.

NOTE 4.—Refugee camps and camp colonies, where situated at far off places from the local chief public offices or the headquarters of police-stations, shall in cases of Government employees attached to the Refugee Relief and Rehabilitation Department and undertaking journey in the public interest, be taken to the point from which the journey is held to commence or end for the purpose of this rule.

*State Government decision.—A question has arisen whether a Government employee, who is required on any day to perform temporary duty at a place, other than the normal place of his duty, a entitled to mileage allowance/ daily allowance for that day in case the place of temporary duty is situated at a distance of more than 8 kilometers from his normal place of duty even though it may be situated close to his residence. The Governor is pleased to decide that in such cases the place of duty shall be the place where tho duty is actually performed and the drawal of mileage/ daily allowance for such local journeys shall be regulated in the following manner:—

(a) Journey which begins at office but where the Government employee returns direct from the temporary duty point to his residence;		Where the temporary duty point is more than 8 kms away from the normal duty point, the prescribed mileage allowance for the distance from normal duty point to the temporary duty point will be admissible.
	Return journey	Where the distance between the temporary duty points to the residence <i>minus</i> the distance from the normal duty point to the residence, exceeds 8 kms the prescribed mileage allowance shall be admissible for the difference only.
	Daily Allowance	This shall be allowed for the period of absence from the normal duty point till the arrival at the residence.
(b) Where the Government employee proceeds to temporary duty point from his residence and then comes to office.		Where the distance from the distance to the temporary duty point <i>minus</i> the distance from the residence to the normal place of duty exceeds 8 kms. the prescribed mileage allowance shall be admissible for the difference only.
	Return journey	The prescribed mileage allowance from temporary duly point to the normal duty point shall be admissible, if the distance exceeds 8 kms.
	Daily Allowance	This shall be allowed for the absence beginning from departure from residence and the arrival at the normal duty point.
(c) Where the Government employee proceeds to temporary duty point direct from residence and returns direct to residence.	Allowance	Where the distance from the residence to the temporary duty point <i>minus</i> the distance from residence to normal duty point is more than 8 kms. mileage allowance shall be admissible for the difference only.
Daily Allowance		This shall be allowed for the period from the time the Government employee leaves his residence up to the time of his return to his residence.

lower class of accommodation

34. A Government employee (including members of his family), performing a If travelling in journey for which travelling allowance is admissible is required to travel by the class of accommodation to which his grade entitles him. The provisions of all rules regulating allowance for distance travelled are subject to the condition that if a Government employee (including members of his family), travels in a lower class of accommodation, he shall be entitled to the fares (including extra fares, if any) by the class of accommodation actually used. The allowance for incidental expenses in rule 38 shall also, be drawn at the lower rate if the Government employee travels in a class lower than that admissible to his grade except that in cases where the journey is on tour and where it is certified by the Government employee concerned that he had to travel in the lower class because the particular train in which he travelled did not provide the class of accommodation appropriate to his grade, allowance for incidental expenses shall be drawn at the full rate admissible to his grade.

NOTE.—Cases have been brought to the notice of Government that some officers while travelling in a class lower than one on which he is required to travel under the rules, drew travelling allowance at the higher rate admissible for higher class to which he was officially entitled.

It may be impressed upon all Government employees that saving money by travelling in a lower class and charging the entitled fare is conduct unbecoming of an officer and also conduct less than honest. In future Government will take very serious

view of such conduct on the part of any delinquent Government employee and he will be liable to disciplinary action for violation of the rules.

All controlling officers are requested to bring the above to the notice of all Government employees who are required to travel on tour or transfer. (Memo No. 111-F, dated 13th January 1971)

35. When the Government employees mentioned below are obliged, in the circumstances noted against them, to travel in a class lower than that to which they are entitled, they may notwithstanding the provisions of rule 34, draw the actual fare of the class in which they travel plus allowance for incidental expenses at the rate appropriate to their grades:—

Rout shall not be admissible in cases when the journey could not be performed by the shortest route because of non-availability of reserved accommodation of the entitled class by that route.

Differently calculated according to different class of journey

Inspectors, Sub-Inspectors Sergeants and Assistant Sub-inspectors of Police

When required to travel with

Assistant Sub-inspectors and Head Constables ...

Police parties by rail

.. When escorting prisoners by rail-

- 36. Allowance for distance travelled is differently calculated, as shown in the following rules, according as the journey is, or could be made by railway, by steamer, by road or by air.
- (ii). Journey by Railway
- **37. For the purpose of calculating allowance Government employees when travelling by railway are entitled to class of accommodation according to the following scale:—
- Government employees of the and Second First

Grades—

Pay Rs. 2,250 and above A.C.G. First Glass Others First 1st Class

(ii) Government employees of the and Fourth Grades.

Third/ Second Glass.

NOTE 1.—Government employees who are drawing pay of Rs. 1,500 and above but less than Rs. 2,250 per month may, at their discretion, travel by Second Class Air-Conditioned 2-Tier Sleeper Coach when travelling on tour.

NOTE 2.—The reservation of accommodation of the entitled class for journeys undertaken by a Government employee is the concern of the Government employee himself, and in the matter of regulating travelling allowance claims in such cases it is the accepted policy of Government not to take cognizance of a Government employee's liability to secure reservation in the entitled class. Therefore, travelling allowance by the longer route shall not be admissible in cases when the journey could not be performed by the shortest route because of non-availability of reserved accommodation of the entitled class by that route.

**37A. For journeys on tour Government employees will be entitled to the classes of accommodation in the Rajdhani Express as detailed below:—

Grade / Pay Range Accommodation (i) Officers in receipt of pay of Rs. 2,250 and above

A.C. Sleeper (A.C. First Class)

(ii) Officers in receipt of pay of Rs. 1,800 and above but less Second Class A.C. 2than Rs. 2,250

Tier Sleeper.

(iii) Other First Grade officers /Second Grade officers/Third Grade officers in receipt of pay of Rs. 425 and above.

A.C. Chair Car.

(iv) Other Third Grade officers drawing pay below Rs. 425 and Fourth Grade officials.

Not entitled.

In the case of journeys performed by officials mentioned in clause (iv), by the Rajdhani Express, the reimbursement shall be restricted to that of ordinary Second Class fares admissible by other trains.

For journey between Howrah and New Delhi by the Rajdhani Express, fixed incidental charges, if so opted for, will be admissible in the following scales:—

	Rs.
First Grade	51
Second Grade	34
Third Grade	10

NOTE.—Special supplementary charges (exclusive of reservation fee) levied by the Railway for travelling by Super-fast Express trains in reserved accommodation shall be reimbursed

**38. Except in the case of journeys on transfer (the rules about which are contained in Chapter IX), but subject to the provisions of rule 43, the allowance for distance travelled admissible for journey by railway to Government employees:

Allowance admissible.

(1) Of the First, Second and Third Grade is a single fare of the class to which they are entitled to accommodation under rule 37 or 37A, as the case may be, an allowance for incidental expenses at the following rates will also be admissible except for journeys under rule 37A (in respect of which the admissibility of incidental allowance has been specifically laid down therein), namely,:—

Grade of Government employee	Rate per 10 km. or fraction thereof	
First Grade	Paise 51	
Second Grade	34	
Third Grade ••	17	

(2) Of the Fourth Grade is a single fare of the class to which they are entitled to accommodation under rule 37 plus an allowance for incidental expenses at half of the Second Class fare by passenger train or 17 P. per 10 km. or fraction thereof, whichever is less:

Provided that where the journey is under 120 km. and involves an absence from headquarters of more than 24 hours, both conditions being fulfilled, the allowance for incidental expenses shall be calculated at the times of the allowance for incidental expenses shown in clauses (1) and (2)

NOTE 1.—The incidental expenses at the rates indicated in this rule, shall be calculated on the number of kilometres for which the fare is actually charged by the Railway concerned.

NOTE 2.—The condition "under 120 km." occurring in the proviso to this rule should be applied to railway journeys only, including the railway portion of a combined rail and other journey. Thus, in a case when the railway portion of the journey is below 120 km. but the combined journey is more than 120 km. incidental expenses shall, if the other condition is fulfilled, be calculated at 1 ½ times of the usual rate. But in a case when an officer makes a rail journey of 112 km. to a steamer station, then continues his journey on steamer or by road for 64 km. and at the end of the steamer or road journey again makes a rail journey of 112 km. incidental expenses at the usual rate shall be drawn as the railway portion of the journey taken together exceeds 120 km.

When an officer performs a railway journey of less than 120 km. accompanied by a stop over a day at the place of halt, incidental expenses at the usual rates may not be sufficient to cover the expenses. In such cases, incidental expenses at li times of the usual rate shall be admissible. Thus, where an officer starts from, A, his headquarters, makes a journey of 96 km. to B, halts there for two days, starts for C at a distance of 144 km. from B, halts again, goes to D at a distance of 24 km. from C, halts there, then comes back to headquarters all the journeys being made by railways, incidental expenses at li times of the usual rates shall be paid for two stages of the journey from A to B and from C to D, these two stages being less than 120 km.

NOTE 3.—If available, return tickets at reduced rates should always be purchased when an officer expects to perform the return journey by rail within the period for which a return ticket is available. The mileage allowance for the forward and return journeys whenever such return tickets are available and are purchased or could have been purchased will be the actual cost of the return tickets plus the usual allowance admissible for incidental expenses each way.

NOTE 4.—Government employees travelling by mail or express trains should certify on each travelling allowance bill that the journeys were actually performed by such trains and the controlling officer should certify that the journeys were performed by mail or express trains in the public interest.

State Government decision.—(1) The Governor has been pleased to decide that in cases of railway journeys by a Government employee, the number of ticket / tickets purchased together with the class availed of should invariably be quoted on the travelling

allowance bill submitted by him, when official money receipts issued by the Railway are not available and cannot be furnished with the travelling allowance bill.

- (2) If, however, a Government employee forgets to note the number of the ticket on which he had travelled or after having noted such number loses the note, the controlling officer may, in his discretion, excuse the officer, in writing on the body of the bill, from quoting the number of the ticket in bis travelling allowance bill.
- NOTE 5.—In checking travelling allowance bills, in cases where a touring Government employee claims First Class fare' against journey performed by hired conveyance, the controlling officer shall satisfy himself that the Government employee actually travelled by hired conveyance between places connected by rail and not by a lower class of accommodation in trains or by a cheaper public transport.
- NOTE 6.—Subject to the prior approval of the controlling officer, the journey between New Jalpaiguri and Darjeeling may, in exceptional circumstances, be performed by hired conveyance if so required in tie interest of public service.
- NOTE 7.—- A Government employee on tour may, at his option, draw either daily allowance or incidentals for a particular journey as a whole and not for any segment of the same.
- 39 and 40.— Omitted.
- (iii) Journey by Sea or River in a Steamer.
- 41. For the purpose of calculating allowance for journeys by sea or river in a steamer, Classes of Government employees are entitled to class accommodation according to the following scale:-

accommodation.

- I. A Government employee of the First Grade—Highest Class.
- II. A Government employee of the Second Grade-Second Class or if there is no Second Class accommodation in the steamer by which he travels, First Class.
- III. A Government employee of the Third grade—If there be two classes only on the steamer, the lower class; if there be three classes, Middle or Second Class; if there be four classes, Third Class.
- IV. A Government employee of the Fourth Grade—Lowest Class. Provided that any Government employee or class of Government employees may, under special orders of Government, be entitled to accommodation of a higher class than that prescribed for their grades in this rule.

- NOTE 1.—A steam vessel of more than 90 tons gross tonnage or one of whatever size which belongs to a regular steamer service for the conveyance of passengers at fixed fares is a "steamer" for the purpose of regulating travelling allowances.
- NOTE 2.—Assistant Inspectresses of Schools and female inspecting Government employees of similar position are allowed first class accommodation for journey by steamer.
- **NOTE 3.—Where a particular class of accommodation has two or more rates, the term "entitled class" shall mean the lower or the lowest rate of the entitled class.
- **State Government decision.—For journeys between Mainland and Andaman and Nicobar Islands by ships run by the Shipping Corporation of India, there are five or more classes of accommodation. A question has been raised as to what will be the entitlement of employees of different grades to accommodation in these ships. The matter has been carefully considered and it has been decided that—
- (i) for the purposes of journey between Mainland and Andaman and Nicobar Islands, the entitlement to different classes of accommodation in ships other than M. V. Akbar shall be as follows:
- (a) Government employees of First Grade drawing pay of Rs, 1,500 and above.: Deluxe Cabin
- (b) Other Government employees of First Grade.: First Class Cabin.
- (c) Government employees of Second Grade. Second Class 'A' Cabin.
- (d) Government employees of Third Grade. Second Class 'B' Cabin*
- (e) Government employees of Fourth Grade. Bunk.
- (ii) entitlement to class of accommodation in ship M. V. Akbar while travelling between Mainland and Andaman and Nicobar Islands shall be as follows:
- (a) Government employees of First Grade drawing pay of Rs. 1,500 and above: Deluxe Cabin with attached bath,
- (b) Other Government employees of First Grade and Government employees of Second Grade: Cabin without attached bath.
- (c) Government employees of Third Grade: Fore-castle space (Special bunk with mattresses).
- (d) Government employees of Fourth Grade: Upper/ Lower Tween Deck.

- 42. Except in the case of journeys On transfer (the rules about which are contained in Chapter IX), the allowance admissible for journeys by sea or river in a steamer *to* Government employees-
- (X) of 1st and 3rd grades shall be 1- 3/5th fares of the class to which they are entitled to accommodation; and
- (2) of the 4th grade is either—
- (a) 1-3/5th fares of the class to which they are entitled to accommodation; or **(b) Omitted.
- NOTE 1.—In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word "fare" in this rule should be held to mean fare exclusive of diet.
- **NOTE 2.—A Government employee on tour may at his option draw either daily allowance or incidentals for a particular journey by steamer as a whole and not for any segment of the same.
- 43. In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 41 if strictly construed involve hardship, a Head of a Department may decide, for journeys generally or for particular journeys, to what class of accommodation a Government employee is entitled; and whether, if a concession is sanctioned, he should be granted the full allowance admissible for the higher class in which he is permitted to travel.
- 44. If suitable accommodation on a Government vessel is offered to a Government employee he is entitled to travelling allowance under rule 153 and not to any allowance for distance travelled. It is not open to him to refuse to accept such accommodation and to draw allowance for distance travelled.
- 45. Rules 41 to 44 apply to Government employees who cross a river or arm of the sea by steamer in the course of a journey, unless such crossing occurs during a railway journey and the charge for it is included in the railway fare, in which case the crossing is to be treated as part of the railway journey.

(iv) Journey by Road.

- 46. For the purpose of these rules, travelling by road includes travelling by sea or river in any vessel other than a steamer and travelling by canal.
- **47. Subject to the provisions of rules 49, 50, 51 and 59 tor journeys by road, allowance for distance travelled shall be calculated at the following rates:—

Government employees or First and Second Grades.

Government employees of Third and Fourth Grades. Actual fare by public bus or 8 paise per kilometre for Journey by bicycle/foot or 50 paise per kilometre for journey by motor cycle /scooter or Rs. 1.30 per kilometre for journey by full taxi/own car.

Actual fare by public bus or 6 paise per kilometre for journey by bicycle/ foot or 50 paise per kilometre for journey by motor cycle/scooter. They will not be eligible for travel by full taxi /own car. If they travel by full taxi own car for whatever reason, the mileage will be limited to 50 paise per kilometre or actual expenses incorred whichever is less.

Provided that the Government may, by special orders, allow any Government employee or any class of Government employee] allowance at a rate higher than the rate so prescribed.

NOTE 1.—Tanga, auto-rickshaw, cycle-rickshaw and maid driven rickshaws shall be equated to journey by scooter/ motor cycle.

NOTE 2,—Road mileage shall be admissible from the duty point at headquarters to the railway station/bus stand/ airport and also from the railway station /bus stand / airport to the duty point at the outstation. No mileage allowance shall, however, be admissible for local journeys performed at the tour station.

NOTE 3.—It is not necessary that the car/ motor cycle; should be registered in the name of the Government employee for claiming road mileage.

NOTE 4.—When taxi/ auto-rickshaw charges are shared by more than one Government employee or where a Government employee takes a single seat in taxi / auto-rickshaw the mileage allowance admissible shall be the actual share limited to half the rate for such mode of conveyance.

*State Government decision No. 1.—A question has been raised as to the admissibility of accommodation to different grades of Government employees in cases where there are two or more classes of accommodation in buses. After careful consideration the Governor has been pleased to direct that the Government employees while travelling in public buses shall be entitled to the class of accommodation as follows:

First Grade officers Highest class Second Grade officers Highest class

Third Grade officers (i) Middle class when there are three classes of

accommodation.

(ii) Lower class when there are two classes of

accommodation.

Fourth Grade officers Lowest class, if there are more than one class.

* State Government decision No. 2.—some special types of bus services, namely, Mini Bus/ Deluxe Bus/ Special Bus/ Express Bus/ Rocket Bus, have been in operation in the

recent years. Questions have been raised as to how drawal of travelling allowance for journeys by such special types of buses should be regulated.

- 2. After careful consideration of the matter the Governor is pleased to clarify that in exigencies of public service and having regard to the time factor, if a Government employee travels by any of such special types of buses, drawal of travelling allowance in such case shall be regulated in **the** following manner:—
 - (i) For journeys between places connected by railways, in addition to the actual single fare of the bus availed of, a Government employee shall be allowed railway incidental under rule 38, if he opts for such incidental in lieu of daily allowance. In case of such journey by ordinary bus, also the same principle shall be followed.
 - (ii) For journeys between places not connected by railways, in addition to the actual single fare of the bus availed of, an allowance for incidental expenses at the rates provided in rule 49 shall be allowed, if such incidentals are opted for in lieu of daily allowance. Journey by bus other than ordinary bus shall not, however, be undertaken for journeys covering a distance of less than 100 kms. without the prior approval of the controlling officer. The controlling officer shall also ensure that special types of bus services are availed of only in cases of extreme urgency.
- 3. For journeys by bus service covering a distance of more than 32 kms. serial numbers of the tickets shall be quoted in the travelling allowance bill, if tickets or counterfoils thereof are not available for production to the controlling officer. The type of bus service availed of shall also be specifically indicated in the travelling allowance bills and the touring officer shall certify that the journey was actually performed by the particular bus service for which travelling allowance has been claimed.
- *State Government decision No. 3.—Questions have been raised (1) whether claim of rickshaw fare at the rate of 50 paise per km. instead of actual bus fare or 6 paise per km. by road may be allowed on the basis of the certificate of the controlling officer and (2) whether taxi fare at the rate of Rs. 1.30 per km. may be claimed by the officers for journeys between places connected by bus/ railways at a flat rate.

After careful consideration the Governor has been pleased to direct that where journey can be performed by services open to the public (viz., bus, tram or railway) any of such services shall be availed of. If the places between which the journey or a part of

the journey to be performed are not, however, connected by any such service, or the situation is such that the Government employee on tour cannot wait indefinitely for public transport without jeopardizing public interest, then and then only rickshaw hire charges/taxi hire charges may be allowed, provided necessary certificate to that effect is given by the controlling officer and that, in cases of taxi hire charge, the touring officer otherwise entitled to travel by taxi in case of road journey.

Journeys by taxi to places connected by bus / rail or any other mode of public transport shall be exceptional and in rare cases only, and each such journey by taxi shall required justification in full and the approval of the controlling officer.

NOTE 5.—In cases where a Government employee has booked his seat by bus for an official journey in advance but has to cancel the same later in exigency of public service cancellation charges may be reimbursed to the Government employee directly by the Department/ Office concerned.

Places connected by railway.

48. Allowance for journey by road is admissible to a Government employee performing journeys by motor car between places connected by rail, if any public interest is served by the road journey, which would not have been served had he travelled by rail.

NOTE 1.—The necessity for such road journey should be clearly set out in the travelling allowance.

NOTE 2.—Saving of public time and inspection en route are examples of the expression "public interest" **in** this rule.

*49. Except in the case of journeys on transfer (the rules) about which are contained in Chapter IX), in cases where the journey is made by a service open to the public on hire, oven and above the allowance prescribed in rule 47, a Government employee shall, subject to the satisfaction of the controlling officer that the journey was actually performed by availing of a service open to the public on hire, or hired conveyance, be entitled to an allowance for incidental expenses at the following rates, if he opts for such incidental expenses in lieu of daily allowance for the period spent in transit:—

Allowance for journey by a service open to the public on hire.

Grade of Government employees	Rates per 10 km. or
	fraction thereof
	Paise
I. First Grade	51
II. Second Grade	34
III. Third Grade and Fourth Grade	17

NOTE I.—When a road journey is performed by availing of a service open to the public on hire, the mode of conveyance used shall be indicated in the travelling allowance bill within brackets under the word "road", e.g., "(road bus)" and the actual fare charged shall be indicated in the remarks column.

NOTE 2.—When a road journey is performed in a private or hired conveyance and the allowance for such journey by road is allowed under this rule, a certificate shall invariably be furnished by the controlling officer to the effect that journey was actually performed by a private or hired conveyance.

NOTE 3.—A touring officer may at his option draw either daily allowance or incidentals for a particular journey by a bus as a whole and not for any segment of the same.

50. When a tour by motor car or motor cycle commenced from a place distant Journey from headquarters and there is rail communication between that place and headquarters, the charge

motor car or motor cycle.

on account of the journey to such place shall be limited to the amount chargeable had (he Government employee proceeded there by rail.

51. If a Government employee travels by road on account of the absence in a In the absence in a train of the class of accommodation to which he is entitled under rule 37, the Head of the Department may, for such a road journey, grant to him allowance admissible to him for journey by road limited to the amount which would have been admissible had the journey been performed by rail by the class of accommodation to which he is ordinarily entitled.

train of the class of accommodation to which a Government employee is entitled.

NOTE 1.—When the fare of the requisite class for the journey in question is not specifically published, it should be calculated according to the appropriate data in the Railway Time and Fare Tables.

52. In calculating allowance for journeys by road, fractions of a kilometre should Treatment of be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

fractions of a kilometre.

(v) Journey by Air

53. Travel by air means journeys performed in the machines of public air transport Definition. companies regularly plying for hire. It does not include journeys performed by private aeroplanes or air taxis.

**53A. (a) Unless specifically provided for in the following sub-rules, no Government employee shall be authorized to travel by air either on (our or on transfer except with the previous sanction of Government.

Previous sanction necessary in some cases.

NOTE.—No recommendation for grant of permission to travel by air shall be made except in case where the late departure of an officer from, and his early arrival at the headquarters are considered indispensible in the interest of **public service**.

(b) Officers drawing pay of Rs. 2,250 per month and above may in the exigency of public service travel by air within India on official work.

Officers in receipt of pay between Rs. 1,800 and Rs. 2,250 per month shall also be eligible to travel by air on tour (at their discretion) provided that distance involved is more than 500 kms. and the overnight journey cannot be performed by a direct train service / direct sleeper-coach service.

- (c) The State service officers drawing basic pay of Rs. 950 per month and above and the All India Service officers irrespective of the amount of pay drawn posted in the districts of Darjeeling, Jalpaiguri, Cooch Behar and West Dinajpur may, subject to the approval of (he controlling officer, if any, travel in connection with the official work from places located in the districts mentioned below to Calcutta and back by using air services operated by the Indian Airlines Corporation or by private carriers:
- (i) Darjeeling, and
- (ii) provided the place of posting is within 80 kms. from the Airfield,—
- (1) Jalpaiguri,
- (2) Cooch Behar, and
- (3) West Dinajpur.

For the same categories of officers posted in Calcutta, Departmental Secretaries may sanction air journey to the districts mentioned above only in respect¹ of such officers under their control, provided they are satisfied that such air journey is necessary in the interest of public service.

- (d) Class of Air travel:
- (i) Officers drawing pay of Rs. 2,250 and above per month—Standard (First) Class.
- (ii) Officers drawing pay between Rs. 1,800 and Rs. 2,250 per month—Standard (First) Class when the journey involves night travel, otherwise Tourist class.
- (iii) Officers other than those falling under (i) and (ii) above, if specially permitted to make journey by air—Tourist Class.

Air journeys *to* countries outside India as and when approved by Government in connection with deputation / delegation abroad of officials should be made by the Economy (Tourist) Class.

State Government decision.—A question has been raised as to the meaning of the term "overnight journey". After careful consideration the Governor has been pleased to clarify that when the train journey can take the officer from one station to another without loss of best part of a working day, the places are deemed to be accessible overnight by rail. Ordinarily, journeys which can be covered between 6 p.m. and 8 a.m. fall under this category. However, the controlling officer can decide such case at his discretion.

Allowance admissible travel by air.

- 54. (a) Except in case of journeys on transfer (the rules regarding which are contained in Chapter IX) a Government employee authorised to travel by air is entitled—
- (i) If belonging to 1st Grade, *to* allowance for the journey equal to one and onefourth of the standard air fare or one standard air fare plus Rs. 39, whichever is less; and
- (ii) if belonging to a grade lower than the first, to one standard fare for the journey plus allowance equal to—
 - (a) two-third of the allowance for incidental expenses by rail in the case of a journey between stations connected by rail, three-eighth of the allowance by steamer in the case of a journey between stations connected by steamer and half the allowance admissible by road in the case of a journey between stations connected by road to which he would have been entitled had he travelled by the surface route; or
 - (b) one-fourth of the standard air fare; or
 - (c) Rs. 39, whichever is the least.

Provided that if, on any occasion, a Government employee is required to perform at either end of the journey by air, a connected journey by rail, road or steamer he may draw allowance admissible for such journeys, subject to the conditions laid down in rule 78:

Provided further that no allowance shall be drawn in respect of the transport-which forms part of the air journey and is included in the fare paid for the air journey.

- (d) A Government employee who is not authorised to travel by air on tour but performs a journey by air can draw either—
 - (i) the allowance to which he would have been entitled if he had travelled by rail, road or steamer; or
 - (ii) the allowance calculated under sub-rule (a); whichever is less.

NOTE 1.—The "standard" air fare should be taken to mean actual single journey fare of **a** company payable for the services by which a journey is performed.

NOTE 2.—If available return tickets at reduced rates should always be purchased when an officer expects to perform the return journey by air within the period during which a return ticket is available. The allowance for the forward and the return journeys when such return tickets are available will be the actual cost of the return tickets plus incidental charge admissible under sub-rule (a) for each Journey.

NOTE 3.—In respect of journeys coming within the purview of clause (i) of sub-rule (b) a certificate to the effect that the journey was performed by air shall always accompany the travelling allowance bill claiming travelling allowance for journey by rail, road or steamer.

*NOTE 4.—Omitted.

NOTE 5.—For journeys by military or Government aeroplanes, travelling allowance is drawn under rule 156 of these rules.

*NOTE 6.—A touring official may at his option draw either daily allowance or incidentals for a particular journey as a whole and not for any segment of the same.

NOTE 7.—In case of air journey by a Government employee the number of the ticket] tickets purchased should invariably be quoted on the travelling allowance bill submitted by him when official money-receipts or counterfoils thereof issued by the Airlines Corporation/ Company are not available and cannot be furnished with the travelling allowance bill.

**NOTE 8.—Surface transport charge as may be charged by the Indian Airlines Corporation tor journeys between their City Booking Office and Airports should be reimbursed to the Government employees who undertake air journeys on official business. Road kilometerage wherever claimed shall however be restricted to the amount of the said surface transport charges.

SECTION IV—DAILY ALLOWANCES

55. A daily allowance is a uniform allowance for each day of absence from headquarters, which is intended to cover the ordinary daily charges incurred by a Government employee in consequence of such absence.

NOTE.—When daily allowance is claimed for journeys by road on tour, the distance travelled on the day of departure from and on the day of return to headquarters should always be stated **in** the bill.

- 56. Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every Government employee whose duties require that he should travel, and may not be drawn except while on tour.
- **57. Subject to the provisions of rule 59, daily allowance is drawn on the following scale:—
- (A) When the Government employee avails himself of Government or Public Sector Guest House, Dak Bunglows or makes his own arrangement:

Grade	Pay range	Ordinary localities	Calcutta Darjeeling District (except Siliguri subdivision)
1	2	3	4
		Rs.	Rs.
First Grade	(i) Rs. 2,150 and above	37 00	49 00
	(ii) Rs. 1,650 and above but less than Rs. 2,150.	32 00	47 00
	(iii) Rs. 1,100 and above but less than Rs.1,650	28 00	46 00
	(iv) Rs. 1,000 and above but less than Rs. 1,100	25 00	43 00
Second Grade	(i) Rs. 900 and above but less than Rs. 1,000	25 00	43 00
	(ii) Rs. 600 and above but less than Rs. 900	21 00	35 00

Grade	Pay range	Ordinary localities	Calcutta Darjeeling District (except Siliguri subdivision)
1	2	3	4
		Rs.	Rs.
First Grade	(i) Rs. 2,150 and above	37. 00	49 .00
	(ii) Rs. 1,650 and above but less than Rs. 2,150.	32 .00	47 .00
	(iii) Rs. 1,100 and above but less than Rs.1,650	28 .00	46 .00
	(iv) Rs. 1,000 and above but less than Rs. 1,100	25 .00	43 .00
Second Grade	(i) Rs. 900 and above but less than Rs. 1,000	25 .00	43 .00
	(ii) Rs. 600 and above but less than Rs. 900	21 .00	35 .00

Provided that a Government employee who, while on tour, is allowed free board and lodging at the expense of the Central or State Government or a commercial undertaking

or corporation or a statutory body or a local authority, in which Government funds have been invested or in which Government have any other interest may draw only one-fourth of the daily allowance admissible to him at the station concerned. If, in such circumstances, only board "is allowed free to the Government employee, he may draw daily allowance at one-half of the rate ordinarily admissible to him.. If be is provided with only free lodging, he will draw daily allowance at three-fourths of the rate admissible to him for that (those) day(s).

(B) When the Government employee stays in a hotel or other establishment providing board and/or lodging at Scheduled tariffs:

Grade	Ordinary localities	Calcutta Darjeeling district (except Siliguri subdivision)
	Rs.	Rs.
First Grade	70 00	100 00
Second Grade	50 00	70 00
Third Grade	30 00	50 00
Fourth Grade	24 00	40 00
Rs. 230 and above but less than Rs. 350. Pay below Rs. 230	12 00	20 00

Houses/ Dak Bungalows where rates charged are not concessional and pay lodging charges in excess of 25 per cent of daily allowance admissible to them in the concerned localities under clause (A) daily allowance shall be regulated as under—

- (i)the respective rate of daily allowance for the concerned localities as shown in clause (A) shall be reduced by 25 per cent, and the lodging charges (exclusive of breakfast] meals) paid by the Government employee to the Government/ Public Sector Guest House authority for each calendar day shall be added thereto.
- (ii) daily allowance equal to the amount calculated in item (i) shall be admissible to the Government employee concerned subject to the condition that where it exceeds the hotel rate to which the Government employee is entitled to for the respective locality as per clause (B) it shall be restricted to the later rate.

No certificates is required to the effect that the rates charged from the Government employees for staying in Government| Public Sector Guest Houses/ Dak Bungalows are not concessional.

NOTE 6.—For the time spent in journey, only ordinary rate of daily allowance as shown in clause (A) will be admissible. When total absence from headquarters is partly spent in journeys in ordinary locality and partly in expensive locality, the total number of daily allowance will first be calculated; from this, the number of daily allowance for halt in the

expensive locality, for which daily allowance at the special rates will be allowed, will be deducted. The remaining number of daily allowance will be calculated at ordinary rates. For the time spent in transit only the ordinary rate of daily allowance will be admissible irrespective of whether the journey is to an expensive locality for which special rate of daily allowance is admissible or not. However, in. cases where a Government employee comes to Calcutta on duty from an out-station and returns to headquarters on the same day,—

- (a) if out of the total duration of such absence from the headquarters (i.e., starting with departure from headquarters and ending with return thereto) the time spent in transit is more than that of actual halt in Calcutta, daily allowance will be admissible at the ordinary rate;
- (b) if, however, the time spent in Calcutta exceeds the time spent in transit daily allowance will be admissible at the special rate prescribed for Calcutta.

The same principles shall be followed in case of journeys to the hill areas of Darjeeling district.

Note 7. A question has been raised whether any reduction in daily allowance all be made in cases where Government employees deputed rot emergency duty are not provided with proper accommodation and are to stay at Varandah, tents or barracks and at time in open places It has been decided that when a Government employee provided with such improvised accommodation free of charge in a tent or temporary structure of other sort in a locality where regular accommodation is not available, such accommodation will not be treated as "free lodging" and the provision of such improvised accommodation shall have no effect on the Government employee's entitlement to daily allowance.

NOTE 8.—While on tour Government employees sometimes have to attend official punches and dinners. A question has been raised as to how drawal of daily allowance on such days should be regulated. It has been decided that attending such functions would not be deemed to be free board within the meaning of this rule. Such Government employee will be entitled to usual daily allowance on such occasion.

Explanation.—The term "Scheduled Tariff" as contained in clause (B) shall mean "Hotel rates" of daily allowance if a Government employee stays in any establishment registered] licensed as a "Hotel".

**58. Omitted.

CHAPTER VI—GENERAL CONDITIONS AS TO ADMISSIBILITY OF TRAVELLING ALLOWANCE

In special localities.

- **59.** Notwithstanding the provisions of rules 47 and 57, the allowance for distance travelled or daily allowances admissible to any Government employee or class of Government employees for journeys in any locality specially specified by Government shall be at such rates as Government may, by general or special order, prescribe.
- NOTE 1.—A list of special rates of daily allowance and other allowance admissible in special localities is given in Appendix 7.
- NOTE 2.—A Government employee travelling in localities outside West Bengal shall be entitled to draw daily allowance at the rate prescribed by the Government of India in the said localities for Government, employees under their administrative control drawing identical rate of pay.

****59A.** Omitted.

General Rules.

- 60. No travelling allowance of any description is admissible except as provided under these rules, and save where these rules expressly provide, no Government employee is entitled either—
 - (a) to be provided with means of conveyance by or at the expense of, Government, or
 - (b) to recover from Government the actual cost or any part thereof of transporting himself, his family or his personal luggage, conveyances, tents, and camp equipage.

The travelling allowance admissible to a Government employee for any journey is calculated with reference to the purpose of the journey in accordance with these rules.

61. When a Government employee of a grade lower than the first grade is required by a special order issued for particular reasons by a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or other allowance admissible to him under the ordinary rules, he may draw the actual cost of travelling in lieu of such daily or other allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary.

NOTE 1,—The powers under this rule are not to be exercised in localities where travelling may be unusually expensive where the question is rather one for the consideration of Government under rule 59.

NOTE 2.—Boats are regarded as special means of conveyance for purposes of this rule in the case of all subordinate Government employees of the Forest Department.

62. Omitted.

CHAPTER VII—JOURNEYS ON TOUR SECTION I—GENERAL RULE

63. A Government employee is on tour when absent on duty from his headquarters Definition. either within or, with proper sanction, beyond his sphere of duty. In case of doubt the Head of the Department will decide whether a particular absence is absence on duty for the purpose of this rule.

NOTE.—Lists of cases in which absence has been declared to be "absence on duty" or not are set out in Appendix 8.

64. Except where otherwise provided in these rules travelling allowance for journeys on tour is drawn in the shape of permanent travelling allowance under rule 25 or allowance admissible for distance travelled as provided in rules in Chapter V.

Restrictions on tour.

65. A controlling officer may impose such restrictions as he may think fit upon the frequency and duration of journeys to be made on tour by any Government employee or class of Government employees subordinate to him.

Government Employees who are not entitled to Travelling allowance for journeys on tour.

66. If Government declares that the pay of a particular Government employee, or class of Government employee has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamier, within the Government employee's sphere of duty, such a Government employee may draw no travelling allowance for such journeys. He may however, draw allowance for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty.

NOTE 1.—This rule does not apply to cases when a Government employee in order to shorten his journey to some place within his jurisdiction has to pass through stations, not situated within his jurisdiction.

NOTE 2.—A list of Government employees not entitled to travelling allowance for journeys on tour is given in Appendix 9

NOTE 3.—(1) Assistant Sub-Inspectors, Head Constables and Constables on escort duty outside their jurisdiction should be allowed to draw the actual cost of the conveyance of their baggage by road, in addition to the daily allowance admissible to them under the ordinary rules. When the journey beyond jurisdiction exceeds 32 km. by road these Police Officers can draw allowance for distance travelled, but in that case actual baggage expenses cannot be charged in addition.

(2) Constables when deputed on duty (other than escort beyond their jurisdiction to a place more than 24 km. from headquarters) are entitled to a daily allowance of Rs. 9. When the journey performed by road beyond jurisdiction (including such part of it as lies within jurisdiction) exceeds 32 km. on any day, and is to a place more than 24 km. from their headquarters, they can draw allowance for distance travelled.

Use of Tents on tour.

- 67. (1) The scale of Government tents to be supplied to any Government employee or class of Government employees for office or, if they think fit, for personal use, shall be as prescribed by the Government.
- (2) When such tents are used by a Government employee on tour for office purposes only, they may be carried at Government expense. When used partly for office and partly for private purposes, the Government employee shall, except as provided in rule 84 pay half the cost of carriage. When used wholly for private purposes, the Government employee shall, except as provided in rule 84, pay the entire cost of carriage:

Provided that when such tents are used partly for office and partly for private purposes by a District Magistrate, Additional District Magistrate, Sub-divisional Magistrate, Superintendent of Police, Additional Superintendent of Police, Sub-divisional Police Officer or Assistant Superintendent of Police, he shall, except as provided in rule 84, pay one-eighth of the cost of carriage.

NOTE 1.—The scale of Government tents by weight (and not by number or size), that may be supplied to any Government employee for office or for personal use is given **in** Appendix 10.

NOTE 2.—Government employees who are allowed tents for their office establishments only are not entitled, when they go into camp without an office establishment, to the use of tents at Government expense, and must therefore bear the whole cost of their carriage.

SECTION II—-GOVERNMENT EMPLOYEES IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCES

68. A permanent travelling allowance is intended to cover the cost of all journeys Actual expenses within the sphere of duty of the Government employee who draws it, and such Government employee may not draw any other travelling allowance in place of, or permanent T.A. in addition to, permanent travelling allowance for such journeys:

in addition to or in exchange of

Provided that—

- (a) a Government employee of the 4th grade and any other Government employee or class of Government employees so permitted by Government may draw, in addition to permanent travelling allowance, single fare for a journey by rail; and
- (b) Government employee whose sphere of duty extends beyond the limits of a single district may be permitted, by general or special order of Government, to draw, in addition to permanent travelling allowance, wherever his actual travelling expenses for a duly authorized journey by public conveyance exceed double the amount of his permanent¹ travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the allowance calculated for the journey, if no permanent travelling allowance was admissible.

NOTE 1.—Munshis and clerks attached to Canal Divisions of the Department of Irrigation and Waterways on receipt of permanent monthly travelling allowance may draw single fare for a journey by rail in addition.

NOTE 2.—Vide Note 3 below rule 25.

- 69. When a Government employee in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duly, he may draw allowance, as provided in rules 76—79 for the journey, including such part of it as is within his sphere of duty, and may draw, in addition, permanent travelling allowance for any day of his absence for which he does not draw any other allowance.
- **NOTE 1.—This rule does not apply to a Government employee who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place or a Government employee who makes, by road alone, a journey not exceeding thirty-two kilometrs.

SECTION III—GOVERNMENT EMPLOYEES NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCES

Drawn daring absence from Head quarters on duty. 70. No allowances may be drawn except during absence from head quarters on duty. A period of absence from headquarters begins when a Government employee actually leaves his head quarters and ends when he actually returns to place in which his headquarters are situated, whether he halts there or not.

NOTE 1.—Daily allowances for halts at Calcutta during the stay of Government at Darjeeling is admissible to a Government employee, whose headquarters are those of Governor and who is required to move with Governor to Darjeeling (and not simply permitted to accompany Governor) provided he returns to the temporary headquarters at Darjeeling before Governor moves down. In such cases the daily allowance shall be drawn at the rates prescribed in rule 57 read with Appendix 6.

Distance to be travelled before allowance is admissible.

71. No allowance may be drawn for any day on which a Government employee does not reach a point¹ outside a radius of 8 km. from his headquarters or return to his headquarters from a similar point even though the distance travelled over may be more than 8 km.

NOTE 1.—This rule applies to cases where the officer comes to a halt without reaching a distance exceeding 8 km. from headquarters. But it does not apply when the journey is continued without interruption to a point more than 8 km. distance from headquarters, even though at midnight of the day on which he started he has not yet reached such a point.

NOTE 2.—A Government employee who, on completing a road journey of less than 8 km. from headquarters, returns thereto and then commences a journey by rail of more than 8 km. from headquarters on the same day, is not entitled to any allowance for the first portion of his journey performed by road.

NOTE 3.—In cases where a place is less in a straight line than 8 km. from headquarters, but more than 8 km. by the only practicable route to it, travelling allowance may be admitted by that route, but the allowance cannot be granted simply on the ground that the journey exceeding 8 km. was performed in visiting several places none of which was more than 8 km. from headquarters by the ordinary direct route.

NOTE 4.—As the shortest route between the Bengal Engineering College, Shibpur and Calcutta is less than 8 km., no travelling allowance other than ferry tolls is admissible for that journey.

NOTE 5.—As the distance between Calcutta and the Belgachia College and Hospital, by the shortest route, is less than 8 km., no travelling allowance is admissible for such journeys.

**71A. While on tour full daily allowance may be granted for each completed calendar day of absence reckoned from midnight to midnight. For absence from headquarters for less than 24 hours, the daily allowance will be a admissible at the following rates:—

Regulation of daily allowance

- (i) If the absence from headquarters does not exceed 6 hours. Nil.
- (ii) If the absence from headquarters exceeds 6 hours but does not exceed 12 hours.

70 per cent of the normal rates.

(iii) If the absence from headquarters exceeds hours.

12 Full daily allowance.

In case the period of absence from headquarters falls on two calendar days it is reckoned as two days and daily allowance shall be admissible for each day in accordance with the aforesaid provision. Similarly daily allowance for days of departure shall also be regulated accordingly.

State Government decision No. 1:—A question has been raised from what point of time will the entire absence from headquarters be counted for the purpose of calculating daily allowance. The Government is pleased to decide that—

- (i) For journeys by rail: The entire absence from headquarters shall be reckoned with reference to the schedule departure/ arrival time of the train from/ at the Railway Station. However, where the train is late by more than 15 minutes actual arrival time shall be taken into account.
- (ii) For journeys by bus: The entire absence from headquarters shall be recokned with reference to the actual departure/arrival time from/ at the bus stand.
- (iii) For journeys by air: The entire absence from headquarters shall be reckoned with reference to scheduled reporting/ arrival time from/ at the airport. However, where the plane is late by more than 15 minutes, actual arrival time shall be taken into account.

State Government decision No. 2:—A question has been raised how will the daily allowance be calculated when the absence from headquarters falls on two calendar days, but the total absence is less than 24 hours. In such cases daily allowance may be calculated separately for each calendar day in accordance with the scale prescribed in rule 71 A. The concept of 24 hours will not be operative in such cases.

Illustration:—A Government employee leaves headquarters at 3 p. m. and returns to headquarters on the following day at 12 noon or earlier. In such cases daily allowance shall be admissible at 70% of the normal rate for the period from 3 p. m. to 12 midnight on the day of departure and another 70% for the **period** from midnight to 12 noon on the day of return.

State Government decision No. 3.—A point has been raised whether a Government employee who leaves headquarters at 6 p. m. or after that and returns to headquarters by 6 a. m. is entitled to any daily allowance (as his journey falls in two calendar days but on each day his absence is less than or up to 6 hours).

The Governor has been pleased to decide that in such cases if the total duration of absence on tour falling in two calendar days exceeds 6 hours, daily allowance will be admissible at 70% of the normal rate.

Local journey

- **71B. (1) Government employee performing local journeys (i. e:, journeys beyond 8 km", from the duty point at headquarters and within the limits of suburban or other municipalities, Notified Areas, Cantonments, contiguous to the Municipality (Corporation of the town or city, etc., in which the headquarters of the Government employee is located)' on any day shall be allowed mileage allowance for journey involved and io addition 50 per cent of daily allowance as admissible under rule 71A for absence from headquarters. Journeys within the limits of an urban agglomeration within which a Government¹ employee's headquarters are located shall also be treated as local journeys.
- (2) Travelling allowance for a local journey shall be admissible if the temporary place of duty is beyond 8 km. from the normal place of duty, irrespective of whether the journey is performed by the Government employee from his residence or from the normal place of duty.
- (3) Local journeys shall ordinarily be performed in the same way as the Government employee performs the journey to his duty point, i.e., by bus, local trains, or his own conveyance. Where travel by special means of conveyance like taxi, scooter or other conveyance is considered necessary prior permission of higher authority shall be obtained. If more than one official is deputed for duty at the same point, they shall, as far as possible perform the journey together by sharing the hire charges of the taxi or scooter or other conveyance, if necessary, by assembling at the normal duly point.

- (4) The bus / rail fare or mileage allowance for local journeys shall be regulated with reference to the actual distance travelled or the distance between the normal duty point and temporary duty point whichever is less.
- (5) If the Government employee is provided with conveyance free of charge for local journeys, he shall be entitled to daily allowance only.
- (6) Daily allowance for local journeys should be calculated only at the ordinary rates prescribed in column (2) of clause (A) of rule 57. The special rates of daily allowance prescribed in respect of certain expensive localities are not applicable to touring officers having headquarters in those localities and performing local journeys.
- (7) No travelling allowance / daily allowance shall be admissible for the local journeys to the same temporary duty point beyond 30 days. In such cases the temporary duty point shall be treated as the temporary headquarters of the Government employee concerned. This shall also apply to cases where any single assignment is performed in two or more spells and total period of duty at the temporary duty point is more than 30 days.

NOTE.—The term "Urban Agglomeration' has the meaning assigned to it in Chapter II of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976). The areas indicated in Appendix 6A have been declared as urban agglomeration in West Bengal.

State Government decision.—A question has been raised whether journeys from the headquarters of a Government employee situated in rural areas or in urban agglomeration or in a municipal area to a place situated in a contiguous, i.e., neighboring municipality, rural area or to an urban agglomeration respectively fall within the meaning of local journeys. It has been decided that provided the two places are contiguous, the journey involved is to be treated as a "local journey".

It has also been decided that the word "etc." occurring after that words "Municipality/ Corporation of the town or city" in rule 71B includes blocks in rural areas.

**72. Subject to the conditions laid down in rules 73 and 74, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour.

NOTE—No -daily allowance shall be admissible for Sunday and holidays unless the officer is actually and not merely constructively in camp. Also, no daily allowance shall be admissible for sectional holidays and leave including casual leave availed of during tour.

State Government decision.—A question has been raised whether an officer shall be entitled to daily allowance on Sundays or holidays if his stay on Sunday or holiday outside the headquarters was essential in the interest of public service, and he had to

perform public duties just before and after Sunday and holiday. The Governor has been pleased to direct that a Government employee has to perform public duties just before and after Sunday / holidays in order to be eligible to draw daily allowance for such Sundays and holidays. For this purpose, it is enough if the Government employee spends at least a portion of the particular Sunday (holiday in camp. Thus a Government employee may leave his place of halt on a Sunday/ holiday morning, go to any distant place on a private purpose and return to his halting place in the evening and he shall still be considered to be actually in camp, for the purpose of eligibility to daily allowance.

**73. The admissibility of daily allowance at a place outside Government employees' headquarters shall be as follows:

First 30 days Full daily allowance. Beyond 30 days and upto 180 days Half daily allowance.

Beyond 180 days Nil.

NOTE.—The authority competent to sanction tour shall also have the power to sanction daily allowance beyond 30 days.

- **73A.(1) When an officer is deputed by the Government for any training refresher course or the like within India entirely in the interest of the State, he may be allowed *to* draw—
 - (a) travelling allowance for the original journey to and the last journey from the place of training,
 - (b) daily allowance for the entire period subject to a maximum of 180 days in the following manner:—
- (i) For the first 30 days Full daily allowance.
- (ii) For the next 30 days

 Daily allowance at 3/4ths of the usual rates.
- (iii) For the remaining period upto a Daily allowance at half the usual maximum of 180 days.

 For a period exceeding 180 days, it is expected that the Government employees

shall make some permanent and cheaper arrangement.

- (2) Sometimes the authorities responsible for organizing the training/ refresher courses or the like—
 - (i) prescribe a fixed monthly compensatory allowance to be allowed to the officer;
 - (ii) provide board and / or lodging and other amenities and recover a fixed charge.

The officers deputed under these types of schemes shall draw the compensatory allowance fixed by the sponsoring organisation or the charges on account of board and lodging shall be reimbursed by Government, as the case may be.

In addition to fixed compensatory allowance or board and lodging charges, as the case may be, they will be allowed daily allowance at 25 per cent, of the rate admissible for the place of halt.

- NOTE.—(1) When Government employees are deputed for training at centres/ institutions located at their headquarters stations such centres/ institutions should be deemed to be their temporary headquarters during the period of training. No travelling/ daily allowance shall be admissible in such cases whatever be the distance between their normal duty point and the institutions/ training centres to which they are deputed for training.
- (2) When a Government employee is detailed for study} training by the training institution at another place at the same station and visit that place directly from his residence, no travelling allowance shall be admissible in such cases.
- (3) Where on any day the Government employees under training are required, under proper orders, to attend two or more places at the headquarters station in connection with their training, the actual conveyance expenses by public conveyance between one local place of training and the other such place(s) may be reimbursed to them. They shall be entitled to conveyance expense by rickshaw / tonga or other cheap mode of conveyance at the rate fixed by local authorities at that place, where public conveyance like bus/ tram/ train is not in operation. Where-ever possible, two Government employees may hire a rickshaw or four Government employee may hire a tonga and claim the proportionate charges.

**74. For the purpose of rules 71 to 73—

- (a) after a continuous halt of 30 days' duration, the halting place shall be regarded as the Government employee's temporary headquarters;
- (b) a halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding 8 km. for a period including not less than three nights, both conditions to be fulfilled;
- (c) in calculating the duration of a halt, any day on which the Government employee travels or halts at a distance from the halting place exceeding 8 km. shall be excluded. On such a day the Government employee may draw daily allowance and mileage allowance as admissible.

NOTE.—If, during the period of a half at an expensive locality, a Government employee travels by road at a distance from the halfing place exceeding 8 km. and returns to it on the same day, the daily allowance admissible under sub-rule (c) of this rule may be drawn at the special rate admissible for the expensive locality if more advantageous.

**75. Omitted.

Drawl of travelling allowance and daily allowance in certain contingency. **76. If two or more Government employees travel together in a conveyance hired or owned by one of them and both draw travelling allowance the latter may draw travelling allowance as provided under rule 64 while the former shall draw only daily allowance as admissible to him for the period of absence from the headquarters.

**77. Omitted.

Road journey when combined with rail journey. 78. When a journey by road is combined with a journey by railway, steamer or air allowance in respect of road journey shall be drawn at the flat rates prescribed in rule 47 provided that after the first 160 km. on any given day, the allowance for the excess, if any, will only be at three-fourth the rates.

Journey by road.

79. When a journey is by road, the allowance shall be drawn at the flat rates prescribed in rule 47, provided that after the first 160 km. on any given day, the allowance for the excess, if any, will be only at three-fourth the rates.

Unless such journey by road be a journey to or from the Government employees' headquarters, allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under rule 33.

NOTE.—Where a journey by road includes a journey by a service open to the public on hire, the journey by such service shall be treated as a separate "journey, quite distinct from the ordinary road journey and the allowance for the distance covered by the service open to the public on hire shall be calculated— under rule 49, while that for the ordinary road journey under rule 78.

**80. Omitted.

81. For any day on which a member of clerical staff or fourth grade Government employee is required in writing by the head of his office to travel by public or hired conveyance of a stated kind, he may, subject to any conditions which the head of the office may by general or special order impose, draw allowance for the distance travelled.

NOTE.—The term "hired conveyance" includes a bullock-cart m localities where such is an ordinary means of conveyance.

82. The Head of the Department may permit any Government employee, who is compelled by a sudden emergency to leave his camp and travel rapidly on duty to a place more than 32 km. distant, to draw, in addition to allowance for distance travelled, the actual cost of maintaining his camp, whether the camp be moved or not, provided that the amount of actual cost drawn shall not exceed the daily allowance of his grade.

Actual expenses of maintaining a camp during a sudden journey away from it.

83. A Government employee entitled to daily allowance, whose sphere of duty extends over a whole province, may when making a journey of more than 160 km. to the first or from the last camp of an extensive tour, be permitted by the Head of extensive tour. the Department to recover, in lieu of the daily allowance admissible for the days occupied by such journey, the whole necessary cost of the journey, including the cost of transportation of camp equipment and of servants, horses, motor-cars, motor-cycles, bicycles and private baggage on such scale as the Head of the Department may prescribe.

Actual expenses on the first and last journey of an

84. (a) When a Head of a Department is satisfied (hat it is in the interests of the Public Service that a particular Government employee on tour should send his horses, motor car, motor cycle, bicycle, tent or camp equipment by railway or steamer, or by country craft when no steamer service exists capable of conveying the goods or animals, or when such means of carriage is cheaper or more expeditious, he may, by special order in each case, permit the Government employee to recover, in addition to allowance for distance travelled and daily allowance, if any, admissible the actual cost or part of the actual cost of transporting them. (**)

Actual expenses of carrying camp equipments, etc.

- (b) The power given by sub-rule (a) may be exercised in respect of the conveyance of bicycles only by District Officers, Divisional Forest Officers Settlement Officers and Executive Engineers and, in favour of their subordinate staff belonging to Group B, Group C and Group D services only, by Deputy Inspector General of Police.
- (c) Subject to the limitations prescribed in Appendix No. 10, a Head of a Department may, by general or special order, prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under sub-rule (a) of this rule by a particular Government employee or class of Government employees.

NOTE 1.—The object of the rule is to meet **an** extraordinary case in which a Government employee is obliged in the discharge of his official duties to make use of his horses, motor car, motor cycle, bicycle, or camp equipment in one place immediately **or** very shortly after having had to use them in the public service **in** another place and who is, therefore, in the exigencies of the service compelled to convey them by rail or steamer or country craft.

NOTE 2.—Cost of carriage of bicycles by rail is admissible under this rule to officers on tour within **a** district when it **is** necessary for the officer to arrive at his destination ready equipped for **a** further journey.

NOTE 3.—In the case of a motor car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass cutter may be drawn.

NOTE 4.—When a motor car is transported by steamer, the actual cost of transporting it may, for the purposes of this rule, include, besides the freight, other incidental charges such **as** ghat pass, river dues, loading and unloading charges.

NOTE 5.—The rule refers to private motor cars, The cost of carriage of Government motor cars is contingent expenditure.

NOTE 6.—The term "motor cycle" in this rule includes a side car.

85. (a) The provisions of sub-rule (b) are applicable to—

(i) officers and men of the Railway Police;

- (ii) any other Government employee or class of Government employees whose duties involve constant travelling by railway, to whom Government may declare them to be applicable, (b) When such a Government employee makes a journey by railway on tour—
 - (i) he is entitled either to a free pass under the free pass rules of the railway or to the fares for himself and the servants and baggage accompanying him which a free pass would cover;
 - **(ii) he may draw daily allowance in the scale as admissible under rule 71A for any day on which he travels more than 8 km. from his headquarters irrespective of whether such journeys are performed within the areas coming within the purview of "local journeys" referred to in rule 71B; (Hi) if he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least 8 km. from the point where he leaves the railway or returns to the railway from a place similarly distant, draw

When duties require constant travelling by railway.

allowance for the journey by steamer or road, in addition to daily allowance, if any admissible under this rule: Provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

SECTION IV—JOURNEYS OR

HALTS WITHIN 8 KM. OF HEADQUARTERS

86. Under general or special orders of Commissioners of Divisions, in respect of Conveyance for officers under their control, and Government in all other cases, any Government employee or class of Government employees may be permitted to draw the actual cost, not ordinarily exceeding the daily allowance of the appropriate grade, of hiring a conveyance or such lesser amount as such authorities may fix for a journey for which no travelling allowance is admissible under these rules.

special cases in which conveyance hire under this rule has been NOTE.—A list of sanctioned is given in Appendix No.

87. On the following conditions and any other conditions which he may think fit to impose, the Head of the Department may by general or special order, permit any Government employee or class of Government employees to recover the actual cost of maintaining camp equipage during a halt at headquarters or within 8 km. of headquarters or during the interval between the Government employees departure from, or arrival at head-quarters and that of his camp equipage:—

Actual expenses of maintaining camp equipage during a halt at headquarters.

hires.

- (a) The amount drawn, together with any amount, recovered under rule 88 should not exceed the daily allowance of his grade.
- (b) The period of the halt or interval for which it is granted should not exceed ten days from his return from camp. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.
- (c) The Government employee must certify that he had maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of Government employees belonging to Group B, Group C and Group D services, the head of the office must certify that such maintenance was necessary.

NOTE.—The actual expanse of keeping up camp equipage during halts at headquarters is the difference between the actual outlay incurred by an officer in maintaining the equipage during that time and the outlay he would incur if he could discharge it and had nothing to do with it till he wanted it again. Interest on capital outlay, and charges on account of depreciation and repairs as well as the up-keeping of horses, palkies, etc., used only for the conveyance of the officer on his marches and the cost of maintaining private conveyance of any sort cannot be reckoned in "actual expenses" of keeping up camp equipage.

Ferry charges, tolls, Railway fare, Taxi hire, etc.

- 88. (1) A Government employee travelling on duty within 8 km. of his headquarters is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.
- NOTE 1.—Except in exceptional circumstances when the time factor is important, no conveyance charges shall be paid for journeys from one office to another which is situated at **a** .distance of less than 2 km. from the former.
- NOTE 2.- Hiring of taxis for official use: No taxi hire] shall be allowed except under the following conditions:—
- (1) The place to be visited on official duty will not be less than 2 km. by the shortest route from the office of the Government employee concerned.
- (2) That no bus, tram or local train ply near the places of be visited and the place of Government employees duty.
- (3) That the controlling officer certifies that due to the urgency of the work it is essential for the officer to hire a taxi even though the places are connected by bus, tram or local train.
- (4) If more than one officer is required to proceed to particular place, they should share the taxi as far as possible.
- (5) A certificate should be furnished that no staff car is available.
- (6) That the total taxi hire or other conveyance hire in; any one month does not exceed Rs. 30.00 in respect of a Government employee.

The expenditure will fall within the normal contingent expenditure and may be sanctioned by the Head of Department: or Office subject to the above conditions.

- **State Government decision.—A point has been raised' whether the ceiling of Rs. 30 mentioned in clause (6) of Note 2 is applicable to conveyance charge relating to journeys made by bus, tram or the like.
- 2. After careful consideration of the provisions laid down-in rule 88, the Governor has been pleased to clarify that Note 2 has been specifically framed for regulating taxi-hire charges and as such taxi-hire charges are naturally excluded from the purview of the main body of rule 88 which regulates drawal of charges in payment of ferry and other tolls and fares for journeys by railways or other public conveyance within 8 km. of head-

quarters. It has further been decided that clause (6) of Note 2 should apply only in cases of taxi-hire charges or similar other conveyances hired in lieu of taxi and the ceiling as fixed therein shall not apply in case of total fares which may be paid in availing of public conveyance (other than taxi or similar vehicle).

3. Entitlement to actual taxi-hire charges in terms of Note. 3 shall, however, remain as it is.

NOTE 3.—For journeys on official business, in cases where-Government vehicles are not available and journey by taxi is. Unavoidable, actual taxi-hire charges from headquarters/ residence to Railway Station/ Airport and vice versa shall be admissible subject to a maximum ceiling as detailed below:

From headquarters/residence/place of halt Maximum to Railway Station/Airport and vice versa ceiling

	Rs		
I (i) Howrah Station			
(ii) Sealdah Station	20 For journeys- to and from 15 the farthest point within.		
(iii) Dum Dum Airport	40 the jurisdiction of Calcutta Corporation.		
II. (i) Palam Airport	35		
(ii) New Delhi Railway Station	10		
(iii) Old Delhi Railway Station	15		
III. Bombay Airport/Railway Station	50		
IV. Madras Airport/Madras Station	50		

The above benefit will be admissible only for journeys (both outward and inward) through the points mentioned above, viz., (i) Howrah, Sealdah, Dum Dum within the State and (ii) Delhi, Bombay and Madras outside the State.

The benefit of actual taxi-hire charges subject to the maximum ceiling prescribed shall be admissible only to the First and Second Grade Officers and for drawal of such charges a declaration will have to be furnished by the concerned officer to the effect that no Government vehicle was made available to him and that hiring of taxi was unavoidable and inescapably necessary, and such declaration certificate shall be countersigned by the controlling officer.

(2) Notwithstanding the provisions contained in sub-rule (1) the Fourth Grade staff may, at their option, be allowed to draw the actual travelling expenses for journeys beyond the radius of 8 km. from their headquarters from contingencies.

SECTION V—Special Provisions

On temporary porting of Sub-Judges to hold Courts in stations other than their headquarters.

- 89. When subordinate judicial officers are temporarily posted to hold courts in stations other than their headquarters under note 3 of rule 31 of the West Bengal Service Rules, Part I they will be entitled to travelling allowances as for journeys on tour and the daily allowances in such cases should be regulated in accordance with the following principles:—
 - (i) Daily allowance is admissible in such case as the officer moved has been taken away from his permanent post to which he is expected to return within three months and may be reasonably considered to beg keeping an establishment in his own station and an additional establishment in the station to which he has been temporarily posted.
 - (ii) Ordinarily daily allowances will not be allowed to officers in cases in which they join their duties at the station to which they are posted before joining the station to which they are permanently attached, i.e., unless the posting involves an actual change of station and the expenses of a double establishment claims not covered by this principle should be referred to Government for orders.

On appointment as a President or member of a Special Tribunal.

- 90. (1) When a Government employee, appointed to be the president or a member of a special tribunal constituted under section 3 of the Bengal Criminal Law Amendment Act, 1925, is required to proceed to a station other than his headquarters, he will be entitled to travelling allowance as for journeys on transfer in respect of the journeys to and from the station at which the tribunal sits.
- (2) If such Government employee takes his motor car with him, he will be entitled, subject to the provisions of Section VII of rule 100 to recover the cost of transporting his car to the station at which the tribunal sits and back.
- **(3) In addition to travelling allowance mentioned in sub-rule (1), such Government employee shall be entitled, for the period of his halt at the station where the tribunal sits, to a compensatory allowance equal to the daily allowance of his grade, at full rate for the first 30 days of his halt and at half the rate for the following 150 days. No compensatory allowance will be admissible after 180 days.

**90A (1) A Government employee who, in his official capacity is nominated as a On appointment Chairman or Member of any statutory Body, Corporation or Commercial Undertaking may draw travailing allowance under the rules applicable to him from the source, form which he draws his pay but he shall credit to Government the travelling allowance which he may receive from, such bodies under their rules and regulations. Such credit shall be treated as the revenue of the Department.

as Chairman or Member of any Statutory Body, Corporation or Commercial Undertakings.

- (2) In the travelling allowance claim preferred by the officer, a certificate specifying the amount, if any, drawn by him from the statutory Body, Corporation or Commercial Undertaking and giving reference to the credit of such amount to Government shall be recorded by the Government employee.
- 91. When a Government1 employee is authorised under rule 32 of the West Bengal Service Rules, Part I, to proceed beyond his sphere of duty to attend a non-official conference. conference, travelling 'allowance will be admissible as follows:-

When attending a non-official

- (a) For journeys by rail or steamer, one actual return fare of the class to which his grade entitles him and, provided a servant accompanies him, one actual return fare of the lowest class.
- (b) For journeys by road, the allowance of his grade.
- (c) During halts, the daily allowance of his grade.
- Note 1.—The expression "actual return fare" means the fare actually paid whether at concessional or ordinary rates.
- **Note 2. No daily allowance shall be admissible for the days of arrival at and departure from the halting place.
- 92. When a Government employee, while on leave or during vacation, is employed as an When appointed honorary organiser of Cooperative societies, he may draw travelling allowance not exceeding the amount to which he would be entitled if not on leave and performing his ordinary official functions, provided that—

a Honorary, organizer of Cooperative Societies during leave or

- (a) the Head of the Department or office to which he belongs agrees to his having been vacation. so employed, and
- (b) the Government employee certifies that for the journey or period to which the claim relates, no similar allowances have been or will be drawn from any other official source or from any local fund.

CHAPTER VIII—JOURNEY OF A NEWLY-APPOINTED GOVERNMENT EMPLOYEE TO JOIN HIS FIRST POST

General rule.

93. Except as otherwise provided in this chapter, travelling allowance is not admissible to any person for the journey to join his first post on Government service.

Exceptions.

**94. Heads of Departments, District Officers and Deputy inspectors General of Police, may, by general or special order permit any person appointed to a permanent or temporary post belonging to Group B, Group C or Group D services subordinate to them to draw travelling allowance to join his first post in Government service. In other cases this power can be exercised only by Government.

NOTE.—A list of cases in which travelling allowance has been declared to be admissible under this rule is contained in Appendix No. 13.

Concessions to reemployed.

95. When a pensioner or a Government employee who has been thrown out of employment owing to a reduction of establishment or the abolition of his post is reappointed to Government service, the authority which sanctions his reappointment may permit him to draw travelling allowance for so much of his journey to join his new post as falls within India.

96. Omitted.

Rate of T.A

- 97. Travelling allowance under rules 94 and 95 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.
- 98. When allowance is drawn under rules 94 and 95, the rate admissible is that of the grade to which the Government employee will belong after joining his post

CHAPTER IX—JOURNEY ON TRANSFER

General conditions of admissibility.

99. Travelling allowance may not be drawn under this chapter by a Government employee on transfer from one station to another unless he is transferred for the public convenience and is entitled *to* pay or leave salary, whichever is admissible under the rules, during the period occupied by the journey. A transfer at his own request should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs.

NOTE 1.—In all cases the authority ordering the transfer shall state whether the officer has been transferred in the public interest or at his own request. A certificate to the effect should accompany the travelling allowance bill.

NOTE 2.—No travelling allowance is admissible in case] where no change of residence is involved consequent on the transfer of a Government employee.

**100. Unless in any case it be otherwise expressly pro vided in these rules, a Government employee is entitled for journey on transfer in the public convenience (including transfer from Military to Civil employ or vice versa) to the following concessions:—

I. Transfer Grant

A Government employee on transfer is entitled to transfer grant in the following scales:—

Pay range	Transfer Grant Rs.
(i) Rs. 2,000 and above	500
(ii) Rs. 1000 and above but less than Rs, 2,000	400'
(iii) Rs. 650 and above but less than Rs. 1,000	300
(iv) Rs. 330 and above but less than Rs. 650	200
(v) Group C employees other than those covered by higher pay range.	150
(vi) Group D employees	100

- (i) For journey between places connected by rail or steamer, a single fare of the class to which he is entitled to accommodation under rule 37 or rule 41, as the case may be.
- (ii) He may draw one extra fare for each adult member of his family who accompanies him and for whom full fare is actually paid and one-half fare for each child for whom such fare is actually paid.

NOTE 1.—In a case where the Steamer Company has two rates of fare, one inclusive and the other exclusive of diet, the word "fare" should be held to mean fare exclusive of diet.

NOTE 2.—The term "class to which he is entitled" does not include air-conditioned First Class accommodation. However, Government employees who are drawing pay of Rs. 1,500 and above, may, at their discretion, travel by Second Class Air-conditioned 2-Tier Sleeper coach on transfer.

NOTE 3.—Reservation charges levied by Railways in res-,pect of all classes of accommodation shall be reimbursed to the Government employee treating these charges as part of the fare. These charges in respect of the members of the family of a Government employee shall also be reimbursed.

NOTE 4. When a Government employee performs a journey on transfer by passenger, mail or express trains, **he** shall certify in each travelling allowance bill that the journey was performed by such **a** train.

III. Mileage for journey by road

- (i) When the Government employee with the members of his family travels by road, he shall be entitled to draw road mileage in the following scale:—
- (a) between places connected by rail—road mileage, limited to rail mileage by the entitled class.
- (b) for journeys in full or own car—road mileage at Rs. 1.30 paise per kilometre as under, irrespective of how the Government employee and the members of his family travelled—

For Self	One road mileage.
For one additional member of the family	Nil.
For two additional members of the family	One additional road mileage.
For more than two additional members of the	Two additional road mileage.
family.	_

(ii) For journey by bus—Actual bus fare for self and each member of the family.

NOTE 1.— In case of transfer journey the Government employee shall be entitled to draw road mileage prescribed from residence to railway station / bus stand at the old headquarters and railway station / bus stand to his residence at the new headquarters.

NOTE 2.-When a Government employee performs a journey on transfer in Government vehicle between places not connected by rail only an allowance for journey by road at the rate **to** which he is entitled shall be admissible to him for the journey. No extra mileage shall be admissible for the members of nig family who travel with him.

IV. For journey by Air

- (i) A Government employee travelling by air on transfer between places connected by rail and / or steamer, is entitled to draw—
 - (a) if he is authorised to travel by air on transfer, the air fares actually paid for himself and the members of his family; or
 - (b) if he is not so authorised, the air fares actually paid for himself and the members of his family, or the railway and [or steamer fares which would have been paid had he travelled by the appropriate class by rail and]or steamer, whichever is less; and
- (ii) a Government employee travelling by air on transfer between places connected by road only, is entitled to draw—
 - (a) if he is authorised to travel by air on transfer, the air fare actually paid for himself and the members of his family; or
 - (b) if he is not so authorised, lower of the following two—

- (1) the air fares actually paid for himself and the members of his family; or
- (2) a single road mileage allowance at the rate which would have been applicable to him had he performed the journey by road if he travels alone, at twice the above rate if he is accompanied by two members of his family, and at thrice the above rate if accompanied by more than two members of his family.

V. Transfer incidentals

In addition to the fare for himself and the members of the family for journey by rail/steamier/air, as the case may be, and road mileage as laid down in Section III of this rule a Government employee shall draw one daily allowance for himself and for each member of his family for every completed day occupied in the journey from residence, reckoned from midnight to midnight. For a period less than 24 hours on any day, the daily allowance shall be admissible as follows:

Up to 6 hours Nil
Exceeding 6 hours but not exceeding 12 hours 70%
Exceeding 12 hours full

The children below 12 years will be allowed daily allowance at half of the rates for adult.

NOTE.—Daily allowance will be calculated at the ordinary rates prescribed in clause (A) of rule **57.** VI. *Carriage of personal effect on transfer*

1. The maximum entitlement of officers of different grades for carriage of personal effects shall be as follows:

Grade Kg. to be carried
First Grade .. 6,000
Second Grade .. 3,000
Third Grade .. 1,500
Fourth Grade .. 1,000

Provided that a competent authority may prescribe lower maximum for any class of Government employees.

NOTE 1.—A First Grade officer engaging a full four-wheeler wagon in a goods train may be reimbursed the actual cost charged by the railways irrespective of the weight carried.

NOTE 2.—Where a Government employee of the First Grade avails of the facility of "Container Service" by the Railways (available for transport of goods from consigner's godown to consignee's godown) reimbursement of such charge may be allowed limited to the amount chargeable for 6,000 kg. by goods train.

- 2. (a) When personal effects are carried by road between places connected by rail.—A Government employee who carries his personal effects by road between places connected by rail may draw actual expenses up to the limit of the amount which would have been admissible had he taken the maximum admissible quantity of personal effects by goods train.
- (b) When personal effects are carried by road between Places not connected by rail-The allowance for carriage of personal effects between places connected by road only will be at the following uniform rates:—

Grade	Ordinary Locality	Calcutta		
	Rs. per km.	Rs. per km.		
First	4.50	7.50		
Second	2.25	3.75		
Third	1.15	1.90		
Fourth	1.00	1.50		

Indian Railways Act, 1890 are included in the personal effects, the booking of such articles in the packages is governed by the same conditions.

All the percentage charges levied by the Railways for carriage of certain "excepted" articles at Railway's risk may be reimbursed to a Government employee transporting his personal effects on transfer by rail provided that—

- (a) the claim for the cost of transportation of personal effects inclusive of the percentage charges is within the maximum amount admissible to a Government employee on transfer under clause 1 of section VI of this rule, and
- (b) the railway receipt is produced in support of the claim for percentage charges.
- **VII.** Transportation of conveyance on transfer
- (1) A Government employee on transfer may draw the act: al cost of transporting at owner's risk conveyance and horses on the following scales:—

Grade of Government employee	Scale
First and Second	One motor car or one motor cycle /scooter or one horse.
Third and Fourth	One motor cycle /scooter or one bicycle.

Provided that conveyance or horses are actually carried by rail, steamer or other craft.

(2) If being entitled to convey a motor car or motor cycle' scooter under the scale referred to in clause (1), a Government employee transports it hy road, then the rates of allowance shall be as follows:

Rate of allowance.

Mode of transportation	•	s connected by ail	Between places not connected by rail			
·	Motor car	Motor Cycle/ scooter	Motor car	Motor cycle		
(i) When the conveyance is sent under its own propulsion ted to expenditure	Rs. 1.30 paise per km. limited on transportation by passenger train on rail.	50 paise per km, limited to expenditure on transportation by passenger	Rs. 1 .30 paise per km.	50 paise per km.		
(ii) When the conveyance is sent loaded on a truck.	Actual expenses limited to the amount calculated at the rate of Rs.1.30 per km. or expenditure on transportation on rail whichever less is.	Actual expenses limited to the amount calculated at the rate of 50 paise per km or expenditure on transportation by passenger train whichever less is.	Actual expenses limited to the amount calculated at the rate of Rs 1.30 per km.	Actual expenses limited to the amount calculated at the rate of 50 paise per km.		

NOTE 1.—Where the conveyance is sent under its own propulsion the Government employee shall not be entitled to separate fare by rail|air or to separate road mileage for himself. Appropriate mileage allowance shall be admissible for the members of his family, if they travel otherwise than by the conveyance being transported under its own propulsion.

NOTE 2.—In the case of a motor car, the cost of *transporting* a Chauffeur or Cleaner, and for each horse the cost of transporting one Syce and one grass-cutter may be drawn. A Second Class railway fare, by the shortest route between the stations from and to which the motor car is actually carried by rail, may be drawn in respect of Chauffeur or Cleaner, provided a certificate is furnished by the officer concerned that a Chauffeur or Cleaner, other than a domestic servant, was actually employed and that he (Chauffeur or Cleaner) travelled by rail in the section for which transportation charges of the motor car by rail are claimed. The Chauffeur or Cleaner need not necessarily travel in the same train which carries the motor car.

NOTE 3.—When a conveyance or a horse is transported by steamer, the actual cost of transporting it may, for the purpose of this rule, include, besides the freight, other incidental charges such as Ghat Pass, river dues, loading and unloading charges.

Exception:—A Government employee who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance admissible under clauses (i) and (ii) of section II or to the concessions allowed by this Note. He is entitled to free transport of himself, the members of his family, his personal effects and the

conveyance and horses subject to the limit prescribed in Sections VI and VII respectively and may draw in addition to the daily allowance of his grade.

NOTE 4.—On occasions when a Government employee is authorised to convey his motor car or motor cycle by rail at the public expense, he may do so by passenger train or goods train at his option. In the former case the actual freight charged by the Indian Railways may be drawn by the Government employee. In the latter case, i.e., if the car or cycle is despatched by goods train, the Government employee may draw, in addition to the freight charged by the Indian Railways, the cost of packing and of transporting the packed car or cycle *to* and from the goods shed at the stations of departure and arrival, provided that the total amount so drawn shall not exceed the freight charged for transporting the car or cycle by passenger train.

NOTE 5.—The concession admissible under Note 4 applies *mutatis mutandis* to a Government employee of the Third Grade who carries ordinary cycle.

NOTE 6.—If a Government employee owned a conveyance or horse which is kept at a station other than one from which he is transferred, he may draw the actual cost of transporting the conveyance or horse from the station where it is kept to the station to which he is transferred, provided that the amount so drawn shall not exceed the amount admissible, had it been conveyed from the old station to the new station direct and provided further that the conveyance or horse is actually transported to the new station within a reasonable time before of after the officer is transferred. In the case of an officer who does not own a horse or conveyance at the time of transfer from one station to another but purchases one and takes it to the new station from some other place, the above expenses may be allowed with the sanction of the Government

NOTE 7.—When a Government employee authorised *to* convey his cycle at public expense transports it by road between stations connected by rail, he may in addition to the maximum quantity of personal effects admissible under the rules; be allowed the actual cost of transportation of the cycle limited to the freight charges by passenger train. In cases where the places are not connected by rail, an allowance at the rate of two paise per km. may be allowed.

NOTE 8.—The term "motor cycle" includes a side car.

NOTE 9.—Except in special cases under orders of Government clause (a) of Section VII of this rule does not apply to members of the Judicial Services other than the District and Sessions Judges and the Additional District and Session Judges.

NOTE 10.—A horse or conveyance may be deemed to be part of personal effects in cases where an officer is not entitled to its conveyance at Government expense under the rule.

VIII. For journeys on transfer within the same station or within a relatively short distance from the old head-quarters—

- (a) For transfer within the same station—
 - (i) No travelling allowance shall be admissible, if no change of residence is involved on account of transfer.
 - (ii) If there is a change of residence as a result of transfer, only the following reimbursements may be allowed:—Self and family—Actual cost of conveyance but not exceeding road mileage allowance admissible under the rules.

Personal effects—Actual cost of transportation not exceeding the amount admissible under the rules.

NOTE 1.—No lump sum or any other travelling concession snail be admissible.

Note-2.- For the purpose of this rule, the term "same station will be interpreted to mean the area falling within *the* jurisdiction of municipality or corporation, including such suburban municipalities, notified area or cantonments as are contiguous to the named municipality, etc.

- (b) For transfer between *two* stations:—
 - (i) No travelling allowance shall be admissible, if no change of residence is involved.
 - (ii) If there is a change of residence as result of transfer, full transfer travelling allowance shall be admissible, except that no lump sum grant will be admissible if the distance between the two stations does not exceed 20 kilometers.

Explanation.—The distance of "20 kilometres" as aforesaid should be calculated from office to office at the two stations, and the lump sum grant, if otherwise admissible, may be allowed only if the office at the new headquarters station is beyond a radius of 20 kilometres from the office at the old headquarters station. If there are alternate rail and road routes, the distance by both should exceed 20 kilometres in order that Government employee becomes entitled to the lump sum.

IX. General instructions

- 1. In cases where a Government employee is transferred from station A to station B and is again transferred within a reasonable short time to another station C, he may be allowed under Section VI of this rule to recover the cost of carriage of personal effect from station A to station C subject to the conditions that (1) the total weight carried from station B to station C and from station A to station C does not exceed the maximum limit prescribed in the rule and (2) the total cost of transporting the effects from station A to station B, from station B to station C and from station A to station C does not exceed the amount admissible from station A to station B plus that admissible from station B to station C.
- 2. In case of transfer of a Government employee from station A to station B, and again to station C the interval between the first and subsequent transfer being within six months, he may draw the actual fare for the journeys from station A to station C made by any member of the family subject to the condition that the total amount claimed from station A to station B, from station B to station C and from station A to station C shall not exceed the amount admissible from station A to station B plus that admissible from station B to station C.
- 3. Charges for the transport of personal effects of an officer on transfer may be admitted in Treasury / Pay and Accounts Office, if they do not for good and sufficient reasons accompany him, but are carried within a reasonable time before or after the date of his journey on transfer.

NOTE.—The expression "for good and sufficient reasons accompany him, but are carried within a reasonable time"— used in the above instruction has been left to be interpreted by the Treasuries / Pay and Accounts Office but Government will have full power to deal with any cases of doubt referred to them by the Treasuries/ Pay and Accounts Office.

- 4. For the purpose of this rule, the grade of a Government employee should be determined with reference to the facts on the dates of his transfer while the number of fares admissible should be determined with reference to facts on the date of the journey in respect of which travelling allowance is claimed, subject to the condition that no travelling allowance would be admissible in respect of a member added to the family after the date on transfer.
- 101. A Government employee who claims—
- (a) additional travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members;

Certificates for claiming T.A. for family members etc

- (b) the cost of transporting personal effects, a conveyance or a horse, must support his claim by a certificate that the actual expenses incurred was not less than the sum claimed. Such a certificate must give details of the conveyances or horses transported.
- **102. A Government employee who travells by Government steamer is not entitled for such journey to the allowance for distance travelled but he is entitled by a to free transport for himself, his family and domestic servants and his and their bona fide personal effects and of conveyance and horse, subject to the conditions and limits prescribed in Section VII of rule 100. He may, however, draw transfer grant and transfer incidentals as admissible under rule 100.

When travelling Government Steamer.

103. Tents supplied by Government are transported at the expense of Transport Government. Tents purchased and maintained by a Government employee himself may be transported at the expense of Government, provided that they do not exceed a scale prescribed in this behalf by Government as suitable to a particular Government employee or class of Government employees. If they exceed this scale, the excess may be treated as a part of personal effects.

charges of tents.

104. A Government employee whose orders of transfer are cancelled or changed When the order before he makes the journey to join his new post but after he has incurred expenditure the cost of which he would have been entitled to recover under this rule had he joined that post may, subject to the provisions of rules 100 and 103, draw the actual cost of transporting his personal effects, conveyances and horses from his station to the station to which he was posted and back or from his last station to his new station via the station to which he was posted in the superseded orders.

of transfer is cancelled of Changed.

105. (a) A member of a Government employee's family who follows him within six months from the date on which he takes over charge at his new station after transfer or who precedes him by not more than one month from such date may be treated as having accompanied him for the purpose of rule 100. If such member travels to the new station from a place other than the Government employee's old station the Government employee may draw either the actual fare for the journey made or the fare admissible for the journey from the old to the new station, whichever is less.

When the family does not accompany the Government employees.

(b) If, in consequence of his transfer, a Government employee's family travels to a station other than his new headquarters, travelling allowance for the journey of the family may be drawn under rule 100 limited to the amount which would have been admissible under that rule had the family proceeded to the new headquarters:

Provided that the journey takes place not more than one month before the Government employee hands over charge at his old station or not more than six months after that date.

NOTE 1.—Children of Government employees who are studying in educational institutions and who are not **actually** residing with their parents at the time of transfer but later came *to* spend the vacation with them, shall, provided the other conditions are fulfilled, be treated as member of the Government employee's family for the purpose of drawing T. A. under this rule.

NOTE 2.—A question has been raised in regard to the admissibility of transfer travelling allowance in cases where both husband and wife are in the State Government's employment and are transferred at the same time or within six months of his/her transfer, from one and the same old station to one and the same new station.

It has been decided that in such cases transfer travelling allowance will not be admissible to both of them as independent Government employees; and that either of them may claim the same, the other being treated as a member of his/her family not in the State Government's employment, on furnishing the following certificate:

"Certified that my wife/ husband who is employed under the State Government and who has been transferred from......to........... within six months of my transfer has not already claimed any Transfer T. A. in consequence of her/his transfer".

NOTE 3.—How to reckon period of one month/six months in case family proceeds to another station: The period of one month or six months will be reckoned as follows:

- (a) when the family goes to a place other than the new headquarters, the period will be reckoned from the date of Government employee's handing over charge at the old station.
- (b) when the family joins him at the new headquarters, the period will be counted from the date of his taking over charge at the new station.

**106. A Government employee in Group 'A', Group 'B', or Group 'C' service transferred from one post *to* another who, under the orders of Government or the Head of a Department acting under rule 28 of the West Bengal Service Rules, Part I is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the Headquarters, is entitled to—

When handing over or taking over charge at a place other than the head quarters.

- (a) Travelling allowance at tour rates for the Government employee's actual journeys:
 - (i) from the old headquarters to the place of handing/taking over charge,
 - (ii) from the place of handing over charge to the place of taking over, and
 - (iii) from the place of handing/ taking over charge to the new headquarters.
- (b) Transfer grant at the prescribed rates;
- (c) Travelling allowance for family and personal effects horn old headquarters to new headquarters, at fl» prescribed rates and conditions.
- **107. A Government employee in Group 'A', Group 'B' or Group 'C service whose headquarters are changed while he is on tour, and proceeds to his new changed while headquarters without returning to his old station is entitled to—

When head quarters are on tour.

- (i) Travelling allowance as on tour for his journey up is the new headquarters;
- (ii) Transfer grant at the prescribed rates;
- (iii) Travelling allowance for family and personal effects from old to new headquarters, as usual.

108. The Government employee specified in rule 85 may draw travelling allowance under that rule for journeys on transfer within the limits of the railway to which they are attached and are entitled, in addition, to a free pass or fares for their families:

Government employees whose duties requires consent touring by railway.

Provided that they may not draw daily allowance for halts is the course of the journey, unless such halts are made in connection with the duty. When transferred from one railway to another, they are entitled to travelling allowance under rule 100.

109. A Government employee appointed to a new post white in transit from one post to another is entitled to draw travelling allowance under this chapter for so much of the journey or transfer as he has accomplished when he receives the fresh orders and for the journey from the place at which he receives such orders to his new station.

If appointed to a new post while in training.

**110. A Government employee who goes on leave not exceeding six months after When joining a he has given over charge of his old post and before he has taken charge of his new post, is entitled, whether the order of transfer is received before or after fee commencement of his leave, to travelling allowance under this Chapter, as for a journey from his old to new post:

new post after a leave of a month Provided that he may not draw the cost of transporting conveyance or horse which was not in his possession at the station at which he was posted when he went on leave.

NOTE 1.—The nature of leave, does not matter, but the period is the criterion, leave includes all kinds of leave including extraordinary leave but special disability leave is an exception.

NOTE 2.1.—Entitlement when transfer orders are received while on leave at a station other than headquarters: A Government employee receiving orders of transfer while on leave not exceeding six months at a station other than his old headquarters and proceeding by a railway direct there from with his family to join new post travelling by a class lower than that to which he is entitled, is eligible—

For self: (a) One fare as from old to new station by the class of

accommodation actually used for the direct railway journey

made as a result of the transfer, (b) The transfer incidental allowance

according to his grade from the old to new station,

(c) A lump sum transfer grant according to his pay/grade;

For family: One fare, full or half, as the case may be **each** member of his

family for the direct journey as for self in (a) above and transfer

incidental for each member of his family as in (b) above.

For personal effects: As usual from the old to new headquarters

NOTE 2.2.—It has been decided that in the case of an officer who proceeds to the new station partly by the class of accommodation to which he is entitled and partly by a lower class, the one fare referred to in clause (a) of Note 2.1 shall be calculated partly by the class of accommodation to which he is entitled and partly by a lower class actually used in proportion to the distance actually travelled by those classes from the station at which leave was being spent to the new station even though the total amount actually paid by the officer is more than what would have been admissible for a direct journey from the old to the new station by the appropriate class of his grade.

NOTE 3.—Transfer to the station where leave is spent: If a Government employee spending leave not exceeding six months at a station other than his headquarters, is subsequently transferred to the same station, where the leave is being spent, he will be entitled to claim travelling allowance on transfer scales for himself and members of his family who actually travelled to the new station in consequence of leave.

**111. A Government employee who takes leave exceeding six months while in transit from one post to another may draw travelling allowance under Sections II, III and V of rule 100 for so much of the journey to a new post as he has accom-

When leave is taken while in transit.

plished before the order granting his leave is received, in addition to any allowance admissible under rule 112.

**112. When on return from leave exceeding six months, a Government employee When joining a is posted to a station other than at which he was posted when he went on leave, the controlling officer may permit him to recover the travelling allowance as admissible under Section VI and VII of rule 100 for journey from his old to his new station:

new post on return from leave exceeding 6 months

Provided that he may not draw the cost of transporting conveyance or horse which was not in his possession at the station at which he was posted when he went on leave.

113. When a Government employee is transferred to the control of another When Government which has made rules prescribing amounts and conditions of travelling allowance, his travelling allowance for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government regulating travelling allowance on transfer.

transferred to another Government,

**114. Inspectors, Sub-Inspectors and Sergeants of the Calcutta Police when transferred within Calcutta from one station to another are allowed the actual cost of moving their personal effects subject to the limit of Rs. 15.

Inspectors, Sub-Inspector and Sergeant of the Calcutta Police when transferred within Calcutta.

115. Omitted.

116. Omitted.

CHAPTER X—JOURNEYS FOR OTHER PURPOSES SECTION 1.—JOURNEYS TO DARJEELING

117. Omitted.

118. A Government employee who travels on duty within his sphere of duty to Darjeeling or is required by the orders of a superior authority to travel there on duty, may draw travelling allowance during his absence as for a journey on tour. Such a Government employee will however, forfeit all claims to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay at Darjeeling beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less:

Journey on duty.

Provided that his claim to travelling allowance may be preserved by orders of the Head of the Department up to a limit of thirty days, or in other cases, of Government—

- (a) sanctioning a halt in excess of ten days, and
- (b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

119. When a Government employee is permitted for his own convenience to perform his duties at Darjeeling he is not entitled to daily allowance or other allowance for the journey to or from Darjeeling or for the period during which he halts there.

SECTION II.—JOURNEYS TO ATTEND AN EXAMINATION.

General rule

If on duty for the convenience of

the Government

employee himself.

- 120. (a) A Government employee is entitled to draw travelling allowance for the journey to and from the place at which he appears for an examination of any of the following kinds:-
 - (i) An obligatory departmental or language examination;
 - (ii) An examination held under any rules in force in the vernacular language of a frontier, or hill tribe.
 - (iii) In the case of a military officer in civil employ, an examination for promotion in military rank;
 - (iv) In the case of a Medical Officer of Health, an examination designed to test his fitness to rise above an efficiency bar in a time-scale.
- (b) A Government employee is entitled to draw daily allowance for the days on which he appears at an obligatory departmental examination and any intervening days:

Provided that—

- (1) travelling and daily allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination, and
- (2) travelling and daily allowance under this rule may be disallowed to any candidate—

- (i) who, in the opinion of the Head of the Department, has culpably neglected the duty of preparing himself for an obligatory examination, or
- (ii) who, in the opinion of Government, does not display a reasonable standard of proficiency in an examination which is not obligatory.

NOTE 1.-The travelling allowance for journeys to attend an obligatory examination is admitted upon a certificate that the Government employee has not previously drawn travelling allowance twice for the same standard.

NOTE 2.—Officers selected for settlement training, who remain in Calcutta under the orders of Government between the end of their departmental examination and the opening day of the Settlement Training Camp are entitled to draw daily allowance for the period.

- ** NOTE 3.—If a Government employee actually performs a journey to the place of examination, but he is not able to appear in the examination because of its cancellation at the last moment, that is, if intimation regarding the cancellation does not reach the Government employee at the time of commencement of the journey, the Heads of Departments may sanction to the Government employee concerned travelling allowance after due verification of the facts subject to the conditions mentioned in this rule and rule 123.
- 121. A Government employee who obtains a reward for proficiency in an oriental For proficiency language or who for the first time obtains a degree of honour in any language is entitled to draw allowance for journey to and from the place of examination.

in an oriental language.

122. A Government employee may be permitted by Government to draw travelling concessions. allowance for the journey to and from the place at which he appears for any examination other than those specified in rules 120 and 121.

Special

123. Travelling allowance under rules 120 and 122 should be calculated as for a journey on tour, but no allowance may be drawn for halts, on the journeys except for halts to attend the obligatory departmental examinations.

Rates of T. A.

124. Except as otherwise provided in these rules, a Government employee is not entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave unless Government, for special reasons, permit him to draw travelling allowance as for a journey on tour.

SECTION III-JOURNEYS WHEN PROCEEDING ON OR RETURNING FROM LEAVE

General rules.

NOTE 1.—A military officer in civil employ, being a departmental or warrant officer, when proceeding on or returning from leave on medical certificate, is entitled to the same concession which he would receive in military employ.

**NOTE 2.—Travelling allowance under this rule shall be regulated by the pay and grade of the post which a Government employee would have held had he not proceeded on leave.

If compulsorily recalled to duty.

- **125. (1) When a Government employee is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey front the place at which the order of recall reaches him or if the journey involves travelling by sea, from the port at which he lands in India to the station to which he is recalled.. If the period by which the leave is curtailed is less than a month mileage allowance may be allowed at the discretion of the authority recalling the Government employee.
- (2) If the Government employee recalled to duty is entitled to travelling allowance under rule 110, he may not draw the mileage allowance under sub-rule (1) unless he abandons his claims to the allowance specified in Sections II and V of rule 100.

T. A. during joining time.

126. If a Government employee in Group B, Group C, or Group D service, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs. 400 and if his new station is distant more than 80 km. from his old station, draw, in addition to the allowance admissible under rule 112 travelling allowance for his family under rule 100 for the journey from the place at which the order of recall reaches him to the new station:

Provided that the amount so drawn shall not exceed the amount admissible under rule 100 for the journey from the old to the new station.

Concessions to Constables, Head Constables etc 127. A Government employee on joining time under clause (d) of rule 80 of the West Bengal Service Rules, Part I, may draw travelling allowance for the journey as for a journey on transfer.

128. Omitted

129. Omitted.

Concessions to survey and other subordinates staff. 130. The following ranks when granted leave are allowed free railway and steamer passes to and from their homes once in three years, irrespective of the nature or period of leave taken, subject to the conditions set forth in clause (1) to (4) below:—

Calcutta Police.—Head Constables, constables (unarmed police), havildars, naiks, lance-naiks, sepoys (armed police), members of River Police crews except serangs and drivers, head constables, sowars (mounted police) and buglers.

Bengal Police.—Head Constables, constables and members of River Police crews except serangs and drivers.

Jails.—Head-warders and warders in general and Chief Officer, Assistant Chief Officer, gate-keeper and petty officers in the Borstal School.

- (1) Each interval will count from the date on which the Government employee last enjoyed the privilege— the actual date to be that of his resumption of duty.
- (2) In case of sickness, where the Chief Medical Officer of Health or the Police Surgeon, Calcutta, has, after personal examination, recommended leave for one month or more, the Government employee will receive free railway and steamer passes to and from his home, irrespective of the time-limit prescribed in the preamble. This concession will be granted only in case of sick leave granted at the headquarters of the district to which the Government employee is posted and is not admissible to Government employee who goes on ordinary leave and afterwards produces a medical certificate.
- (3) A Government employee returning from sick leave for which he has obtained free passes shall not, except in cases of further sickness, receive the concession for a period of three years, counting from the date of his last return to duty.
- (4) In no case will a Government employee be granted free passes on leave more than ten times during his whole service.

NOTE.—When a Government employee has been granted free passes the fact will be noted in his service book or roll in red ink under the order granting him leave.

- 131. (a) The Director of Land Records and Surveys, West Bengal, may grant such rail and steamer fares as he considers necessary to khalasis and other Group D employees of the Survey Department proceeding on or returning from leave of any kind. Such fares should be paid for the journeys to or from the place at which each such staff was recruited.
- (b) He may also grant such travelling allowance as he considers necessary to other subordinates of the Survey Department when proceeding on or returning from leave if their homes are situated in states other than West Bengal.

SECTION IV.—JOURNEYS ON RETIREMENT, REMOVAL, DISMISSAL OR TERMINATION OF EMPLOYMENT

132. Except as otherwise expressly provided in this Section, no person is entitled to any General travelling allowance for a journey made after retirement, removal or dismissal from restrictions. Government service or after the termination of such services unless for special reasons Government permit him to draw travelling allowance as for a journey on tour, but with no allowance for halts during the journey.

NOTE I.—Omitted.

**NOTE 2.—Recruits who are discharged from the Eastern Frontier Rifles during their period of Recruit Training as unlikely to become efficient soldier are entitled to passage warrants by rail and steamer and daily allowance at Rs. 9 per diem for the period necessary for the return journey to their homes.

NOTE 3.—Chief Head Warders, head warders and warders in jails, petty officers, gatekeeper, Assistant Chief Officer and Chief Officer of the Borstal School are entitled to free single railway and steamer passes from the jails or the school to which they are attached to their homes when they are invalided out of service or summarily discharged on medical grounds as unfit for service.

NOTE 4.—A military officer in civil employ, being a departmental or a warrant officer, on retirement after service which has earned a pension or gratuity, is entitled to the same right as regards a free passage as if he were retiring from military employ.

133. A person temporarily employed in Government service who has received travelling allowance for the journey to join his post may, on the termination of his employment be allowed to draw travelling allowance for the journey to any place at the sates admissible for the journey to join first appointment:

Provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

134. A Head of a Department may grant such rail and steamer fares as he considers necessary to a discharged khalasi or other Group D employees for the journey to the place at which they were enlisted.

SECTION V.—JOURNEYS TO GIVE EVIDENCE

- 135. The following provisions apply to a Government employee who is summoned to give evidence:—
- (a) in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in India, or
- (b) before a court in foreign territory:

Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties:—

- (i) He may draw travelling allowance as for a journey on tour, attaching to his bill a certificate of attendance given by the Court or other authority which summoned him.
- (ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness should be credited to Government
- (iii) If the court in which he gives evidence is situated with' in 8 km. of his headquarters and no travelling allowance is, therefore, admissible for the journey he may, if he be not in receipt of permanent travel-ling allowance, accept such payment of actual travelling expenses as the court may make.
- NOTE 1.—A Government employee summoned to give evidence while on leave or under suspension is entitled to the allowance prescribed in this rule from the place from which he is summoned and back.
- NOTE 2.—Travelling expenses of any witness summoned either for the prosecution or the defence in a departmental enquiry should be paid by Government, if his evidence is, in the opinion of the Commissioners or officer conducting the enquiry of material value.
- ** NOTE 3- A question has been raised as to how travelling allowance of a pensioner who was summoned by the giving evidence in a departmental case and who has the journey from the residence to the place 61 regulated. It has been decided that a performed the journey from the residence to the place of should always be regarded as a member of public. Such a person is therefore not to claim travelling allowance from the Government of Bengal in respect of the journey undertaken by him to tender evidence in a Court of Law of the facts which came to in the discharge of the

Governmental functions to draw travelling allowance at the Court rates from the summoning concerned.

- **NOTE 4.—Travelling allowance to witnesses, Presenting Officers and Defence Assistants in departmental enquiries: (i) Government employee who is called to give evidence in **a** departmental enquiry by either the Government or the Government employee against whom the enquiry is being held shall be entitled to the payment of travelling allowance.
- (ii) Where the witness is a State Government employee he shall be entitled under this rule, to receive, in respect of the attendance before the authority holding the departmental enquiry, payment of travelling allowance as on tour from the Department under which he is serving for the time being.
- (iii) The foregoing decision shall also apply to persons nominated by the disciplinary authority to present the case in support of the charge before the authority holding the departmental inquiry or assisting the Government employee against whom the enquiry is held in presenting his case as provided in the West Bengal Services (Classification, Control and Appeal) Rules, 1971.
- (iv) All expenditure on travelling allowance paid to a Government employee for this purpose shall be charged to the head of account to which such Government employee's salary is debitable.
- (v) The officer or authority holding inquiry shall furnish **a** certificate in Form I, to every person summoned before him/ it. to give evidence and in Form II to a person nominated by the disciplinary authority to present the case in support of the charge before the authority or assist the Government employee against whom the enquiry is held in presenting his case.

	FORMI	
This is to certify that Shri	(Nam	ne, designation, office, etc.)
appeared before me as a witness on	at (Pla	ce)in
the departmental inquiry against Shri_		(Name)
and was discharged on	at	(Time).
Nothing has been paid to him on accoun	nt of his travellinj and	other expenses. Place and
Date		
	(Signature)	Disciplinary Authority/
	Board of In	quiry/Inquiring Officer

Сору	forwarde	d for	information	to	the	Secretary	to	the	Governme	nt of	West
Benga	al		Depar	tmer	nt						
					FOF	RM II					
This is	s to certify	that	Shri				_ (N	ame,	designation	, offic	e, etc.)
attend	ded the pro	ceedi	ngs in the de	part	men	tal inquiry a	ıgair	nst Sl	nri		
			_ (Name, de	sign	ation	n, etc.) to p	rese	nt th	e case in su	ıpport	t of the
charg	es/ to assi	st the	said Shri						(Name) i	n pre	sent in
his ca	se on		at			(Pla	ace)				
Nothir	ng has bee	n paic	I to him on ac	cou	nt of	his travellin	g ar	nd oth	ner expense	s.	
Place	and										
Date_											
									(Signatu	ıre)	
								D	isciplinary A	uthor	rity/
								Во	ard of Inqui	ry/ Inc	γuiry
									Office	r	
Conv	forwarded	for inf	ormation to th	ne D	enar	tment					

Copy forwarded for information to the Department ____

136. A Government employee summoned to a departmental enquiry to answer charges against his conduct shall be deemed to be summoned to give evidence at the enquiry and shall be entitled to the allowances prescribed in rule 135 departmental notwithstanding the proviso thereto but if he is then on leave or under suspension he shall be allowed travelling allowance as for a journey on tour from his headquarters to (he place where the departmental enquiry is held or from the place at which he has been permitted to reside during suspension or leave to the place of enquiry, whichever is less. No travelling allowance will, however, be admissible if the enquiry is held at the outstation at his own request. The travelling allowance will be regulated by the grade to which the Government employee belonged prior to his leave or suspension.

**NOTE I.-A question having been raised regarding the admissibility of travelling allowance to a Government employee against whom an oral inquiry is held under the West Bengal Services (Classification, Control and Appeal) Rules, 1971 and who is required to proceed from one station to another to appear before the officer conducting the inquiry, it has been decided that in such cases the Government employee concerned

may be allowed travelling allowance under rule 135.

summoned to answer charges against the Government employee himself.

- **NOTE 2.—(i) Where a Government employee, whether he is under suspension or not, performs journeys to attend Police / Special Police Establishment enquiry in connection with a case in which he is suspected to be involved, travelling allowance for such journey may be allowed to him on the scale of a journey on tour provided they are performed under the direction of or with the approval of the Head of Office in which he is for the time being employed or was employed before suspension.
- (ii) Where a Government employee undertakes journeys during suspension for appearing in a Court of Law, as an accused and is later on acquitted by the Court, and reinstated in service or would have been reinstated in service but for death or having attained the age of compulsory retirement or being allowed to retire voluntarily, travelling allowance as for a journey on tour, based on the grade to which he belonged before suspension, may be reimbursed to him by the Administrative Department concerned, provided the legal expenses incurred by him in defending such proceedings are reimbursed to him, in full or in part, under sub-clause (d) of clause (3) of article 320 of the Constitution of India. In cases where the journeys were performed by the Government employee by rail/steamer in a class lower than the class to which he was entitled before suspension, the fares of the class actually used, in addition to his other entitlements of travelling allowance as on tour, may be paid to him.
- **Note 3.—A retired State Government employee required to attend departmental enquiry instituted against him may be allowed travelling allowance as on tour by the shortest route for the journey in connection with the enquiry from his "home town" to the place of enquiry and back. Alternatively, in case the person concerned has taken up residence after retirement at a place other than his "home town", he may be allowed travelling allowance for journeys from such place of residence to the place of enquiry and back. The place of residence means the place (Bank/ Treasury) from which pension is being drawn, if at the time of receipt of summons, such retired employee is at a place different from his "home town" or place of residence, the travelling allowance shall be restricted to the shorter of two journeys between that place to the place of enquiry and the "home town" place of residence to the place of enquiry.

The travelling allowance shall be regulated in accordance with the pay of the post held by the retired Government employee immediately prior to his retirement.

No advance travelling allowance shall, however, be paid in connection with such journeys.

137. A Government employee summoned to give evidence in circumstances other than those described in rule 135 and 136 is not entitled by reason of his position as a Government employee to any payment if her other than those admissible by the rules of court. If the court pays him any sum as subsistence allowance or compensation apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for day or days of absence.

In either case

137A. Travelling allowance as for a journey on tour without any haltage allowance at the outstations may be allowed to the Government employees, whether on duty or on leave or under suspension, for the journeys undertaken by them to the Stations where the official records are made available. The travelling allowance will be allowed from the headquarters of the Government employee or from any other place where the Government employee may be spending his leave or where suspended officer has been permitted on his own request to reside, but not exceeding what would be admissible had the journey been undertaken from the headquarters of the Government employee. The grant of travelling allowance will be subject to the following further conditions—

Travelling allowance or journeys to peruse official records at outstations in disciplinary cases

- (i) the enquiring officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement;
- (ii) the competent authority certified that the original records could not be sent to the headquarters station of the Government employee or the bulk of the documents ruled out the possibility of copies being made out and sent; and
- (iii) the Head of office under whose administrative control the Government employee is, certifies that the journey was performed with his approval.

**NOTE.—It has been decided that for journey undertaken by a Government employee for rendering assistance to a delinguent official in examining the documents and taking extracts there from he shall be entitled to travelling allowance as admissible for journey on tour under rule 135.

SECTION VI.—JOURNEYS TO OBTAIN MEDICAL ADVICE

138. If in order to obtain medical advice, a Government employee is compelled to General rule leave a station at which he is posted and at which there is no medical officer of Government, and travel to another station, he may, on production of a certificate from the medical officer consulted that the journey was, in his opinion absolutely necessary, draw travelling allowance for the journey.

NOTE 1.—Omitted.

NOTE 2.—The term "Medical Officer" occurring in this rule shall be deemed to include an officer for so long as he is in a position to render medical advice and treatment. If he is not competent to treat a patient and certifies that the patient is required to consult a specialist in some other place, it shall be interpreted that the "medical officer" posted therein has ceased to exist as such at that place within the meaning of the rule.

Sick or wounded Police officers. 139. Government will defray the steamer or railway fare of sick or wounded police officers of and below the rank of assistant sub-inspector sent for treatment to the nearest hospital or dispensary whether civil or police.. When no railway or steamer is available, Government will pay the actual expenses for conveyance of the sick or wounded men, on the certificate of the Superintendent of Police that they were too ill to make the journey on foot and that the illness or injury for which treatment is given is not directly due to intemperate or irregular habits.

In Support of application for leaver

- 140. (a) If a Government employee, being stationed where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an original grant of leave, he may draw travelling allowance for the journey undertaken to obtain that certificate.
- (b) If a Government employee, having obtained a medical certificate in support of an application for an original grant of leave, is required *to* appear before a Medical Board or to appear before a nominated medical officer of Government, for a further opinion as to the necessity, for the leave recommended in that certificate, he may draw travelling allowance for the journey undertaken to obtain that opinion.
- NOTE 1.—Travelling allowance is not admissible for a journey to obtain a medical certificate or a second medical opinion in support of an application for an extension of leave.
- NOTE 2.—Travelling allowance is not admissible for a journey to procure a health certificate on first appointment to Government service.
- NOTE 3.—Travelling allowance should not be paid to a Government employee for journeys performed by him to appear before a Medical Committee or medical officer for obtaining a certificate of fitness to return to duty.

Previous sanction necessary, if obtainable.

141. The journeys contemplated by rules 138 and 140 should not be undertaken without the previous permission of the Controlling Officer, if such permission can be obtained without risk to the Government employee requiring medical advice.

142. Omitted.

143. (a) A Government employee who is directed by his official superior, in the interests of the public service to apply for an invalid pension may, if he be required to make a journey in order to appear before a Medical Board, draw his actual travelling expenses, subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the Medical Board, he may draw his actual expenses subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service and that he did not voluntarily ask to retire:

Journey to appear before a Medical Board preliminary to retirement.

- (b) Provided that he is satisfied that the circumstances of the applicant are such as to justify the grant, a Head of a Department may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government employee who voluntarily applies for an invalid pension.
- 144. Except as provided in rules 140 and 143 no travelling allowance is admissible for a journey undertaken in order to appear before a Medical Board.
- 145. Travelling allowance under rules 138 and 140 and the maximum prescribed under rule 143, should be calculated as for a journey on tour, bet no allowance may be allowed for halts on the journey.

Rate of T.A.

SECTION VII.—JOURNEYS IN ATTENDANCE ON AN INCAPACITATED GOVERNMENT EMPLOYEE

146. If a Government employee, under the advice of a Chief Medical Officer of Health or other medical officer of Government whose duty it is to attend him professionally, is required to travel to a presidency town or elsewhere, either when proceeding on leave or in order to obtain further medical advice, and the medical officer considers that it would be unsafe for him to make the journey unattended, the medical officer may either himself accompany the patient to his destination or arrange that some other person shall do so. In that case, the attendant, if a Government employee, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour; if not a Government employee, he shall be entitled to actual expenses.

General rule.

NOTE.—A person told off to be a "sick attendant" under rule 296 of the Eastern Frontier Rifles Regulations is entitled to the benefits of this rule

SECTION VIII.—JOURNEYS ON A COURSE OF TRAINING

- (147) When a Government employee or a student not already C in Government service is selected to undergo a course of training, the Head of the Department may decide the scale, if any, on which he shall draw—
 - (a) travelling allowance for the original journey to and the last journey from the place of training, and for halts at such place;
 - (b) in the case of training at a school, college or similar institution, travelling allowance for similar journeys on the occasion of holidays and vacations; and
 - (c) travelling allowance for journeys during the course of training:

Provided that the scale so fixed shall not exceed that admissible to Government employees of similar status on duty at the place of training.

- NOTE 1.—A list of cases in which travelling allowance is allowed for journeys to undergo training is given in Appendix 'sTo. 15.
- NOTE 2.—A military officer in civil employ while detailed to attend a military course of instruction, is entitled to draw mileage and daily allowance at rates admissible to a military officer in military employ in similar circumstances.
- **NOTE 3.—The grant of travelling allowance to probationers of various services for joining the training intuitions and in the course of the training should be regulated as follows:
 - (i) No travelling allowance shall be allowed for the onward journeys in cases where the probationers join the training institutions direct on first appointment to Government service,
 - (ii) Travelling allowance as on tour shall be allowed to the probationers who are already in Government service or who first join the respective Departments and then proceed to join the training institute or where they move from one training institute to another. No daily allowance shall, however, be admissible in any case for the periods of their stay in the training institute,
 - (iii) Travelling allowance as admissible under the normal rules may be allowed for tour to outstations undertaken from the training institutions as part of the training.
- **NOTE 4.—A question has been raised whether the period of "three nights" laid down in rule 74 shall be applicable in the cases of Government employees deputed to undergo a

course of training in India, for determining whether the halt is continuous or not. It has been clarified that the aforesaid provision shall not be applicable in case of training in India. Accordingly, if a Government employee, sent on training to a particular station, goes out on tour to another station, the halt at the place of training shall not be deemed to have been terminated for the purpose of determining the rate of daily allowance admissible to him.

- **NOTE 5.—When a Government employee is deputed for training/ refresher courses, but cannot complete the training successfully for reasons of health or other unforeseen causes admissibility of travelling allowance and daily allowance in such cases shall be regulated in the following manner:—
 - (i) The discretion for allowing/ denying travelling allowance for return journey shall vest with the Head of Department who may decide the cases in consultation with the Officer-in-charge of the respective training centre based on merit and the transit period benefit for return journeys shall be allowed in those" cases only where the trainees are allowed travelling allowance for return journey. Normally travelling allowance for return journey shall be allowed only in cases where the training is discontinued for unforeseen circumstances.
 - (ii) Return journeys performed by the trainees during leave, are not covered by item (i). Such cases should be referred to the Government for sanction under rule 124.
 - (iii) The trainees shall be allowed travelling allowance/ daily allowance as admissible under the rules in force up to the date of their stay in the training centre.

SECTION IX—JOURNEYS TO ATTEND A DURBAR OK LEVEE

148. A Government' employee who is permitted to attend a durbar or a levee elsewhere than at his headquarters may draw travelling allowance for the journeys as for a journey on tour.

Rates of T.A

NOTE.—Government employees who are permitted to attend formal investitures in Delhi or elsewhere to receive gallantry medals from the President, are entitled to travelling allowance under this rule. Non-official recipient (including retired Government employees) are not entitled to traveling allowance from the State Government. They are reimbursed the expenditure by the Ministry of Home Affairs, New Delhi.

CHAPTER XI—TRAVELLING ALLOWANCE ADMISSIBLE WHEN THE WHOLE OR PART OF THE MEANS OF CONVEYANCE IS SUPPLIED WITHOUT CHARGE SECTION I.—JOURNEY BY RAILWAY

Free transit by railway otherwise than in accommodation reserved by requisition.

149. When a Government employee Is entitled to, or *Is* allowed free transit by, railway otherwise than in accommodation reserved by requisition, whether on a free pass or otherwise, the mileage allowance which he draws for the Journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. This rule applies to cases in which a free pass is issued on any railway, whether worked by Government or not. The redaction made must include the full number of fares covered by the pass, unless the Government employee certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

NOTE 1.—The circumstances under which a free pass may be given are irrelevant and it is immaterial whether it is held by Government employee in his official capacity or not.

NOTE 2.—The issue of free passes for journeys by railways is regulated by rules made in this behalf by the Railway Board.

Government employees in receipt of permanent T.A. 150. When a Government employee in receipt of permanent travelling allowance uses a free pass on a railway or a company's steamer within his sphere of duty, he must deduct from his permanent travelling allowance for the month the amount of the railway or steamer fares he would have paid if be had not travelled on a pass.

When permitted to travel in a higher class.

151. When a Government employee is permitted to travel by railway in a higher class on payment of a lower fare, his allowance for distance travelled must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid.

NOTE.—Deductions on account of members of an officer's family should be made as in the case of the officer himself.

When travelling on an unopened line of railway.

152. A Government employee travelling with a free pass on an unopened fine of railway is entitled to the travelling allowance prescribed in rule 157 as limited by rule 159.

SECTION II.—JOURNEY BY SEA OR RIVER IN A STEAMER

Free transit in a Government vessel.

153. When a Government employee travels by sea or river, otherwise than on payment of passage money, in a steamer the cost of which is paid by Government' or *by* a local fund, he *may* draw no travelling allowance except the daily allowance of his grade :

Provided that, when his servants and luggage are not conveyed on the vessel but are sent separately at his expense, he may draw, in addition, the actual cost of transporting them.

**154. Omitted.

155. When a Government employee is allowed free transit by steamer, otherwise than in a Government vessel, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. If vessel, he travels on a free pass, the seduction made must include the full number of fares covered by the pass, unless the Government employee certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

Free transit otherwise than in a Government

SECTION III.—JOURNEY BY AIR

156. When a Government employee is allowed free transit by air in a Government Free transit by machine or in a machine chartered by Government for the purpose, he is entitled to travelling allowance as follows:-

- (a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade. If, however, part of the journey is made by other means of locomotion, he may draw allowance for distance travelled admissible for that part.
- (b) If he has to provide separate conveyance at his own expense for his servants or luggage he may—
 - (i) if the journey is between places connected by rail or steamer, draw the amount in excess of one single fare by rail or steamer which he would have been entitled to draw had he performed the journey by rail or steamer, or
 - (ii) if the journey is between places not connected by rail or steamer draw the daily allowance of his grade.

If, however, a part of the journey is performed by other means of locomotion, he may, in addition, to the allowances admissible under sub-clause (i) or (ii) above, draw the allowance for distance travelled admissible for that part subject to the conditions laid down in rules 78 and 79.

**NOTE.—If a Government employee performs a journey by air in a Government machine or in a machine chartered by Government and returns to the headquarters on the same day on which he left it, he shall draw daily allowance of his grade under rule 71.

SECTION IV.—OTHER JOURNEYS

157. Except where otherwise expressly provided in this chapter, when, on a journey other than a journey by railway or by steamer or by air, a Government byroad, boat etc. employee uses a means of locomotion provided at the expense of Government or

Free transit

local fund or uses a means of locomotive owned maintained or hired by another Government employee or by a private individual, and does not pay the cost) of its use or propulsion, he is entitled to travelling allowance as follows:—

- (a) If he has not to provide separate conveyance at his own expense for his servants, or luggage, he may draw the daily allowance of his grade. If, however, part of the journey is made by other means of locomotion, he may, at his option, draw in lieu of daily allowance the allowance admissible for that part.
- (b) If he has to provide separate conveyance at his own expense for his servants or luggage, he may, if the conditions of rules 76, 78 and 79 or 81 are fulfilled, draw his daily allowance in addition, the allowance admissible for any part of the journey made by other means of locomotion.

NOTE 1.—The traveling allowance of Government employee traveling by trolley or construction train along an unopened portion of a line is regulated by clause (a) of this rule.

NOTE 2.—If a Government employee travels in a hired vehicle with another person and shares the hire charges thereof, he will draw either the mileage allowance at the ordinary rate or the actual cost of hire charges borne by him, whichever is less.

**NOTE 3.—1. If a Government employee performs a journey exceeding 8 km. by a Government vehicle or by means of a transport provided at the cost of Government or a local authority or in another officer's car, drawal of daily allowance for the absence from the headquarters shall be regulated as follows:

Full daily allowance shall be granted for each completed calendar day of absence reckoned from midnight to midnight. For absence from headquarters for less than 24 hours, daily allowances shall be admissible at the following rates:—

- (i) If the absence from, headquarters does not exceed 6 hours: Nil.
- (ii) If the absence from headquarters exceed 6 hours but does not exceed 12 hours: 70% of the normal rate.
- (iii) If the absence from headquarters exceeds 12 hours: Full daily allowance.
- II. For local journeys by Government vehicle a Government employee shall draw 50 per cent of daily allowance calculated at the rates mentioned above.

**NOTE 4.—Daily allowance under this rule shall be drawn at the ordinary rates prescribed in rule 57, irrespective of whether the journey is performed in any of the expensive localities:

Provided that when the journey is to an expensive locality and is not completed on the same date on which the journey was undertaken, daily allowance for the intervening period between the date of arrival at the place of halt and the date of departure there from shall be drawn at the special rates shown in clause (A) of rule 57, irrespective of whether any Government or other vehicles, as mentioned in this rule, are used for performance of duties at the halting place or not:

Provided further that if during a period of halt in such an expensive locality a Government employee travels on duty to another expensive locality by means of a conveyance referred to in this rule and halts there, he shall be entitled to draw for such journey, daily allowance at the special rates shown in clause (A) of rule 57.

**NOTE 5.—Omitted.

NOTE 6.—Vide note 3 below rule 25.

- **State Government decision.—In the context of difficulties being faced by the country in meeting the requirements of petrol /diesel oil and other petroleum products, it is necessary to effect economy in consumption of petrol/ diesel.
- 2. After careful consideration of the matter the Governor has been pleased to decide as follows:
- (a) Government vehicles should not be used between places connected by Railways.
- (b) No travelling allowance shall be admissible for journeys by Government vehicles in such cases unless the officer performs duties at places en-route and such tour is approved by the controlling officer concerned.
- 3. Further, it is clarified that journey by Government vehicle should be made with the prior approval of controlling officer concerned.
- **158.—When a Government employee is provided with means of locomotion as in rule 157, *but* pays all the cost of its use or propulsion, he may draw travelling allowance under the ordinary rules, subject to the deduction of such fixed hire or charge as a competent authority may fix.

NOTE.—Sharing of cost of use/propulsion of Government conveyance.—A question has been raised as to how travelling allowance shall be regulated if two or more Government employees travel together in a Government conveyance by sharing the charge on account of petrol and oil.

The underlying principle in this rule is that before a Government employee is allowed to draw full travelling allowance for travel in Government conveyance, he shall pay for full charges in respect of the vehicle that is both the petrol and oil charges and also the fixed hire or charges to be determined by the competent authority. The Head of the Department, under this rule, has full power to determine the hire or fixed charges of the vehicle used by the Government employees. In determining the charges, the controlling officer shall bear in mind the general principle that travelling allowance is not to be a source of profit to the recipients nor is it intended to be loss to them. The Head of Departments may decide each case individually according to the circumstances involved.

For Government employees of the 4th grade.

- 159. The provisions of rules 157 and 158 apply also to Government employees of the fourth grade when they travel hi a locomotive provided at the expense of a superior officer with whom they may be travelling. They do not however apply to Government employees *to* whom Government may by special order declare them to be inapplicable.
- **NOTE.—Rules 157 and 158 have been declared to be not applicable to the following cases in which the alternative allowance stated may be drawn:—
 - (i) Group A employees and Rangers of the Forest Department serving in the Sunderbans—entitled to half the daily allowance at ordinary rates admissible under rule 57 without deduction of hire.
 - (ii) Government employees of the Excise Departments— Draw daily allowance at ordinary rates without additional 50 per cent., but no mileage, when traveling by Government steamer or boat, without deduction of hire.
 - (iii) Government employees provided with elephants required for the conduct of professional operation and not for their private use—Daily allowance without ion of hire.
- 160. A Government employee, who travels by a motor car which had been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw travelling allowance as for a journey on tour, but the amount of the allowance for distance travelled which he may draw is limited by the following conditions:—
 - (a) If he travels by the motor car more than 32 km. in day, he may draw for the first 32 km. the allowance of his grade as laid down in

When the cost of maintenance of a Government motor car is borne by the Government employee.

rules 16—19 and for the remainder of the journey three-fourths of such mileage allowance.

- (b) If he combines with a journey by the motor car a road journey by other conveyance, he may draw the allowance admissible for the first 32 km. or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fouths of such allowance.
- (c) If he combines with a journey by road, whether made oily or partly in the *motor* car, a journey by railway or steamer, he may draw allowance for the journey by railway or steamer, in addition to the allowances admissible under clauses (a) and (b) of this rule for the journey by road.
- 161. The chauffeur of a motor car supplied at the expense of Government, when making a journey by road on the motor car in his charge, may draw travelling allowance under the provisions of clause (a) of rule 157 if the journey involves an absence of at least one night from his headquarters. For a journey which does not involve such an absence, he is entitled to no travelling allowance.

Chauffeur of a Government motorcar.

CHAPTER XII.—SUPPLY OF RESERVED ACCOMMODATION ON RAILWAY JOURNEYS TO CERTAIN HIGH OFFICIALS SECTION I.—GENERAL

General rule

- 162. Unless it be otherwise expressly provided in this chapter, when a Government employee for whom special railway accommodation is provided or who is entitled, under these rules to reserve such accommodation by requisition, travels on tour in such accommodation:—
 - (a) The entire cost of haulage is borne by Government.
 - (b) Any person travelling with the Government employee in the reserved accommodation must pay the usual fares to the railway by the purchase of first class tickets, and in every bill for travelling allowance in respect of a journey performed in reserved accommodation, the Government employee reserving the accommodation must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them.

- (c) The amount of luggage which may be transported free of cost is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation,
- (d) If the Government employee desires additional accommodation for his staff or luggage, he must make arrangements with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense.
- (e) The Government employee is entitled to draw no travelling allowance for the journey unless he be entitled *to* permanent travelling allowance.
- NOTE 1.—Before beginning the journeys the Government employee reserving the accommodation shall have the number and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the station master of the station from which the journey is commenced.
- NOTE 2.—The procedure *to* be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Board.
- NOTE 3.—When a Government employee travels in a carriage reserved requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.
- **NOTE 4.—A Government employee who is authorized under these rules, to reserve by requisition, when travelling by rail way on duty, a 1st class compartment, may be allowed at his option to take a single berth in an air-conditioned coach and draw the actual fare for the air-conditioned class plus and allowance for incidental expenses at the rate of 51 p. per 10 km. or fraction thereof.

SECTION II.—MEMBER OF THE BOARD OF REVENUE

- 163. The Member of the Board of Revenue when travelling on duty within his sphere of duty is entitled—
 - **(1) Omitted.
 - (2) When travelling by steamer to a reserved cabin (if one is available) and to fares (if actually paid) for four servants at lowest class rates subject to the usual deduction on account of messing charges; and
 - **(3) Omitted.

^{**}NOTE.—Omitted.

SECTION III.-MINISTERS AND THE SPEAKER OF THE LEGISLATIVE ASSEMBLY

164. Ministers and the Speaker of the Legislative Assembly, when travelling by rail are entitled to reserve by requisition a 1st Class compartment.

NOTE.—For the rules regulating the traveling allowances of Minister, see Appendix No. 17.

Ministers, and Speaker, Legislative Assembly.

CHAPTER XIII.—CONTROLLING OFFICERS

165. (a) Subject to the provisions of sub-rule (c), no bill for travelling allowance, other than permanent travelling allowance, shall be paid unless it be signed or countersigned by, the controlling officer of the Government employee who presents it.

Countersignature of controlling officers on T.A. bills.

- **(aa) The travelling allowance bills of Group A and Group B (erstwhile Class II only) officers posted outside Calcutta shall be drawn in the form prescribed for Group C and Group D staff and the following procedure shall be followed for countersignature of the travelling allowance bills:—
 - (i) in the case of Group A and Group B (erstwhile Class II only) officers who are not their own controlling officers, the travelling allowance bill should be signed by the Drawing and Disbursing Officer and countersigned by the respective controlling officer;
 - (ii) in the case of officers who are their own controlling officers, the travelling allowance bill shall be countersigned by the officer concerned after it is signed by the Drawing and Disbursing Officer.
- (b) Omitted.
- (c) Bills for conveyance allowance need not be countersigned by the controlling officer each month. The controlling officer should certify twice a year—in the months of January and July that the amount of conveyance allowance claimed is in order and that the conditions attached to the conveyance allowance are fulfilled.
- 166. Except where expressly permitted by Government, a controlling officer may not delegate to a subordinate his duty of countersignature.
- 166A. The right of a Government employee to travelling allowance, including daily allowance, is forfeited or deemed *to* have been relinquished if the claim for it is not preferred within one year from the date on which it became due.

Delegation of power to counter-sing T.A. bills. **State Government decision.—Of late, a large number of cases are being received in Finance Department seeking admission of claims in relaxation of the above rule. In many cases travelling allowance claim could not be presented to the Pay and Accounts Office/ Treasury within one year of its becoming due because of want of allotment of fund and other administrative reasons. In order to settle the calles in time and to avoid unnecessary references to the Finance Department, the Governor has been pleased to lay down the following procedure, in supersession of all previous orders in the matter, for the ace of all concerned:—

(1) Date on which the claim shall be considered as falling due for payment:

A claim for travelling allowance shall be considered as failing due for payment on the date succeeding the date of completion of a journey to which the claim relates In the case of transfer travelling allowance also, the claim falls due on the date succeeding the date of completion of journey and not from the date of assumption of charge at the new station. In cases, where the officer and members of his family travel separately, the dates should be reckoned separately for each on the date succeeding the date of completion of each individual journey. Similarly, travelling allowance claims in respect of transportation of personal effects and conveyance shall be considered as falling due on the dates succeeding the date on which these are actually delivered to him at the new station.

(2) Date of submission of claims: For the purpose of determining whether the claim has been submitted within one year of its' falling due or not, the date of submission of the claim has to be taken into account as indicated below:

(i) In the case of officers who are their own controlling officers

The date of presentation the claim at the Treasury/Pay and Accounts Office, as the case may be.

(ii) In the case of officers who are not their own controlling officers

The date of submission of the claims to the Head of Office, Controlling Officer, as the case may he.

In the case of claims falling under category (ii) above, where they are submitted by the concerned employee within one year, but which are presented to the Treasury/ Pay and Accounts Office after a period of one year of their falling due, rule 166A of the West Bengal Service Rules, Part II shall not be attracted, but for processing such claims the procedure laid down in S. P. 90 of Treasury Rules, West Bengal, Volume I read with instructions issued under the Finance Department Memo. No. 3797-F, dated 20th April 1985, shall be followed.

Administrative Departments are requested to bring these instructions to the notice of the employees and ensure enforcement of the provisions of rule 166A of West Bengal Service Rules, Part II in all cases of belated claims, which shall not be paid unless the reasons for delay are investigated in detail by the authority competent to sanction and if the investigation shows that the claim could not be preferred in time due to administrative delay without adequate and cogent reasons, suitable action may be taken against the officer (s) concerned so that such delays do not recur in future.

- (3) How recovery of advance taken has to be made: Where after drawal of an advance, a Government employee has not submitted the adjustment bill in due time and consequently his right to travelling allowance claims stands forfeited under rule 166A of West Bengal Service Rules, Part II, the advance so drawn shall be recovered from his pay bill or any other dues preferably in one installment by the authority competent to sanction such an advance.
- 167. It is the duty of controlling officer, before signing or countersigning a travelling allowance bill—
 - (a) to scrutinize the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a Journey was unnecessary or unduly protracted or *that* a halt was of excessive duration;
 - (b) to scrutinize carefully the distances entered In traveling allowance bills:
 - (c) to satisfy himself that mileage allowance for journeys by railway or steamer or air has been claimed at the rate applicable to the class of accommodation actually used, that concessional return tickets for the journey or journeys charged for in the bill were purchased wherever and whenever possible and that where the actual cost of transporting servants, personal effects, etc., is claimed under these rules, the scale on which such servants, elects, etc, were transported was reasonable; to obtain the receipts from the railway, steamer or airways companies and personal certificates from the Government employee for the purpose, and to disallow any claim which, in his opinion, does not seem to be reasonable;

- (d) to check any tendency to abuse the option of exchanging daily allowance for Incidental expenses; and
- (e) to observe any subsidiary rules or orders which Government may make for his guidance.

NOTE 1.—The railway or steamer company's receipt (in the case of bills for personal effects, conveyances and horses carried by railway or steamer) and the personal certificate of the officer (in the case of bill for personal effects, conveyances and horses carried otherwise or for journeys of members of an officer's family, etc.), should be attached to the bill for the information of the audit authorities.

NOTE 2.—Claims of all Government employees for refund of cancellation charges paid by them in connection with journeys on tour will be scrutinized carefully by the controlling officer before they are admitted and a certificate to that effect will be recorded by him on the Traveling allowance bill. In respect of any such claim made by the controlling officer himself, he will record a certificate to the effect that the cancellation of the official journey was due to unavoidable circumstances.

CHAPTER XIV.—COMPENSATORY ALLOWANCE

168. A Compensatory allowance of such amount as Government may think fit may, subject *to* such condition as they may prescribe, be granted to a Government employee deputed out of India.

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

Grant of travelling allowance to Government employees under the administrative control of other Governments to part time Government employees and to non-officials.

- 1. Except as provided in rule 2 or in the Compensatory Allowances Rules, West Bengal, the travelling allowance admissible to Government employees in military employ is governed by military regulations.
- **2. When a commissioned Indian Military Officer of the regular forces, the military police or the militia, whether on the active or the retired list, is invited to attend a Durbar or levee at a place other than at which he is stationed or has his residence, a Head of Department may grant him travelling allowance for the journey subject to the following limits:—
 - (a) for the journey from his station or place of residence to the place at which the Durbar or levee is held and thence back to his starting

If in Military employ.

point, single railway and steamer fares actually paid, and actual travelling expenses for journeys by road, subject to the maximum admissible to a Government employee of the first grade;

- (b) for halts at the place at which the Durbar or levee is held, a daily allowance at the minimum rate as admissible to an officer of the First Grade.
- 3. An Honorary Magistrate, not being a Government employee, may, when employed on Government work under the orders of a District Magistrate or Sub divisional Officer at a distance exceeding 8 km. from his headquarters, or when the bench which he attends is situated at a similar distance from his residence, draw such traveling allowance as would be admissible to a Government employee of the Second Grade in respect of similar journeys. During halts when similarly employed he may draw daily allowance at the maximum rate admissible to a Second Grade officer subject to the conditions applicable to halts of Government employee on tour.

Honorary Magistrate.

Part-time Government employee.

- 4. An officer whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as Government may declare.
- NOTE 1.—(a) The following have been declared to be First Grade officers for the purpose of traveling allowance:-
 - (1) The Government Counsel, High Court.
 - (2) The Public Prosecutor of the 24-Parganas.
 - (3) The Senior and the Assistant Government Pleaders High Court.
 - (4) The Government Pleader of the 24-Parganas.
 - (b) The following have been declared to be Second Grade officers for the purpose of traveling allowance:—
 - Government Pleaders and Public Prosecutors other than those mentioned in clause (a).
- NOTE 2.—Travelling allowance paid to legal practitioners other than Government Pleaders and Mukhtears are treated as a contingent charge.
- NOTE 3.—For journeys to Delhi for appearing before the Supreme Court of India on behalf of the Government of West Bengal the Advocate-General or other Law Officers of Government and Lawyers of the Calcutta High Court shall be entitled to travelling allowance as follows:

- (1) First Class railway fare or fare by air-conditioned class, or air passage when air journey is necessary due *to* short notice or other circumstances, may be allowed according as the journey is performed by ordinary First Class or air-conditioned class or by air.
- (2) Actual hotel charges (claim should be supported by hotel bills) incurred for the period of stay in Delhi subject to a maximum of Rs. 100 (Rupees one hundred) only a day or when the Law Officer or the Lawyer concerned does not live in a hotel daily allowance at the maximum of the rate admissible to a First Grade Government employee.

The travelling allowance at the above rates shall be paid on the sanction of the Superintendent and Remembrancer of Legal Affairs, West Bengal.

5. When any person, not being an employee of this Government, or a non-official is required to attend any meeting of a commission of enquiry or of a board, conference, committee or departmental enquiry convened under proper authority, or is required to perform any public duties in a honorary capacity, he may be granted travelling allowance at the rates indicated below:—

SECTION A. — WHEN THE COMMITTEE OR THE COMMISSION OF ENQUIRY, ETC., IS SET UP BY GOVERNMENT

I—For Non-officials (other than members of Parliament and of State Legislatures and retired Judges of the High Courts and Supreme Court)

(a) Traveling Allowance

(i) Journey by rail: Each member may draw First Class rail fare at par with Government employees of the First Grade. Air-conditioned accommodation will not be allowed. If, however, any non-official member travels by air-conditioned class he shall pay the difference between the fare for the air-conditioned and the First Class accommodation from his own pocket.

NOTE 1.—Where a railway journey is cancelled by a non-official member owing *to* the postponement of the meeting he may prefer to the appropriate railway authority his claim for refund of cancellation charges on unused railway tickets. The claim shall be accompanied by a certificate from the officer authorized by the Secretary of the Department or by the Head of the Department to countersign his travelling allowance bills stating that the journey had to be cancelled due to postponement of the meeting.

(ii) Journey by road: In respect of journeys by road between places not connected by rail, the member shall be entitled to road mileage admissible to an officer

Non-Officials or Government employees of the central or other State Government when attending any meeting of a committee of enquiry, etc. of the First Grade, viz., 50 paisa per km. for journey by motor cycle / scooter or Rs. 1.30 per km. for journey by own car/ full taxi.

In case where journey between two places connected by rail, is performed by road, the member shall be entitled to the prescribed road mileage limited to First Class fare by rail.

However, if in an individual case, the Administrative Department is satisfied that the journey by road was performed in the public interest; full road mileage allowance may be granted without restricting it to rail fare.

- (iii) Journey by sea or by river steamer: In respect of journey by sea or by river steamer, a non-official member shall be entitled to one fare at the lowest rate (exclusive of diet) of the highest class of accommodation.
- (iv) Journey by air: Air travel shall not normally be allowed in connection with discharge of his duties as such member. Each case shall have to be examined on merit by the Department concerned and permission for air travel granted with the approval of Government only if it can be certified that air travel is urgent and necessary in the public interest.

A non-official member when authorised to travel by air shall be entitled to economy tourist class where two classes of accommodation, i.e., First and Economy (Tourist) Class accommodation are available on the air lines.

In case where air travel is authorised, a non-official member shall be entitled to one standard air fare.

Every member is required to purchase return ticket, where-ever it is available, when it is expected that the return journey can be performed before the expiry of the period for which the return ticket is available. The mileage allowance for the forward and return journeys when such return ticket is available will, however, be the actual cost of the return ticket.

NOTE 1.—The question whether the Departments could be delegated powers to permit air travel to certain categories of non-official was under consideration. It has been decided that retired Government officers who at the time of their retirement were drawing a pay of Rs. 2,250 and above, and salaried employees of the Universities, institutions and autonomous bodies who are entitled to travel by air under the rules applicable to them in their own organizations may be permitted by the Departments to travel by air in connection with the work of the Government, provided the distance involved is not less than 500 km. and the journey cannot be performed overnight by the train.

In the case of all other non-officials, however, prior approval of Government shall be necessary for allowing air travel.

NOTE 2.—Quarterly statements indicating the air journeys permitted to non-officials during the preceding quarter may be furnished by the Administrative Departments to the Finance Department by the 15th of January, April, July and October each year.

(b) Daily Allowance

A non-official shall be entitled to daily allowance at the highest rate applicable to State Government employee of the First Grade. The daily allowance shall be calculated in the same manner, as applicable to State Government employees, the entire absence in their cases being reckoned from and to their ordinary place of residence.

NOTE.—When a non-official appointed to a Committee, Commission or Board of Enquiry is allowed free board or lodging at the expense of the Central Government or a State Government or autonomous industrial or commercial undertaking or Corporation or a Statutory Body or a local authority in which Government funds have been invested or in which Government have any other interest, he shall be entitled to only one-fourth of the daily allowance under the rules. If only board is allowed free, daily allowance shall be admissible at half the admissible rate. If only, lodging is allowed free^ daily allowance shall be admissible at three-fourths of the admissible rates.

(c) Conveyance Allowance

A non-official member, resident at a place where the meeting of a Committee/ Commission of Enquiry is held shall not be entitled to travelling allowance on the scales indicated in clauses (a) and (b), but shall be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 20 per day. Before the claim is actually paid, the controlling officer shall verify the claim and satisfy himself, after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

In cases where he is not satisfied with the details, he may, at his discretion, limit the conveyance allowance to road mileage.

If such a member uses his own car, he shall be granted mileage allowance at the rates admissible to officials of the First grade, subject to a maximum of Rs. 20 per day.

II. For members of Parliament

(a) Travelling Allowance

In respect of journeys performed by rail, road and steamer in connection with the work of the Committee/ Commission of Enquiry set up by the State Government on

which a Member of Parliament is appointed, such member shall be entitled to traveling allowance in the same scale as is admissible to him under section 4 of the Salaries and Allowances of the Members of Parliament Act. 1954 (30 of 1954).

In respect of journeys by air the provisions of clause (a) in sub-clause (iv) of sub-section I shall apply.

(b) Daily Allowance and Conveyance Allowance

- (i) A Member of Parliament shall be entitled to draw daily allowance and conveyance allowance when attending any meeting of the Committee / Commission of Enquiry set up by the State Government at the same scale and rate as are admissible to a Member of Parliament under the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954).
- (ii) When the Parliament or a Parliamentary Committee on which a member is serving is in session, the member shall not be entitled to draw any daily allowance in connection with his assignment on the official Committee / Commission as he will be drawing his daily allowance as such member from the Parliament Secretariat concerned. However, if he certifies that he was prevented from attending the session of the House or the Parliamentary Committee because of his work connected with the Committee; Commission of Enquiry and did not draw any daily allowance from the Parliament he would be entitled to draw daily allowance as indicated above.
- (iii) When a Member of Parliament appointed to a Committee / Commission of Enquiry is allowed free board and lodging at the expenses of the Central Government or the State Government or an autonomous industrial or commercial Undertaking or Corporation or a Statutory Body or a local authority in which Government funds have been invested or in which Government has any other interest, the payment of daily allowance shall be regulated under the Members of Parliament (Travelling and Daily Allowance) Rules, 1957.

III. For Members of State Legislature

(a) Travelling Allowance

- (i) Journey by rail: A Member shall draw such mileage allowance as is admissible for attending the business of the State Legislature.
- (ii) Journey by road, steamer and air: The provisions of sub-clauses (ii),
- (iii) and (iv) of clause (a) under sub-section I shall apply.

(b) Daily Allowance and Conveyance Allowance

A member shall be entitled to draw daily allowance and conveyance allowance when attending any meeting of a Committee / Commission set up by the State Government at the same scale and rate as are admissible *to* them under the Bengal Legislative Assembly (Members' Allowance) Rules, 1959.

NOTE 1.—As regards drawal of daily allowance when the Assembly or a Legislative Committee on which a member is serving is in session, the principles as laid down in clause (b) under sub-section II shall be followed.

NOTE 2.—As regards drawal of daily allowance when free board andjor lodging is allowed at the expenses of the Central Government or the State Government or an autonomous industrial or commercial Undertaking or Corporation or Statutory Body or a local authority in which Government funds have been invested or in which Government have any other interest the provisions as laid down in "Note" below clause (b) under subsection I shall apply.

IV. For retired Judges of the High Courts and Supreme Court When a retired judge of a High Court or of Supreme Court is appointed in an honorary capacity to work as a member of a Committee / Commission his travelling allowance and daily allowance will be regulated under the High [Supreme Court Judges Travelling Allowance Rules as in force on the date of appointment and as amended from time to time.

V. For Central and State Government employees or employees of Commercial/ Industrial Undertakings of Central Government or of Statutory bodies controlled or financed by the Central Government Traveling allowance/daily allowance of the employees of Commercial/ industrial undertakings of Central or State Government or of Statutory Bodies controlled or financed by the Central / State Government and of State Government employees appointed as members of Committees/ Commissions of enquiry set up by the Central Government should be guided by the rules in force of the parent Government / Body and should be borne by the respective Government / Body unless in any particular case it is decided otherwise. The same principle shall also apply in the case of Central Government employees appointed to serve on Committees / Commissions set up by the State Government.

Only those officers of the State Government who will be nominated by the State Government to serve as members of Committees set up by the Central Government will be allowed traveling allowance according to this Government rules and the cost thereof will also be borne by the State. In other cases, the charge will be borne either by the Central Government or by the officer himself if the officer still wants to serve on such

committees / commissions. Nomination of officers on any committee of the Central Government shall be made only when the Government is fully satisfied that their association with the Committee will be in the wide interest of the State Government.

**NOTE.—A Government employee who, in his official capacity, is nominated as a Chairman or member of any statutory body, corporation or commercial undertaking, shall credit in full fees received, if any, from such bodies, to Government. He may draw travelling allowance under the rules applicable to him from the source from which he draws his pay but he should credit to Government the travelling allowance which he may receive from such bodies under their rules and regulations. Such credit shall be treated as the revenue of the Department.

In the travelling allowance claim preferred by the officer, a certificate specifying the amount, if any, drawn by him from the statutory body, corporation or commercial undertaking and giving reference to the credit of such amount to Government, shall be recorded by the Government.

**SECTION B. When (fee Committee or the Commission of Enquiry Is set up by an authority subordinate to Government.

The amount of travelling allowance ordinarily admissible shall be mileage allowance at the rates admissible under the rules of this Government to Government employees of the Second Grade and daily allowance at the maximum of the rates (corresponding to the place of halt) admissible to a Second Grade Government employee.

NOTE 1.—For the rates prescribed in Section B, actual travelling, hotel and carriage expenses may be substituted at the discretion of Government.

NOTE 2.—All bills for travelling allowance under Section A and B of this rule should contain a certificate to the effect that for the journey or period to which the claim relates, no similar allowances have been or will be drawn from any other source.

NOTE 3.—Travelling expenses paid under Section B of this rule to a private individual who is summoned—

- (a) from one station to another for inspection by the proper authority before selection as a candidate for an appointment; or
- (b) as a witness or otherwise by the Investigating officers in cases of departmental proceedings against Government employees, are treated as contingent charges and should be drawn and paid in the same manner as governs payment of contingent expenses.

**6. External examiners coming from other Provinces to I conduct examinations at B. V. College, Calcutta, shall be given during the period for which they conduct examination at that college, a conveyance hire of Rs. 20 a day in addition to the daily allowance of Rs. 43 when they are officers of the First Grade and conveyance allowance of Rs. 15 in addition to a daily allowance of Rs. 35 when they are officers of the Second Grade.

APPENDIX 2 [see rule 4(5)]

List of controlling officers for the purpose of countersigning traveling allowance bills.

**Note—Besides the Heads of the Departments/Offices those who have been declared as Controlling Offices with the sanction of the Finance Department shall continue to act as such.

APPENDIX 3
[See rule 4(9)]
List showing the spheres off duty off certain Government employees

Designation No.	Place or places where the officer may proceed	Purpose of journey	Remarks
1. Excise Peons.	District in which they serve, and not merely the Circle in which they are employed.		
2. Superintendents of Police.	Within or outside the State.	Attending co-operation meetings held accordance with Rules 528 530AV Police Regulations, West Bengal, Vol I, 1027.	
3. Deputy Inspector- General, Criminal Investigation Depart- ment.	Beyond the limits of the State.	On public duty as occasion may arise.	A report should be made to the Audit Office on each occasion that the journey performed beyond jurisdiction is in accordance with the general order.
4. Registrar of Co- operative Societies.	Beyond the limits of the State.	To attend the annual conferences of State Registrars.	

APPENDIX 4

(see rule 25)

Permanent Monthly Travelling Allowances

**NOTE: The incumbents of the posts to which a fixed travelling allowance (conveyance allowance is attached or such allowance has been sanctioned under general or special orders of Government shall continue to draw the same until further orders.

APPENDIX 5 (See rule 26)

Conditions for regulating the drawl of conveyance or horse allowances.

The general principles for regulating the drawl of conveyance or horse allowance are as follows:

I, Motor Car Allowance

- (i) No motor car allowance will be admissible to any Government employee drawing pay of Rs. 1,000** or less a month.
- (ii) An officer drawing pay above Rs. 1,000(**) may be granted a motor car allowance on fulfilling the following conditions:—
 - (a) He must own a motor car.
 - (b) (i) Where he is not required to tour beyond 8 km. from his headquarters—he travels in his own car at least 200 km. per month in the course of official tours which do not extend beyond a radius of 8 km. from his headquarters; and
 - (ii) where he is required to tour beyond 8 km. from headquarters—he travels in his own car at least 400 km. per month in the course of official tours which do not extend beyond a radius of 16 km. from the headquarters.
 - (c) He must not draw any daily allowance or travelling allowance or any other allowance in either case in respect of the tours within 8 km. in the first case and 16 km. in the second case from the headquarters in respect of which the motor car allowance is drawn.
 - (d) Where the journey by motor car in course of official business is beyond 8 km. or 16 km. from the headquarters, as the case may be, depending upon the minimum mileage prescribed in sub-para (b), he may draw travelling allowance as admissible under rule 27 of these rules; but if such journeys are frequent, he may have his motor car allowance discontinued.

II. Other forms of Conveyance Allowance

They include—

- (a) Horse or pony allowance;
- (b) Cycle allowance, i.e., allowance granted for the possession of a motor cycle, a bicycle, a bicycle fitted with auto wheels or a tricycle and for its upkeep; and
- (c) Conveyance allowance which can be drawn without the production of a certificate of possession of means of conveyance (hereinafter referred to as "unconditional conveyance allowance").

None of these allowances will be admissible unless a Government employee is required to tour extensively on official duty within a radius of 8 km. from his headquarters. No minimum mileage to be covered per month on official duty is enforced when a horse or

pony allowance or a cycle allowance is claimed; but a certificate of possession of the horse or pony or of the cycle, as the case may be, and of its upkeep shall always accompany the monthly pay bill. In cases where the "unconditional conveyance" allowance is claimed, no officer shall be deemed to have travelled extensively unless he tours at least 200 km. on an average per month on official duty.

- 2. No Government employee who is in receipt of a conveyance allowance motor car allowance or other forms of conveyance allowance, as mentioned above, shall be allowed to use Government vehicles on official business except—
 - (a) during emergencies such as riots and strikes when it would be unsafe or otherwise inexpedient to use a conveyance other than' one owned by Government; or
 - (b) when going out on tour outside a radius of—
 - (i) 8 km. or 16 km., as the case may be, depending upon the minimum mileage prescribed for officers drawing motor car allowance; and
 - (ii) 8 km. from the headquarters for officers drawing other forms of conveyance allowance, viz., horse or pony allowance, cycle allowance or unconditional conveyance allowance; and
 - (c) When an officer is required to accompany a superior officer who is himself using a Government vehicle.
- 3. A Government employee (other than one in receipt of a cycle allowance or a horse or pony allowance) shall, when performing journeys in a Government vehicle under circumstances mentioned in items (a) and (b) of para 2, be required to surrender the conveyance allowance—motor car allowance or the unconditional conveyance allowance, as the case may be, at the rate of one thirtieth for each day he travels in a Government vehicle on duty and to draw travelling allowance as may be admissible under the rules.
- 4. Officers in receipt of motor car allowance must maintain tour diaries which should show the distance travelled on official duty each month within a radius of 8 km. or 16 km. from headquarters, as the case may be. Similarly officers drawing horse or pony allowance, cycle allowance or unconditional conveyance allowance shall maintain tour diaries to show the distance travelled on each occasion on official duty. Journeys to attend office or to go home from office should not be included in calculating the distance travelled on official duty.

5. Every Government employee in receipt of conveyance or horse allowance, shall while drawing the allowance furnish a certificate in any of the following forms, as the case may be, along with his monthly pay bill:—

FORMS

(a) For officers who draw a motor car allowance and whose duties are restricted within a radius of 8 km. from the headquarters:

"Certified that-

- (i) I own a car;
- (ii) I am not required normally to tour on official duty beyond 8 km. from the headquarters; and
- (iii) I have not used a Government vehicle for journeys on duty during an emergency or beyond 8 km. from the headquarters in the month of....."
- (b) For officers who draw a motor car allowance and whose tours are not restricted within a radius of 8 km. from headquarters:

"Certified that-(i) I own a car;

- (ii) I do not draw any travelling allowance or daily allowance in respect of journeys which terminate within a radius of 16 km. from headquarters; and
- (iii) I have not used a Government vehicle for journeys on duty during an emergency or beyond 16 km. from headquarters in the month of......"
- (c) For officers drawing horse or pony allowance or a cycle allowance: "Certified that—
 - (i) I am in possession of a horse/ pony a motor cycle]a bicycle fitted with auto-wheels] a tricycle;
 - (ii) I have incurred all expenses for its upkeep in the month of......; and
 - (iii) I have not used a Government vesicle for journeys on duty during an emergency or beyond 8 km. from headquarters in the month
- (d) For officers drawing "unconditional conveyance allowance":—

"Certified that I have not used a Government vehicle for journeys on duty during an emergency or beyond 8 km. from headquarters in the month of......*

APPENDIX 6 (See rule 57)

List of daily allowances **Omitted,

**APPENDIX 6A

The following areas have been declared as "Urban Agglomeration** in West Bengal:—

Name of 17.A.	Constituent units	Peripheral areas
I. Calcutta V.A.		M Corp
iii Guidatta (II I	(2) Howrah	M. Corp.
	(3) South Subarban	M.
	(4) Bkatpara	M.
	(5) South Bum Bum	M.
	(8) Kamarbati	M.
	(7) Gardenre&c'a	M.
	(8) Panihati	M.
	(9) Baranagar	M.
	(10) Hooghly-Chinsurah	M.
	(11) Barfackpore	M.
	(12) Serampore	M.
	(13) Titagarh	M.
	(14). Naihati	M.
	(15) Kanchrapara	M.
	(16) North Barraokpur	M.
	(17) Chandannagar	M. Corp.
	(IS) Halishar	M.
	(19) Uttarpara Kotrun	M.
	(20) North Dum Dum	M
	(21) Kishra	M.
	(22) Bausberia	M.
	(23) Panchur	N.M.
	(24) Champdani	M.
	(26) Baidyabati	M.
	(26) Bliadreswar	M.
	(27) Ganilia	M.
	(28) Bally	KM.
	(29) Koaaagar	M.
	(30) Khardaha	M.
	(31) Bum Bam	M.
	(32) Deulpara	N.M.
	(33) Barrackpur Cantonment	Caatt.
	(34) Kasba	KM.
	(35) Garfa	KM.
	(36) Sultaapur	KM.
	(37) Kalyani	KM.
	(38) Baasdroui	KM.
		IZM
	(39) Saatoahpur	KM.

Name of 17.A.	Constituent units	Peripheral areas
	(41) Jadavpue	KM.
	(42) Bademasar	KM.
	(43) Iohhapur Defence Estate	KM.
	(44) Jagannathgairh	N.M.
	(45) Sarenga	N.M.
	(46) Makkla	KM.
	(47) Nabagram Colony.	KM.
	(48) Sankrail	KM.
	(49) Kolara	N.M.
	(50) Bankra	KM.
	(61) Nibra	KM.
	(52) Karobahaxi	N3L
	(53) Maaikpur	KM.
	(54) Banupur	KM.
	(55) Patulia	N.M.
	(56) Chakpara	N.M.
	(57) Mahiari	KM.
	(58) Dnuilya	KM.
	(59) Garui	KM.
	(60) Gardaha	KM.
	*(81) Krishnagar	KM.
	(62) Jnorhat	KM.
	(63) Madrail Fiagapara	KM.
	(64) Caakdaha	KM.
	(65) Masila	KM.
	(66) Purba Putiari	N.M.
	(67) Bisarpara	KM.
	(68) Panpur	N.M.
	(69) Bandra	N.M.
	(70) Keculia	N.M.
	(71) Bum Bum Aerodrome Area	N.M.
	(72) Podara	N.M.
	(73) Andul	N.M.
	(74) Narayanpur	N.M.

N. B.: Jadavpur, Garden Beach and South Suburban Municipalities have been included within the jurisdiction of the Calcutta Municipal Corporation, vide Calcutta Municipal Corporation (Amendment) Act, 1983 (West Bengal Act XXXII of 1983).

(2)	Asansol		1K.M.
	U.A.	(a) Asansol	M.
		(b) Outer Burnpur	N.M.
		(c) Burnpur	N.M.
(3)	Durgapur	Durgapur	N.M. 1
	U.A.		

KEY: M	=Municipal Corporation	
Corp. M.	=Municipality	
N.M.	=Non-Municipality	

**APPENDDX 7 (See rule 59)

- I. Special rates of daily allowance and other allowance admissible for journey in certain localities—
 - (i) The special rates prescribed in column 4 of clause (A) of rule 57 do not apply to officers whose headquarters are within the limit of Calcutta Corporation; but in the case of Darjeeling district except Siliguri subdivision, the special rates shall be admissible both to the officers having their headquarters within or outside the district.
 - (ii) Daily allowance drawn under the provision of Note 1 below rule 70 shall be at the rates prescribed in rule 57.

Localities

Special rates admissible

River districts in West Bengal

Sub-Inspectors of Schools employed in a River district may be granted by the Commissioner of the Division a Boat Allowance not exceeding Rs. 52 a month during the monsoon season subject to the condition that no allowance except railway fare may be drawn in addition to this allowance.

- (1) District of 24-Parganas
- (2) Arambagh Sub-division of Hooghly district.

For journeys by boat, 50 per cent of the ordinary rate of daily allowance provided a certificate of maintenance of the boat is furnished.

NOTE 1.—The allowances mentioned above for journey by boat are intended to cover the expenses involved in the hiring of private boats only and are not admissible for journeys by steamers in these districts, but officers may draw at these rates when they travel in Government boats for which they pay daily rate of hire and have to maintain a crew (certificate must be given that the boat was retained).

APPENDIX 8

(See rule 63)

List of cases in which absence has been declared to be "Absence on Duty" or "Not"

- 1. In the following cases the absences have been declared to be "absence, on duty"—
- (1) Official members absent to attend meeting of District and Local Bodies.

- (2) A Medical Officer summoned under orders of the Director of Health Services to another station for consultation with another Medical Officer in attendance on a Government employee entitled to free medical relief.
- (3) A Government employee deputed under the advice of the Chief Medical Officer of Health or any other Government Medical Officer to accompany another Government employee proceeding on leave on medical certificate or to procure further medical advice, when the Chief Medical Officer of Health or other Medical Officer considers that it would not be safe for him to make the journey without attendance on the way.
- (4) A Government employee deputed to be a "sick attendant" under rule 296 of the Eastern Frontier Regulations, 1922.
- (5) A Government employee summoned from one station to another for inspection by the proper authority before selection as candidate for a post, provided the Head of the Department certifies that the journey was undertaken in the interests of the public service.
- (6) The Professors and assistants accompanying the Botanical and Geological excursion undertaken annually by the students of the Presidency College, Calcutta.
- (7) Government employees attending meeting of the West Bengal Sanskrit Association and its Council.
- (8) Forests subordinates required to make a journey to obtain a medical certificate before admission to the West Bengal Forest School, Kurseong.
- (9) District Magistrates and Subdivisional Officers attending meetings of the Central Cooperative Banks in their capacity as ex officio Chairmen.
- (10) Director of Public Instruction, West Bengal, attending the annual meeting of the Special Committee of the Hazaribagh Reformatory School.
- (11) The Inspector of European Schools, West Bengal, attending the meetings of the Inter-State Board for Anglo-Indian and European Education.
- (12) Commissioners of Divisions, District Officers and Officers of the West Bengal and Calcutta Police of or above the rank of Superintendent or Deputy Commissioner of Police, as the case may be, absent from their jurisdictions for the purpose of staying at Government House on the invitation of the Governor of West Bengal.
- (13) Secretary to the Government of West Bengal in the Department of Medical and Public Health absent to attend meetings of the Board of Trustees of the Ranchi European Mental Hospital.

- (14) Government employees in Western Bengal who are Fellows of the University, attending meetings of the Senate, Faculties and the Boards of Studies of the University.
- Government employees appointed by the University to inspect educational (15)institutions or to conduct examination in practical subjects on behalf of the University.

NOTE.—The Travelling allowances on account of items 1—13 are met fecal state revenues. In case of items 14 and 15 the travelling allowance is drawn from the Government of Assam, if the journey is to Gauhati, otherwise from the funds of the Calcutta or other Universities, as the case may be, at the rates admissible under their rules.

II. In the following cases, the absences have been declared not to be "absence on duty"—

- (1) Government employees while on journeys to Darjeeling.
- (2) A Superintendent or Assistant Superintendent of Police while visiting a Police-station unless—
 - (a) he travels not less than 32 kilometers in one day, or
 - (b) he is absent from his headquarters for two or more consecutive nights and visits two or more Police-stations or posts.

NOTE.—Item (2) applies to casual visits to Police-stations subject to the provisions of rules 70 to 89, it does not apply in the case of Government employees employed in investigating a case of dacoity, in looking after a bad character, or in other genuine police work, which, in the opinion of the controlling officer, rendered necessary a visit to a police-station. When such genuine police work renders a casual visit to a police-station necessary, a certificate to that effect should be recorded by the touring officer in the remarks column of the travelling allowance bill.

APPENDIX 9

(*See* rule 66)

List of Government employees not entitled to traveling allowance for journeys on tour.

Land Revenue. Settlement duty.

(1) Not entitled to any traveling allowance for the Kanungoes temporarily appointed for journeys made within the limits of his normal jurisdiction which is a halt except a fixed pony, boat or bicycle allowance at the sanctioned rates. For journeys outside this limit traveling allowance at rates admissible to permanent Government employee

of his grade will be admissible.

(2) When a Kanungo is placed in charge of an attestation circle, he will be entitled to draw daily allowance for the first 10 days of halt at any one place in the circle during the field season but no allowances beyond this period will be admissible in any one season even though he may have to shift his camp within the circle. For journeys by rail or steamer necessitated by such shifts with the approval of the Settlement Officer travelling allowance as on tour may be granted provided the conditions prescribed are fulfilled.

(3) A settlement Kanungo traveling on duty otherwise than in connection with district settlement operations will draw traveling allowance at rates admissible to Government employee of his grade.

A boat allowance not exceeding Rs. 52 a month in river district or a bi-cycle allowance at the prescribed rate in dry districts provided that it is certified by the Settlement Officer that the maintenance of a boat or bicycle is necessary in the interest of public service and either of these means of conveyance is actually kept. All clerks and mohurrirs attached to Tahsil offices are not entitled to travelling allowance except as follows:-(I) Wood Mohurrirs in the district of Jalpaiguri are

- entitled to traveling allowance;
- (2) Tahsil officials whose duties are not immediately directed to the collection of rent, may be allowed to draw traveling allowance under the ordinary rules by the Board of Revenue, if the latter- are satisfied in each case that the pay of the official concerned was not fixed so as to compensate him for ordinary journeys other than journey by rail or steamer.

Excise—

Peons (**)of the Excise Department.

—Tahsildar and Tahsil Officials

Entitled only to actual expenses on account of boat hire and ferry charges when the journey is confined to the Police Station in which their headquarters are situated and to travelling allowance under the ordinary rates for journeys beyond it.

Forest—

- (i) Rangers, Deputy Rangers and Foresters in Northern Bengal.
- (ii) Other Deputy Rangers and Foresters not in charge of Ranges and Forest Guards.

Entitled to daily allowance at ordinary rates for journeys on duty when they involve halts away from headquarters.

Entitled to travelling allowance at ordinary rate under order of Government, when their duties necessitate keeping of a horse or a pony or other carriage.

Registration-Registrar

Any sum received by a District Registrar of Births, Deaths and Marriages as traveling expenses for attendances at a private residence from those at whose request the visit is paid, may be appropriated by the District Registrar, but for such attendances, he is not entitled to any travailing allowance from Government

Administration of Justice-

Process Servers and Bailiffs

(i) Process Servers and Bailiffs employed in Civil," Criminal and Revenue Courts are not entitled to traveling allowance except for journeys by rail or steamer. Even in that case, Process-Servers will draw only the actual fare of the lowest class of accommodation, without any daily or halting allowance. (ii) They are exempted when traveling on duty from the payment of ferry tolls.

NOTE 1.-For journeys on duty otherwise than in connection with the service of processes, the Process-Servers will get such traveling allowance as is admissible under rules 76-79.

NOTE 2.-Revenue Nazirs and Naib Nazirs are not included in this entry and are entitled to traveling allowance for journeys in the interior of the district.

Police-

(including those employed in the Criminal Intelligence Department)* employed on escort duty. below the rank of Inspectors, with the under mentioned exceptions:

Inspectors.

Police Officers and men of all grades Entitled to have their necessary baggage including utensils, conveyed at Government expense when

- (i) Officers of and below the rank of Sub- (1) Entitled to draw daily allowance at the ordinary rates for all journeys on duty of more than 24 kilometres from their headquarters, provided that, in the case of officers attached to a Police Station, the place to which they travel is beyond the limits of the Police Station.
 - (2) In special cases where an officer is required to make rapid journey by road, actual reasonable expenses may be allowed by Government.
 - (3) The fixed conveyance or horse allowance drawn by Sub-Inspectors will not be affected by the grant of daily allowance.

NOTE 1.—Where there is a regular public bus service Superintendents of Police may issue bus warrants to police officers of and below the rank of Sub-Inspector for journeys on duty by bus within 24 kilometres from the headquarters, subject to the condition that no such bus warrants shall, except for special reasons, which must be recorded in writing, be issued when the journey each way is less than 8 kilometres.

- (ii) Assistant Sub-Inspectors, Head May draw actual expenses for journeys by boat where this is Constables and Constables who are not the ordinary mode of traveling. in receipt of permanent monthly traveling allowance.
- (iii) Constables of the River Police when Entitled to draw daily allowance in addition to a free pass or deputed to travel on inland passenger the amount of the fare for every day on which they are absent from headquarters for more than 8 hours. steamers.

(iv) Non-Commissioned Officers and May charge for the conveyance of their baggage in all cases men of the Military Police. in which journeys are undertaken on duty under proper authority when permanent transport is not available and when the conveyance of baggage is certified to be necessary. This

concession applies also to journeys on duty beyond jurisdiction and to journeys on transfer from one district to another.

May also draw actual expenses for journeys by boat where this is the ordinary mode of traveling.

District Police Detective Departments.

(v) Police Officers and men employed in Entitled to traveling allowance at the ordinary rates for the District Intelligence Branches and the any journey on tour of more than 8 kilometers from the headquarters of the district to which attached, provided that, except in the case of officers posted at Alipore or Howrah, no conveyance allowance is drawn.

*The ordinary jurisdiction of this establishment is confined to a radius of 32 kilometers headquarters of each Sub-agency.

(vi) Sick or wounded officers of and below the rank of Assistant Sub-Inspector.

Entitled to the steamer or railway fare when sent treatments to the nearest hospital or dispensary whether civil or police, and when no railway or steamer is available entitled to the actual expenses for their conveyance on the certificate of the Superintendent of Police that they were too ill to make the journey on foot and that the illness or injury for which treatment is given is not directly due to intemperate or irregular habits.

Public Health (Engineering), Department of Public Works and Department of Irrigation and Water-ways—

(i) Pettv engaged for sen ice in the field.

establishments expressly Government in case of doubt may decide whether any particular officer or class of officers comes within this term or not.

(ii) Members of the Subordinate May be granted conveyance allowance. Engineering Service Subordinates.

and Lower Under the special order of the Executive Engineer they may also draw (1) mileage allowance or (2) for boat journeys in the district of 24-Parganas actual boat hire not exceeding Rs. 4 per diem.(**)

(iii) Tahsildar and Tahsil Peons in the The Tahsildar in charge of Contai circle is entitled to a Department Irrigation and conveyance allowance of Rs. 14 -75 (**) per month. waterways.

APPENDIX 10 (See rules 67 and 84)

List of Government employees authorised to sanction the carriage by rail or steamer, at Government cost or camp equipment and conveyances of their own and of Government employee under them subject to the limitations noted against each

Authority	Officers		Maximum kilogram	Maximum number of
			of camp	conveyances
			equipment	
1		2	3	4
Director of Land Records and	For himself		1,313	
Survey.				

Settlement and Asstt.	750	
Settlement Officers		
Officers deputed to Settlement	375	1 Bi-cycle
Training Camp.		
Other officers	188	
Officers of the Central Services of	750	
the		
Survey of India Department.		
Retired officers of the Department	750	
re-employed.		

Divisional Commissions	Manahaya of the last of	275	1 D!1
Divisional Commissioners.	Members of the Indian Administrative Services, the West Bengal Civil Service (Executive) and the West Bengal Junior Civil Service returning from settlement training camp on the expiry of the period of deputation.	375	1 Bi-cycle
District Judges	Probationary Munsiffs returning from a Settlement Training Camp on the expiry of the period of deputation.	375	1 Bi-cycle
Commissioners of Excise	For himself	1,313	
	Deputy Commissioners	938	
	Superintendents	750	
Direotor General and	Inspectors	563	
Inspector General of For	Deputy Inspector General of Police	1,313	
himself Police (**)	Superintendents or Assistant and Deputy Superintendent of Police.	038	
	Commandant and Assistant Commandants of Eastern Frontier Rifles	938	
	Probationary Assistant and Deputy Superintendents of Police returning from Training Camp on the expiry of the period of deputation.	375	1 Bi-cycle
Director of Public Instruction. Director of Agriculture(**)		•• 1,313	1 Motor cycle
	Officers of the Higher Agriculture Service.	750	
	Other officers	188	
Director of Veterinary	For himself	750	
Services.	Other officers	188	
Director of Industries	For Deputy Director and Superintendents of Sericulture, also Weaving Master.	188	

Registrar of Co-operative Societies.	Procession of the Deptt. Officers of the Deptt. Inspectors and Auditors of Cooperative Department returning from a Settlement Training Camp on the expiry of the period of deputation.	750 375 375	1 Bi-cycle
Conservators of Forests	For himself. Deputy Conservators, Assistant Conservators and other officers of State Service when in charge of a Forest Division.	750 760	
Superintending Engineers.	Assistant Conservators and other officers of State Service when not in charge of a Forest Division. For himself Executive Engineers Assistant Engineers Other officers	375 1,313 938 750 188	1 Motor Cycle and side car.

APPENDIX 11

**Omitted.

APPENDIX 12

(See rule 86)

List of Special cases in which conveyance hire has been granted

- 1. Omitted.
- 2. A subordinate officer of the Calcutta Police draws actual conveyance hire when travelling on duty within a short distance of headquarters in the following cases, provided always that whenever practicable, trams or buses be used:
- (a) To any Court and back to quarters, when attending Court on-duty, or to give evidence, provided the quarters are not near to the Court.
- (b) When directed by the Court to serve any immediate process.
- (c) When directed to bring a witness who is immediately required in Court.
- (d) When taking to and from Court, prosecutor, prisoner, or witness who is unable, from illness, injuries or any other good cause, to walk to and from the Court and who has not money.
- (e) When proceeding to ships in Harbour by the direction of a Magistrate and for serving processes of the Court in Marine cases, whenever such expenses are not recoverable from the parties concerned. In this case boat hire may also be sanctioned when necessary.

- (f) When bringing prisoner, whom it may not be safe to lead a. long the public street, from jail, etc, and taking them back.
- (g) When required to go on duties which the Commissioner of Police may certify to be emergent.
- (h) In the case of heinous offences or other crimes which, in accordance with standing Police Rules, have to be investigated on the spot by Police Officers or Detectives.
- (i) When searching for or pursuing escaped criminal.
- (j) When employed upon special duty in connection with the Muharram, or to preserve order at any place of public resort, worship, entertainment, or public gathering, provided that the distance exceed 2 kilometers and the Commissioner certifies that the charge is necessary.
- 3. The Court Veterinary Inspector attached to the Bengal Veterinary College may draw the actual cost of conveyance by bus or tram between the College and the Courts he attends, subject to a maximum of Rs. 13 per mensem.
- 4. The Heads of Victoria and Dow Hill Schools at Kurseong may draw the actual conveyance charges not exceeding Rs. 13** on each occasion of attending Standing Committee meeting held at the Kurseong Club for discussion of official business.

APPENDIX 13

(*See* rule 94)

List of cases in which the grant of travelling allowance has been permitted to join first post

Particulars of cases

Conditions for the grant (if any)

General-

 A person appointed to any of the May be allowed travelling allowance from the department requiring technical skill or place where he received the orders of knowledge.
 appointment, or if he belongs to any training school or college from such school or college, whichever will entail less expense to Government.

Survey Department—

2. Any person reoruited from outside the Travelling allowance as for a journey on state requiring technical skill or tour on the scale admissible to Government employee of the grade to which the post, the Government employee proceeds to join belongs.

Forests—

3. Stipendiary and private students on Ditto. passing out of the Forests School for joining appointment in the Forest Services.

Police—

4. Recruits for appointment as constables Actual travelling expenses; also diet expenses for journeys from their homes to the at the rate of not more than Rs. 5** per diem stations to which they are first posted. for the period of the journey.

Education—*

5. (a) Female teachers recruited from Travelling allowance for a journey on tour outside the state for journey to join a first on the scale admissible to Government non-gazetted appointment.

employees of the grade to which the post, the female teacher proceeds to join belongs on

female teacher proceeds to join, belongs, on condition that payment is not made until they

are confirmed*

Particulars of cases

Conditions for the grant (if any)

(b) All non-gazetted educational Travelling allowance for a journey on tour the Government employees for their journey scale admissible to Government employees of to join a first post at the Viotoria and Dow the grade to which tie post, the female teacher Hill Schools, Kurseong.

proceeds to join, belongs, on condition that payment is not made until they are confirmed.

Public Works and Irrigation and Waterways—

6. Any person appointed in any capacity Travelling allowance for a journey on tour. requiring technical skill or knowledge for which he has been specially trained.

Local Fund—

7. A Local Fund employee transferred to Travelling allowance admissible to Government a post under Government. employees of the grade in which his new post is included.

APPENDIX 14

(Omitted)

APPENDIX 15 (See rule 147)

List of cases where travelling allowance to undergo training; has been sanctioned

Persons granted travelling allowance

Particulars

Land Revenue—

Enrolled candidates for Kanungo-ship

Travelling allowance as on tour, but not daily allowance for halting, for journey to and from the settlement training camp on joining and leaving it at the beginning and termination of the period of training, and for journeys during the period of training.

Forest—

(a) Probationary students under training for the West Bengal Senior Forest Service—

- (i) while proceeding to join the institute for Actual expenses which include single second
- institute.

the first time and finally returning there class fare by rail or steamer for the student, single second class fare of one servant, the freight (ii) while undergoing the course of the of a bicycle when necessary and such luggage as is passed by the President of the Institute or other officer authorized to countersign travelling allowance bills.

Forest subordinates and students Travelling allowance as admissible to the officers Course.

deputed to the Forest College and of the third grade on tour, the freight of a bicycle if Research Institute, Dehra Dun for Ranger's actually transported and the cost of conveyance of luggage up to a maximum of 75 kg. Also actual expenses as passed by the President of the Institute for journeys performed while undergoing the course of training at the Institute.

General Administration—

Shroffs

Travelling allowance for journeys to and from Calcutta during the period of their training at the Calcutta Currency Office.

Police-

- Constable recruits for journey to Travelling allowance under ordinary rules (a) enable them to join training schools.
- (b) Police officers and men for (i) Travelling allowance at tour rates, for journeys to and from the Police Training journeys to join the Training College. College for a course of training.
 - (ii) Travelling allowance at transfer rates for journeys on discharge from the training College after completion of training.

**N. B. Omitted

- Constables and head constables for Travelling allowance under ordinary rules journeys to and from Alipore for a course of training in drill or a brush up course in drill.
- (d) Police officers for journeys to and from Travelling allowance under ordinary rules Government Commercial Institute. the Calcutta for a course of training in short hand and typewriting.
- (e) Police officers for journeys to and from Ditto; but no daily allowance for halts during the the Training School, training period. Detective Barrackpore, for a course of detective training.
- Sub-Inspectors for journeys to and Travelling allowance at transfer rates subject to (f) from the finger Print Bureau (Criminal the condition that they actually remove their Investigation Department, Calcutta) for a families to and from Calcutta and draw housecourse of training in a finger print work. rent while residing there.
- Constables for journeys to and from Travelling allowance under ordinary rules-Allahabad Arsenal to qualify as armourers.

- (b) Police officers and men for journeys to Travelling allowance under ordinary rules. attend refresher courses in "First aid to the iniured".
- (i) Sub-Inspectors undergoing training in Travelling allowance for the journeys out and back the Intelligence Branch in Calcutta or in and daily allowance at such rate as may be fixed District Intelligence Branches. by Government.
- Assistant Sub-Inspectors undergoing Travelling allowance for the journeys out and back training in the Intelligence Branch in and daily allowance at such rate as may be fixed Intelligence by Government. or in District Branches.

Education—

- Student Engineers on transfer from Travelling allowance admissible to Sub-Asstt. one station to another in the course of their Engineers of the Department of Public Works. practical training.
- Bengal.
- Government employees or students (1) To students, actual expenses for journeys to under training in the Training College, West and from the college on joining and leaving it at the beginning and termination of the period of training: and
 - (2) To Government employees travelling allowance admissible under the ordinary rules for journeys to and from the college on joining and leaving it at the beginning and termination of the period of training.
- Bharat Scouts and Guides Association.
- (c) Government employees deputed to a Travelling allowance limited to the actual return course of training at a Boy Scouts Training fares for rail or steamer journeys by the class to Camp managed and controlled by the which his grade entitles him and to road mileage admissible on tour to and from the training centres provided that the previous sanction of Government to the deputation has been obtained.
- Teachers of Government Educational Travelling allowance limited to the actual return Scouts and Guides Association.

Institutions for Girls deputed to a course of fares by rail or steamer by the class to which her training at a Girls' Guide Training Camp grade entitles her and to road mileage admissible managed and controlled by the Bharat on tour to and from the training centre provided that the previous sanction of Government to the deputation has been obtained.

APPENDIX 16

(Omitted)

**APPENDIX 17

Rules regulating travelling allowance of Minister, the Minister of State, the **Deputy Ministers**

SECTION 1—Minister, Ministers of States and Deputy Ministers

The following rules regulate tie travelling allowance of the Ministers, the Ministers of State and the Deputy Ministers:-

1. Journeys on tour.—The Ministers, the Ministers of State and the Deputy Ministers shall draw travelling allowance at the same rates as are admissible and under the same conditions as are applicable to Government employees of the First Grade drawing pay of Rs. 2,250 p.m. and above, subject to the following exceptions:—

- (a) Journey by railways.—Subject to the conditions laid down in rule 162 of the West Bengal Service Rules, Part II, in so far as they are not inconsistent with the provisions of this clause, hereinafter provided,—
 - (i) a Minister or a Minister of State or a Deputy Minister may, at his option, travel on requisition,
 - (ii) in a reserved First Class railway compartment, or,
 - (iii) where an air-conditioned accommodation is available in the train including Rajdhani Express plying between Howrah and New Delhi and vice-versa in a reserved air-conditioned coupe or sleeper class containing two berths, and shall be entitled to railway fares actually paid for not more than four personal servants at lowest class rates, and to the conveyance of all their personal luggage at the public expense, whether taken in the luggage van of the train to which reserved compartment is attached or sent by any other train:

Provided that the Chief Minister, while travelling by any train in air-conditioned accommodation or in sleeper class of the Rajdhani Express plying between Howrah and New Delhi and vice-versa, may, if he so desires, travel on requisition in an air-conditioned compartment or sleeper class containing four berths.

- (iv) a Minister or a Minister of State or a Deputy Minister travelling by train in a reserved First Class compartment or in a reserved air-conditioned coupe/compartment, as the case may be, is entitled without payment, to take with him in the aforesaid reserved accommodation one companion. The Minister or the Minister of State or the Deputy Minister, as the case may be, shall, however, pay the usual fares for any other person travelling with him in the reserved compartment (subject to its authorised capacity) and if Government pay full tariff rates for the reserved compartment, such fares shall be credited to Government by the railway. No other travelling allowance shall be admissible for the rail journey.
- (b) Journey by Steamer—When travelling by steamer, a Minister or a Minister of State or a Deputy Minister may, at his option, charge his bona fide travelling expenses appending to his bill certificate as follows:

"I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods other than my personal luggage or any charges for refreshments."

Explanation.—Stores taken for consumption on tour shall be deemed to be personal luggage.

- (c) Tourney by road.—The Ministers may, at their option, charge at a rate of Rs. 1.30 per km. for a journey by road, or in lieu thereof, their personal bona fide travelling expenses, appending to their bills a certificate as follows:
- "I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods other than my personal luggage or any charges for refreshments, hotels or staging bungalows.*

Explanation.—Stores taken for consumption on tour shall be deemed to be personal luggage.

- (d) Daily Allowance.—While touring on public business daily allowance shall be drawn by Ministers, Ministers of State and Deputy Ministers for the period of absence from headquarters at the rates detailed below:
- (i) When daily allowance is claimed for tours within the State—

	Rs.
(a) For ordinary locality	37
(b) For Darjeeling district.	49
(except Siliguri sub-division)	
(ii) When daily allowance is claimed for tours outside the	Rs.
State—	
(a) For 'A' Class cities	49
(b) For B—I Class cities Simla	41
(c) For localities other than those mentioned in (a) and	37
(b)	

Explanation for the purpose of clause (ii) A or B-I Class cities are those which are classified by Government of India as A or B-I for the purpose of sanctioning Compensatory City Allowance to their employees.

- (e) The proviso to rule 57 of the West Bengal Service Rules, Part II shall not apply in the case of the Ministers, the Ministers of State and the Deputy Ministers, who while on tour, are treated as State Guests.
- 2. The Ministers, when travelling on tour, may recover the cost of carrying a motor car under the condition specified in rule 84 of the West Bengal Service Rules Part II provided that Government is satisfied that the car has been employed, for all practical purposes, only as a means of performing in the public interest, a journey off the line of

railway. In cases where the presence of the car with the Ministers has, apart from the advantages to Government of the particular tour or journey, saved them expenses in hiring a conveyance or serve their personal convenience to an appreciable extent, they shall pay one-fifth of the cost of carriage.

- 3. When no motor car is carried with them while on tour outside the State, the Ministers are entitled to recover actual hire charges of a motor car if one is hired by them at the place of halt in the interest of public service. A certificate to the effect that the hiring of a motor car was necessary in the interest of public service, shall be furnished with the bill.
- 4. The Ministers, the Ministers of State and the Deputy Ministers shall be their own controlling officers. The signature of a Minister or a Minister of State or a Deputy Minister on his travelling allowance bill or on the railway requisition shall be accepted in audit as an authority for the journey treating the same as covering higher sanction, where necessary, except in cases where the sanction of Government is required under the rules. Similarly no orders of higher authority even if otherwise necessary except in cases where the sanction of the Government is required under the rules, shall be asked for in case of journeys undertaken by the personal staff (Orderlies and Personal Assistant) of the Minister, the Minister of State or the Deputy Minister provided it is stated on their travelling allowance bills that the journey was made to accompany or to join the Minister, the Minister of State or the Deputy Minister, as the case may
- 5. Journey in a foreign country.—When touring on public business in a foreign country, the travelling allowance of the Ministers, the Ministers of State and the Deputy Ministers shall be regulated by specific orders of Government issued in each case.
- 6. In respect of any matter for which no specific provision has been made in these rules the ordinary rules governing the travelling allowance of the First Grade Government employees shall apply.
- 7. Nothing in these rules shall be construed to restrict the power of Government to modify or amend these rules or frame new rules as and when considered necessary.

APPENDIX 17A

(See rule 53A)

SUBJECT: Booking of air passage with Air India and Indian Airlines Corporation without advance payment.

- 1. Finance Department Memo. No. 1421-F, dated 2ndMay 1956.
- 2. Memo. No. 1941-F, dated 6th July 1964. Air India and Indian Airlines Corporation.
- 3. Home (Political) Department Memo. No. 2822(51)-P, dated 3rd June 1964.
- 4. Finance Department Memo. No. 4064-F, dated 30th September 1965.
- 5. Home (Political) Department Memo. No. 893(53)-P/7A-2/64, dated 18th February 1965.
- 1. Instructions were from time to time as in the margin regarding settlement of bills of booking of air passages with Air India and Indian Airlines Corporation.
- 2. It has been brought to the notice of Government that these instructions are not being strictly followed with the result that the payments of bills of the Corporation are being delayed inordinately.
- 3. A self contained instruction is now being re-circulated embodying all instruction issued from time to time together with certain supplementary instructions which have not been issued in the past. It is requested that these instructions should be adhered to strictly in future.
- 4. Requisition can be placed with the Air India and Indian Airlines Corporation for air passages without having to pay for them in advance. The Head of each department and Directorate desiring to avail of the facilities should intimate to the Corporation the designation of the authority or authorities empowered to requisition for air passages without payment in advance and also indicate the name and designation of the officer to whom the bills should be sent for settlement, where the indenting officer is not the drawing and disbursing officer.
- 5. The following procedure should be adopted for the settlement of bills of the Corporation m respect of requisitions for air booking (passenger and freight).
 - (i) In a case where a requisition is sent to either of the Corporation for the provision of an air passage to an officer and credit facilities are availed of, the bill submitted by the Corporation should be settled immediately on presentation. A certificate should be recorded on the bill to the effect that the officer will not claim in his T.A. bill the cost of the air fare for journey performed. For this purpose, the department concerned should obtain from the officer before he undertakes the journey, a written assurance to the effect that he would not claim the cost of the fare through his T.A. bill. The payment of the bill should be made to the Air India International! Indian Airlines Corporation by the Department / Directorate concerned.

The officer shall not include in his T.A, claim, the cost of air fare but shall record the fact that the cost of air fare is being claimed, as he had requested the department that the cost of air fare may be paid directly by his office {department to the Air India International! Indian Airlines Corporation.

- (ii) In a case where an officer arranges for his air passage direct with Air India International/ Indian Airlines Corporation not through a requisition sent by his office/ department, he should claim the cost of air passage together with the incidentals etc. in his T.A. bill and give a certificate to the effect that credit facilities offered by the Corporations were not availed of.
- (iii) In a case where credit facilities are obtained and a part of the journey is cancelled, the bill presented by the Air India International/ Indian Airlines Corporation on the basis of original booking should be paid in full and the Corporations asked for refund in respect of the cancelled portion of the journey. Similarly, if the journey was performed by a route deviating from the route originally booked, the bill presented by the Corporations on the basis of the original booking should be paid and the Corporation asked to refund such amount as may be due to Government or to submit a supplementary bill if a further amount is payable by Government.
- (iv) In respect of journeys which are cancelled wholly, the following procedure should be adopted:—

So far as the requisitions sent to A.I.I, are concerned, the Corporation should be asked to withdraw the bill and put in a claim for cancellation charges only; in respect of requisitions sent to Indian Airlines Corporation, the Corporation may be asked to afford necessary credit for non-performance of the journey. The bill will then be passed for the amount representing the difference between the amount originally claimed and the credit afforded. This will represent the cancellation charges wherever they are to be recovered from the officer concerned who may later on apply for its reimbursement if such reimbursement is permissible under the orders issued in this behalf.

- 6. In order that there may not be any delay in settlement of the bills, the officer availing of the requisition facilities should intimate to the officer authorized to settle the bills the fact of his completion of journey after return from the tour or where the tour could not be undertaken for any reason and the air ticket had to be cancelled the fact of such cancellation or where only a part of the journey was performed the fact of such partial use of the air ticket.
- 7. The drawing and disbursing officer for this purpose shall draw the amount in respect of the air fare in non-gazetted T.A. bill form and cheques in payment thereof shall be issued in favour of Indian Airlines Corporation by the Accountant-General, West Bengal.

The collection of cheques will be arranged by the Corporation after they are intimated that cheques are ready.

- 8. A certificate in the following form should be embodied in the T.A. bill:—
 Certified that I have/ have not availed of the facilities of requisition for air passage without advance payment and that accordingly usual air fare has/ has not been claimed
- 9. The procedure outlined above will also apply mutatis mutandis settlement of bills in respect of requisitions for air bookings for no-officials travelling at Government expense.
- 10. The bill relating to requisitions for booking of air freight should also be settled on presentation, any adjustment becoming necessary been made subsequently.

(Memo. No. 1444-F, dated 5th May 1966)

by me.

APPENDIX 18

(Omitted)

APPENDIX 19

Calcutta House Allowance Rules, 1926

The object of the scheme set out in the rules which follow is to grant to Government officers stationed in Calcutta, Alipore or Howrah, a measure of relief against the difficulties experienced by such officers in obtaining suitable house accommodation at a rent proportionate to their emoluments. The scheme proceeds on the principle that an officer, who, by the terms of his appointment, is stationed in any of those places should not ordinarily be under the necessity of paying more than 10 per cent, of his pay for unfurnished house accommodation. The State Government reserve to themselves full power at any time to modify the scheme and they admit no vested rights to- the relief in its present or any other form, or to any compensation owing to its withdrawal or modification.

- I. These rules shall be called the Calcutta House Allowance Rules, 1926. II. They shall apply to the following officers:
- (a) An officer of an All India Service whose headquarters by the terms of his appointment, are in Calcutta, Howrah or Alipore, and whose pay does not exceed Rs. 4,000/- a month and has not been fixed with special reference to the higher cost of living in the places mentioned in Schedule 'A';
- (b) Omitted.
- (c) An officer holding an appointment to which Government by special order declares that these rules shall apply:

Provided that without the specific sanction of Government no allowance shall be paid under these rules to—

- (i) An officer occupying quarters provided by Government whether free or on payment of rent:
- (ii) A medical officer who is allowed the privilege of private practice; or
- (iii) An officer drawing a compensatory allowance granted in consideration of the expensiveness of the locality or a house rent allowance under Appendix 20 of these rules.

NOTE.—The officers who are governed by the Calcutta House Allowance Rules, 1926, shall at their option, be entitled to draw house rent allowance under the Compensatory House Rent Allowance Order as incorporated m Appendix 20 as admissible to the State Government employees.

III. (A) Any officer mentioned in Rule II above, who occupies on payment of rent accommodation other than a residence owned or hired by Government or resides in a hotel or boarding house in one of the places mentioned in the Schedule 'A' annexed to these rules, and whose wife or child is resident with him shall be entitled under these rules to a house allowance on the following scale—

Pay	Assumed rent	Amount of house allowance per month
Rs.	Rs.	Rs.
300— 499		75
600— 799	••	Equal to actual rent paid, less 10 per cent of pay subject to a maximum of Rs. 125 p.m.
800—1,249	••	Equal to actual rent paid, less 10 per cent of pay, subject to a maximum of Rs. 200 p.m.
1260—1,999	440	Actual rent (subject to a maximum of Rs. 440) less 10 per cent of pay.
2000—2,499	480	Actual rent (subject to a maximum of Rs. 480) less 10 per cent of pay.
2500—3,000	520	Actual rent (subject to a maximum of Rs. 520) less 10 per oent of pay.
3001—3,500	560	Actual rent (subject to a maximum of Rs. 560) less 10 per cent of pay.
3601—4,000	600	Actual rent (subject to a maximum of Rs. 699) less 10 per cent of pay.

(B) Unmarried or widowed officers will be entitled to the allowance at the same rates as admissible to married officers. (Finance Department Order No 3871-F, dated 15th October 1968).

NOTE 1.—For the purpose of calculating the allowance admissible on the above scale, pay will be as defined in Rule 5 (28) of the West Bengal Service Rules, Part I.

- NOTE 2.—"Actual Rent" means rent, inclusive of all taxes of unfurnished accommodation and cost of normal repairs.
- (a) If the accommodation rented is furnished and the rent payable to the lesser includes a payment on account of the hire of furniture, the rent of the unfurnished accommodation shall be taken to be five-sixths of the rent of the furnished accommodation.

Explanation.—A refrigetor is "furniture" for the purpose on note 2.

(b) When the amount payable by an officer residing in a hotel or boarding house includes, in addition to rent, charges on account of food, furniture, service lighting and taxes or of any of these or similar items, and by reason of this it is impossible to calculate the "actual rent" the allowance admissible shall be as follows:

Pay	Allowance
Rs.	Rs.
300— 499	75
500— 799	175*
800—1,249	200*
1,250—1,999	275*
2,000—2,499	350*
2,500—3,000	350*
*Less 10 per cent of pay	

Proviso;—

- (1) In special cases where an officer whose pay is between Rs. 500 and Rs. 799 satisfies Government that he cannot obtain suitable accommodation at Rs. 175, Government may sanction an allowance equal to the amount payable less 10 per cent of his pay provided *the* allowance so sanctioned does not exceed Rs. 125,
- (2) In special cases where an officer whose pay is between Rs. 800 and Rs. 1,249 satisfies Government that he cannot obtain suitable accommodation at Rs. 200, Government may sanction an allowance equal to the amount payable less 10 per cent of his pay provided the allowance so sanctioned does not exceed Rs. 200.
- NOTE 3.—"Accommodation" means the main house and premises rented by an officer and not any additional accommodation, such as a garage or servants' quarters which may be rented elsewhere. Similarly in the case of an officer residing in a hotel or boarding house accommodation may include a garage only, when it is provided for in the hotel or boarding house even though a separate charge may be made on the account.
- NOTE 4.—In cases in which the pay and allowance of an appointment are limited to a fixed maximum die allowance admissible under these rules shall not count towards the maximum.

NOTE 5.—If an officer sublets any part of his accommodation to, or recovers any part of the actual rent from another officer, to whom these rules do not apply, the allowance admissible to him shall be reduced by 10 per cent of the lessees salary; or if he sublets any part of his accommodation to or recovers any part of the actual rent from a non-official, a reduction of two-fifths of the actual rent will be made in calculating the amount of his allowance.

NOTE 6.—This rule does not apply to an officer who resides as a paying guest in a private house. Except as provided in Rule V, no two officers shall draw an allowance under these rules in respect of accommodation in the same house, flat or residence.

IV. An officer shall not draw the allowance until he has occupied accommodation in a house or flat or boarding house or hotel and has undertaken a liability to pay rent (or a sum including rent) for the same.

An officer may, however continue to draw the allowance during either his own temporary absence on official duty or the temporary absence of his wife, or child or children, if he is able to certify that the rent during that period is not less than it would have been had he been resident there with his family;

Provided that, for the purpose of this rule, the length of such "temporary absence" shall not exceed—

- (i) If the accommodation occupied is a house or flat, period of seven months' continuous absence at any one time or a total period seven months' absence in any one calendar year;
- (ii) If the accommodation occupied is in a hotel or boarding house, a period of three months' continuous absence at any one time or a total period of three months' absence in any one calendar year.
- V. If two or more officers entitled to a house allowance under these rules occupy one house, flat or residence, each such officer shall be required to make a declaration of the amount of rent actually payable by him; and provided that nothing in this rule shall be construed so as to entitle an allowance in excess of that which would be admissible under Rule in, the allowance admissible to each such officer shall be the rent actually payable by him less 10% of his salary.
- V. (a) If an officer entitled to a house allowance under these rules resides as a paying guest in a private house, the amount of such allowance shall in each case be fixed by the Provincial Government.

VI. If an officer, who would otherwise be entitled to an allowance under these rules, resides in his own or his wife's house, Rules III and IV notwithstanding he shall be entitled to draw an allowance at the rates prescribed in Rule III, provided that if his pay is Rs. 500 or over the amount of the allowance hall be fixed in each case by Government.

VII. Every bill for an allowance payable under these rules shall be supported by one of the certificates appended to these rules. No retrenchment shall be made so long as the allowance is admissible under the letter of the rule: but the audit officer shall report for the orders of Government any case in which it appears that the rules have been deliberately abused.

SCHEDULE A

- 1. Calcutta (i.e., the area within the limits of jurisdiction of the Calcutta Corporation including the areas which were previously under the now defunct Tollygunge Municipality);
- 2. Howrah,
- 3. Barrackpore,
- 4. Dum Dum,
- 5. Serampore,
- 6. Bally and
- **7. Salt Lake city.

CERTIFICATES

FORM I

[To be given by an officer whose pay does not exceed Rs. 499]

- (a) If his wife or family have been resident with him. Certified—
- (i) That during the month of......have been in occupation on payment of rent or of charges which include rent of accommodation in.....; not owned or hired by Government, and that my wife and/ or child (or children) was/ were resident with me;
- (ii) That I have not sublet any part of the above accommodation or recovered any part of the actual rent of the same from a paying guest otherwise than in accordance with Rule V(a).

FORM 1(a)

(b) If the officer himself is absent temporarily on official duty or if his wife or family or both the officer and his family are temporarily absent (vide Rule Certified—

(i) That during the month ofI have been in occupation on payment of
rent or of charges which include rent of accommodation innot owned or
hired by Government and that though I have been temporarily absent on official duty
and/or my wife and/ or child (or children) have/ has not been resident at the
accommodation inhas not been less than if—
I had not been temporarily absent / my wife or child (or children) had been resident with
me/ both myself and my family had been resident at the accommodation;
(ii) That the period of continuous absence at any one time or the period or periods of
absence during the current calendar year have not exceeded three / seven months; and
(iii) That I have not sublet any part of the above accommodation or recovered any part of
the actual rent of the same from a paying guest otherwise than in accordance with Rule
V (a).
FORM II
[To be given by an officer whose pay is Rs. 500 or above]
(a) If his wife or family have been resident with him.
Certified—
(i) That during the month ofthe (actual) rent payable by me for my
(furnished) accommodation inchildren) was / were resident with me;
was Rsand that my wife and/ or child (or (ii) That I have not sublet any part
of this accommodation or recovered any part of the actual rent from a paying guest
otherwise than in accordance with Rule (V(a);
(iii) That my accommodation is furnished/ unfurnished.
FORM II(a)
(b) If the officer himself is absent temporarily on official duty or if his wife or family or
both the officer and has family are temporarily absent (vide Rule IV).
Certified—
(i) that during the month ofthe actual rent payable by me for the house,
flat, room / rooms—the rent payable by me for my furnished house, flat, room or rooms
occupied by me inwas Rsand that though I have been temporarily
absent on official duty and/ for my wife and/ for child (or children) have / has not been
resident at the accommodation, my expenditure on house accommodation in has
not been less than if-I had not been temporarily absent/ my wife and/ or child (or
children) had been resident at the accommodation/ both myself and my family had been
resident at the accommodation:

- (ii) that the total period of continuous absence at any one time or the period or periods of absence during the current calendar year have not exceeded three / seven months;
- (iii) that I have not sublet any part of the above accommodation or recovered any part of the actual rent of the same from a paying guest otherwise than in accordance with Rule V(a);
- (iv) that my accommodation is furnished/ unfurnished;

(a) If his wife or family have been resident with him.

- Note.—(a) The certificate to be furnished by an officer the amount of whose allowance is fixed under Note 2(c) of Rule III should be in Form I or 1(a) even though his pay is Rs. 500 or over;
- (b) The certificate to be furnished by an officer the amount of whose allowance is governed by Rule V should be in Form II or 11(a) even though his pay is below Rs. 500.

FORM III

[To be given an officer who resides in his own or his wife's house and draws the allowance under Rule VI]

Certified that during the month of l have been in occupation of my own/ my
wife's house inand that my wife and/ or child (or children) was/ were resident
with me.
FORM III (a)
(b) If his wife or family has been temporarily absent.
Certified that during the month ofI have been in occupation of my own/my
wife's house inand that the temporary absence of my wife and/ or child (or
children) has not exceeded seven months continuously or seven months in all during the
current calendar year.
EODM IV

FORM IV

[To be given by an officer who resides as a paying guest in a private house and draws the allowance under Rule V(a)]

(a) If his wife or family have been resident with him.			
Certified that during the month of	I have been residing as the paying guest		
ofatat and that my wife and	/ or child (or children) was/ were resident with		
me.			

FORM IV(a)

(b) If his wife or family has been temporarily absent.

Certified that during the month of....... I have been residing as the paying guest of......at......that the temporary absence of my wife and/ or child (or children) has not exceeded three months continuously or seven months in all during the current calendar year.

FORM V For unmarried or widowed officers (See rule III B)

Certified—

- (a) that during the month of......the rent payable by me for my accommodation in...... was Rs.....
- (b) that I have not subject any part of this accommodation or any part of the actual rent from a paying guest otherwise than in accordance with Rule VA;
- (c) that my accommodation is furnished/unfurnished.

**APPENDIX 20

Compensatory House Rent Allowance Order (Application to officers to whom the Calcutta House Allowance Order, 1926 do not apply)

Any whole time Government employee shall, subject to the terms and conditions stated hereafter, be entitled to draw a compensatory house rent allowance it the following rates:

- 1. (i) For Government employees living in a rented house :
- 15 per cent of pay subject to a minimum of Rs. 15 and maximum of Rs. 275 per month.
- (ii) For Government employees living in a house owner by himself/herself or by his wife husband or by his 'her parent or by her parents-in-law or by his/her sons:
- 15 per cent of pay subject to a minimum of Rs. 15 and maximum of Rs. 275 per month.

NOTE—For employees with pay of Rs. 1,000 only per month or below, no rent receipt/ rental valuation certificate need be produced for receiving the benefit of house rent allowance; for employees whose pay is above Rs. 1,000 per month it will be necessary to produce rent certificate to draw the allowance; where such certificates are not produced, the house rent allowance shall be limited to Rs. 150 per month. If they produce rent certificate, they shall be entitled to draw house rent allowance @ 15% of pay subject to the amount of rent paid or Rs. 275 per month whichever is less, but subject to a minimum of Rs. 150 per month.

- 2. No allowance shall be admissible under this order to—
- (i) A Government employee occupying quarters in a building owned, leased or requisitioned by Government, whether free or on payment of rent under rule 45A of Posts and Telegraphs Compilation of the Fundamental Rules and Supplementary Rules made there under or under Rule 225 of the West Bengal Service Rules, Part I:

Provided that if the quarters are allotted on the express condition that he or she shall pay full rent assessed for the accommodation without any consideration of the rent payable under the aforesaid rules, this exception shall cease to operate.

NOTE 1.—The term full rent assessed means the rent that is assessed after taking into account the cost of the land and the total cost of construction of the building/ flat including electricity, water-supply and sanitary fittings. In other words, such rent will not bear any element of subsidy. In the case of requisitioned buildings where the cost of land or construction of buildings/ flat is not generally known the full rent should be assessed by the Land Acquisition Authority.

NOTE 2.—House rent allowance may also be admissible to an employee living in a requisitioned house if he opts to pay full rent assessed.

- (ii) a Medical or Law Officer, who is allowed the privilege of private practice;
- (iii) a Government employee entitled to a house allowance under the Calcutta House Allowance Rules, 1926 or under any other general or specific order of the Government.
- 3. For the purpose of this order—
- (i) the words "Government employee" shall include—
- (a) all persons whether employed in a permanent or in a temporary capacity or paid at piece work rates,
- (b) Group D employees paid from contingencies, and
- (c) members of work-charged establishments;
- (ii) the word "pay" shall include, besides pay as defined in rule 5(28) of the West Bengal Service Rules, Part I, pension, if any:

Provided that in respect of employees occupying accommodation owned leased or requisitioned by Government and paying a fixed percentage of pay as house rent (and drawing no house rent allowance), the term "pay" shall mean basic pay (including special pay, if any) and dearness pay shall not be taken into account for the purpose of deduction of house rent.

- (iii) the term "actual rent" shall mean rent paid for the accommodation and shall include—
- (a) the amount paid on monthly basis under a hire-purchase agreement or under "Own Your House Schemes" until all installments prescribed in the Agreement of such schemes have been paid; and
- (b) Occupiers' share of Municipal taxes.

NOTE.—The allowance admissible to a re-employed pensioner, shall be calculated as follows:

- (a) in the case of an officer whose pay plus pension exceeds the sanctioned maximum pay of the post, the allowance shall be calculated on that maximum; and
- (b) in other cases, it will be calculated on pay plus pension.

For this purpose, the amount of "Pension" shall be the amount originally sanctioned (i.e., before commutation, if any), less the amount of pension, if any, held in abeyance as a condition of re-employment and shall include pension equivalent of retiring gratuity.

- (iv) Unless otherwise decided by Government in special cases on merits, "accommodation" means the main house and premises rented by a Government employee and not any additional accommodation, such as a garage or servants' quarters which may be rented elsewhere.
- 4. Unless otherwise provided anywhere in this order, the drawal of compensatory house rent allowance shall be subject to the following further conditions:—
- (a) a Government employee shall not draw the allowance until he has occupied accommodation in a house or flat and has undertaken a liability to pay rent or tax for the same. However, a Government employee who resides in a hostel or boarding house or resides and hoards with a private family as a paying guest rent in such cases being taken to be the amount equal to 40% of the lodging and boarding charges or 80% of the lodging charges, if boarding is not availed of, will be entitled to draw the allowance;
- (b) if the Government employee sub-lets or shares a part of his accommodation with one or more adults, not belonging to his family whether Government employee(s), or not, a reduction of 40 per cent or the actual rent charged by him from the sub-tenant/ co-sharer whichever is higher, shall be made from the rent actually paid by him to the landlord or the rental value of the accommodation for the purpose of computing the house rent allowance admissible to him;
- (c) if two or more Government employees, other than those belonging to Group D, occupy one house or flat, the allowance admissible under the order shall be equal to the excess of the actual rent or rental value paid for the house or flat over 10 per cent of the aggregate of pay of the officers subject to—
 - (i) a minimum of Rs. 15 per mensem in all; and
 - (ii) a maximum of Rs. 275 per mensem in all or 15 per cent of their aggregate pay, whichever is less.

NOTE.—For the purposes of sub-clauses (b) and (c) persons employed under the Government of India or an undertaking of the State or Central Government or an educational institution or a local body, etc., shall be deemed as non-officials and house rent allowance admissible be determined in accordance with the principle in the last portion of sub-clause (b).

- (d) if the sub-tenant or co-sharer is also a Government employee, house rent allowance shall be admissible to him also, the amount of such allowance being calculated on the rent actually paid by him to the main tenant or rental value of the portion of the accommodation occupied by him.
- 5. The allowance may be drawn during leave or temporary transfer subject to the conditions mentioned in rule 14 and rule 21A of the West Bengal Service Rules, Part II. No allowance shall be admissible during leave without pay:

Provided that Government employees deputed on training for a period exceeding four months may be allowed to draw usual house rent allowance as they might have been drawing before proceeding on training subject to the condition that such employees continue to incur expenditure for the accommodation of their families.

- 6. (a) (i) In a case where husband or wife is a State Government employee and the other spouse is an employee either of the State Government or of Central Government or any other State Government or of an educational institution or a local body, etc., the allowance at usual rate will be admissible to both of them without reference to the rent certificate provided the total pay of husband and wife taken together does not exceed Rs. 1,000 per month.
- (ii) If the total pay of the husband and wife taken together exceeds Rs. 1,000 per month, the allowance at usual rates will be admissible to both, the total house rent allowance drawn by them being subject to a maximum of 15 per cent of pay of both husband and wife taken together or Rs. 275 per month, whichever is less. However, for claiming total house rent allowance at a rate higher than Rs. 150 per month, rent certificates will have to be produced and in such cases, the total house rent allowance shall be limited to the actual rent paid subject to the aforesaid limit.
- (b) (i) Where both husband and wife are State Government employees, both of them will furnish declarations to their respective head of offices. Each head of office will determine the house rent allowance admissible to the employees under his control in accordance with the provisions contained in para 6(a) above.

(ii) Where the husband or wife of a State Government employee is an employee of the Central or any other State Government or of an Undertaking of a State or a Central Government or of an educational institution or a local body, etc., the State Government employee will submit a declaration to the concerned head of office who will determine the house rent allowance admissible to the State Government employee in accordance with para 6(a) above.

The declaration mentioned above must be obtained by the head of office to January and July of every year from each employee of his office. All. heads of offices should strictly ensure that no house rent allowance is drawn m respect of a Government employee from whom such declaration has not been received.

A model declaration form is given below:—

DECLARATION FORM

I hereby declare that—

A. I AM MARRIED/NOT MARRIED:

My wife/husband IS NOT IN SERVICE under the Government of India, or any State Government or any Government Undertaking or any Statutory or Local Body, Educational Institution, etc.

OR

My wife/ husband IS IN SERVICE and following are the particulars of her/ his employment and pay, etc., drawn by her/him:—

- (a) Name and address of her/his office.
- (b) Present pay per mensem.
- (c) House rent allowance drawn by her/ him per mensem.
- B. House rent paid / Rental value of the building:

Signature	ə:
Name	
Designat	ion:
Date:	
Departm	ent:
Office	

Please strike out which is not applicable.

7. (1) In cases where a Government employee resides on the basis of a joint family system in a rented house jointly with his parent or brothers none of whom is a Government employee and pays his share of house rent in respect of the portion of the

accommodation for himself and his family in that house regularly to the head of the family although no separate rent receipt is issued in his name, he will, if other conditions are fulfilled, be entitled to the benefits of this order. In such a case, the amount of actual rent paid shall be fixed on a pro rata basis, by the head of office (if the claim relates to the head of office himself, such fixation will be made by the officer immediately superior to him) after taking into account (1) the size of the family of the father / brother excluding that of the Government employee, (2) the size of the family of the Government employee, (3) the accommodation occupied by the family of the father/ brother (s), (4) the accommodation occupied by the family of the Government employee, and (5) the total rent;

- (2) In cases where an employee has been living in his own house in the house owned by his /her parent but has not been occupying the entire premises, certificate from Land Acquisition Collector assessing the rental value of the entire house shall be obtained. Thereafter the rental value of the portion occupied by him may be assessed on pro rata basis for the purpose of drawal of house rent allowance.
- 8. The drawing officer shall certify that the house rent allowance claimed in the cases of the concerned employees is admissible in terms of this order.
- 9. (a) In the case of Government employees on pay above Rs. 1,000 per month, verification of claims for house rent allowance shall be made in all offices twice a year during the month of January and July. In respect of a person occupying rented house the rent receipt will form the basis of half-yearly verification. Rent receipts which are not issued in the name of a Government employee claiming the allowance shall not be ordinarily accepted, but in cases where the head of the office is satisfied that the parents of a Government employee or the husband of a female Government employee is dependent on him or her or where the Government employee resides in a joint family with his parents and or brothers, he may at his discretion, accept rent receipts issued in the name of the parents or brothers or husband. As regards a person living in a house owned by himself / herself or by his wife/ her husband or by his/her parents rental valuation certificate issued by the concerned Land Acquisition Collector shall be accepted for the purpose of half-yearly verification:

Provided, however, that for the purpose of drawal of house rent allowance, documentary evidence may not be produced by employees whose basic pay, including special pay, if any, does not exceed Rs. 1,000 per month, although the pay (including D. P.) may

- exceed Rs. 1,000 per month, but in such cases house rent allowance cannot be claimed on pay more than Rs. 1,000 per month.
- (b) The check should be undertaken by the head of the office or by any other officer empowered by the head of the office in this behalf. If the verification relates to the head of the office himself, the check should be undertaken by the officer immediately superior to him.
- (c) A certificate to the effect that the claims have been verified with reference to the rent receipts / rental valuation certificates may be added in the bills pertaining to the month in which the verification is made.
- 10. Paragraphs 1 to 9 of this order shall apply mutatis mutandis in respect of the drawal of compensatory house rent allowance by the Copyists and Typists employed in Civil, Criminal and Judicial Courts. In their case total monthly earnings (excluding the bonus) shall be deemed as pay for the purpose of this order.

APPENDIX 21 [See rule 4(6A)]

Classification of districts and subdivisions into "River" or "Dry" for purposes of Travelling

District and subdivision	River	Period	Dry	Period
PRESIDENCY DIVISION				
24-Parganas				
Sadar	River	June to October	Dry	November to May
Barrackpore			do	Whole year
Barasat			do	do
Basirhat	River	Whole year	do	
Diamond Harbour	do	June-October	do	November to May
Bongaon	do	_	do	Whole year
Nadia				
Whole distriot	_	_	Dry	Whole year
Murshidabad				
All subdivisions except Jangipur	_	_	Dry	Whole year
Jangipiur	River	June -October	Dry	November to May
BURDWAN DIVISION				
Burdwan				
Whole district		_	Dry	Whole year
Birbhum				
Whole district		_	Dry	Whole year
Bankura				
Whole distriot		_	Dry	Whole year
Midnapore				
Sadar		—i	Dry	Whole year
Tamluk	River	June-October	do	November to May
Contai	do	do	do	do
Ghatal	do	do	do	do

Jhargram		_	do	Whole year
Hooghly				
Sadar	_	_	Dry	Whole year
Serampore	_	_	do	do
Arambagh	River	June-October	do	November to May
Howrah				
Sadar Uluberia	River do	June-October do	Dry. do	November-May do
Purulia	_	_ •	Dry	Whole year
Whole district				
JALPAIGURI DIVISION			Dry	Whole year
Jalpaiguri Whole district				
West Dinajpore	•	_	Dry	Whole year
Whole district				
Malda		_	Dry	Whole year
Whole district				
Darjeeling		_	Dry	Whole year
Whole district				
Cooch Behar Whole district	_	_	Dry	Whole year

APPENDIX 22

Concordance showing the source of each rule in the West Bengal Service Rules, Part II—Revised Edition

Note: The "Old rules" (hereinafter mentioned) stand for the "West Bengal Service Rules,

Part II" (corrected up to 30th September 1971).

Rules 1-3B Are self-explanatory.

Rule 4(1)-(3) Based on rule 4(1)-(3) of the old rules.

Rule 4(4) Omitted.

Rule 4(5)-(6) Based on rule 4(5)-(6) of the old rules.

Note I below rule 4(5) Omitted.

Rule 4(5A) Based on Government of India's Fundamental Rules 2(b) of Volume II.

Rule 4(6A) Based on old rule 4(6A).

Rule 4(7) Based on old rule and corresponding rule of Government of India.

Note I below rule 4(7) Based on Finance Department Memo. No. 13292-F, dated 27th

December 1978.

Note 2 below rule 4(7) Based on Government of India's decision No. 3 below Fundamental Rule 2(8).

Rule 4(8)-(9) Based on old rule 4(8)-(9). Rule 5 Based on rule 5 of the old rules.

Rule 6 Omitted .

Rules 7-10 Based on rules 7-10 of the old rules.

Rule 11 Based on old rule 11.

Rule 12 Based on old rule read with Finance Department Memo. No. 5014-F, dated

4th August 1973.

Rule 13 Based on old rule 13.

Rule 14 Based on old rule 14 read with Finance Department Memo. Nos. 10012-

F, dated 28th November 1977, and 3870-F, dated 25th March 1978.

Rule 14(a) The certificate proscribed under this rule does not relevant in the changed

circumstances is omitted.

Rule 15 Based on old rule modified by Government decision in this respect.

Rules 16-21 Based on rules 16-21 of the old rules.

Rule 22 Based on Finance Department notification No. 5657-F, dated 28th July 1981.

Rule 22A Based on Government of India's Supplementary Rule 20 of the Fundamental

and Supplementary Rules.

Rule 23 Based on rule 23 of the old rule.

Rule 24 Based on old rule 24—only item (V) added on the basis of corresponding

rule of Government of India in S.R. 21.

Rule 25 Based on rule 25 of the old rule.

Based on State Government decision on the basis of Government of Rule 25A

India's rule (namely S.R. 24 of the Fundamental and Supplementary) Rules.

Rule 26 Based on rule 26 of the old rule.

Based on State Government decision on the basis of Government of India's Note 4 below rule 26

order below S.R. 25 of the Fundamental and Supplementary Rules.

Based on rule 27 of the old rule. Rule 27

Rule 28 Omitted.

Rule 29 Based on old rule read with Finance Department Memo. No. 4072-F, dated

9th June 1975.

Rule 29A Based on Finance Department Memo. No. 8385-F, dated 10th

September 1981.

Rule 30 Omitted.

Rule 31 Based on rule 31 of the old rule.

Note 1 below rule 31 Based on Finance Department Memo. No. 1818-F, dated 11th March

Note 2 below rule 31 Based on the Note below old rule 31.

Note 3 below rule 31 Based on Finance Department Memo. No. 1740-F, dated 7th April

1972.

Rule 32 Based on rule 32 of the old rule.

Based on the old Notes. Notes 1-4 below rule

Based on the old Note modified by Government decision. Note 5 below rule 32

Based on Government decision on the basis of decision No. 14 below Note 6 below rule 32

S.R. 30 of the Fundamental and Supplementary Rules.

Rule 33 Based on rule 33 of the old rule.

Government decision Based on Finance Department Memo. No. 562-F, dated 27th January

below Note 4 of this 1981.

rule

Rules 34-36 Based on old rules.

Rule 37 Based on rule modified by Finance Department Memo1 No. 1818-F. dated

11th March 1980 and No. 10584-F, dated 4th December 1981.

Note 1 below this rule .Based on Finance Department Memo. No 2885-F, dated 10th March

1983.

Rule 37A Based on old rule modified on the basis of Government of India order No. 8

below S.R. 34.

Note 1 below rule 37A Based on Government of India decision No. 8 below S.R. 34.

Note 2 below rule 37A Based on Finance Department Memo. No, 7988-F, dated 2ad

November 1973.

Rule 38 Based on old rule read with Finance Department Memo. No. 4072-F, dated

9th June 1975.

Decision below Note 4 Based on the old decision modified by Finance Department Memo. No. 562-F.

of this rule dated 27th January 1981.

Note 5 below rule 38 Based on Finance Department Memo. No. 7804-F, dated 22nd October

1973.

Based on Finance Department Memo. No. 649-F, dated 11th February Note 6 below rule 38

1974.

Note 7 below rule 38 Based on Finance Department Memo. No. 3966-F, dated 17th April

1982.

Rules 39-40 Omitted.

Rule 41 and Notes 1-2 Based on the old rule and Notes.

Based on Government decision on the basis of Note 3 below S.R. 41 of the Note 3 below Rule 41

Fundamental and Supplementary Rules.

Based on old rule and Note. Rule 42 and Note 1

Based on Government decision in the light of provision contained in Finance Note 2 below rule 42

Department Memo. No. 3966-F, dated 17th April 1982.

Rules 43-46 Based on old rules.

Rule 47 and Notes 1-2 Based on old rule modified by Finance Department Memo. No. 1818-F, dated

11th March 1980.

Based on Notes/Decisions below S.R. 46.

Notes 3-4 below rule

47

Rule 48 Based on old rule.

Rule 49, Notes and Based on old rule and decision.

Decision No. 1

Decision No. 2 Based on Finance Department Memo. No. 8634-F, dated 24th August 1978. Based on Finance Department Memo. No. 562-F, dated 27th January 1981. Decision No. 3 Note 3 below rule 49 Based on Finance Department Memo No. 1561-F, dated 8th February 1983.

Based on Government of India decision No. 8 below S.R. 46. Note 4 below rule 49

Rules 50-52 Based on old rules. Rule 53 Based on old rules.

Rule 53A Based on old rules as modified by Finance Department notification No. 1818-F,

dated 11th March 1980 read with No. 5067-F, dated 3rd June 1980, No. 7561-F, dated

25th September 1981, No. 562-F, dated 27th January 1981.

Rule 54 and Notes 1-3 Based on old rules read with Finance Depart* ment Memo. No. 4072-F, dated 9th June 1975.

and 5 ..

Note 4 below rule 54 Omitted.

Note 6 below rule 54 Based on Finance Department Memo. No. 3966-F, dated 17th April 1982. Note 7 below rule 54 Based on Finance Department Memo. No. 7647-F, dated 21st July 1978. Note 8 below rule 54 Based on Finance Department Memo. Not 3871-F, dated 19th June 1972.

Rules 55 and 56 Based on old rules.

Rule 57 and Notes 1-6 Based on Finance Department Memo. No. 10460-F, dated 5th September

19S3 read with No. 14700-F, dated 8th December 1983.

Based on Finance Department Memo. No. 6939-F, dated 1st September 1981. Note 7 below rule 57 Note 8 below rule 57 Based on Finance Department Memo. No. 5937-F, dated 23rd Mw iotq Note 9 below rule 57 Based on Finance Department Memo. No.562-F, dated 27th January 1981.

Rule 58 and Notes below Omitted,

Rule 59 and Note 1 and Based on old rules. Omitted.

Note 2 Rule 59A

Rules 60-68 Based on old rules. Rule 69 Based on old rules.

Note 1 below rule 69 Based on old 'Note' as modified on the basis of Government of India's decision. Rules 70-71 Based on old rules.

Rule 71A Rule 71B Based on Finance Department notification No. 1818-F, dated 11th March 1980 read

with No. 9986-F, dated 18th December 1981, No. 6529-F, dated 4th July 1980. Based on Finance Department notification No 1818-F, dated llth March 1980 read with No. 562-F, dated 27th January 1981 and on the basis of Government of India's

orders under S.R. 46, 51 and 71.

Rule 72 Based on old rules as modified by Finance Department Memo. No. 10460-F, dated 5th

September 1983.

Rule 73 Based on old rules as modified by Finance Department notification No. 1818-F,

dated 11th March 1980.

Rule 73A Based on old rules as modified on the basis of provisions contained in S.R. 164.

Note below rule 73A Based on Government of India, M.F.O. M. No. F.5(29)-E-rV(B)/65, dated 26th July

1965 and 12th May 1966.

Based on old rules and on the basis of S.R. 74 read with Government of India, Rule 74

Ministry of Finance O.M., dated 29th June 1974.

Rule 75

Rule 76 Based on old rules read with Finance Department notification No. 1818-F, dated

llth March 1980.

Rule 77 Omitted

Rules 78 and 79 Based on old rules.

Rule 80 Omitted

Rules 81-83 Based on old rules.

Rule 84 Based on old rules read with the Government order relating to grouping of services.

Rule 85 Based on old rules only clause (ii) of sub-rule (b) modified on the basis of

Government decision

Rule 86 Based on old rules.

Rule 87 Based on old rules read with Government order relating to grouping of services.

Rule 125 .. Based on old rules and also on the basis of

Government of India's rule S. R. 142.

Rules 126-131 .. Based on old rule3.

Rule 132 ... Based on old rules read with Finance Department No. 10460-F, dated 5th

September 1983. Based on old rules.

Rules 133 and 134

Rule 135

Notes 1 and 2 Based on old rules.

Notes 3 and 4 below rule Based on S.R. 154 and decision thereunder.

135

Rule 136 Based on old rules.

. Note 1 below rule 136 Based on Government of India's decision

below rule S. R. 154.

Notes 2 and 3 below rule

Based on Government of India's decision

136

below rule S. R. 153A.

Rule 137 Based on old rules. . Based on old rule and Government of India's

Rule 137A and Note

decision below, rule S. R. 154.

Rules 138-146 Based on old rules. Rule 147 and Notes 1 and Based on old rules.

2

Notes 3, 4 and 5 below B

Based on Government of India's decision below rule S.R. 164.

rule 147.

Rules 148-153 Based on old rules.

Rule 154 Omitted.

Rule 155 Based on old rules.

Rule 156 Based on old rule3 as modified by Finance

Department No. 1818-F, dated 11th March

Rule 157

Notes 1 and 2 Based on old rules.

Note 3 below rule 157 Based on Finance Department No.' 14690-F. dated 7th December 1983.

Note 4 below rule 157 Redrafted consequent upon omission of Appendix 7.

Note 5 below rule 157 Omitted

State Government's Based on Finance Department No. 4738-F dated 14th May 1979 and No. 7398-F,

decision.. dated 23rd July 1979.

Rule 158 and Note Based on old rule and on the basis of Government of India's rule S. R. 183.

Rule 159, Rules 160 and Based on old rules read with Government order relating to grouping of services.

Based on old rules.

Rule 162 and Notes Based on old rules read with Finance Department No. 4072-F, dated 9th June 1975.

Rule 163 Sub-rules (1) and (3) omitted, vide Finance Department notification No. 1818-F,

dated 11th March 1980.

Rule 164 Based on old rules.

Rule 165 Based on old rules read with Finance Department 'No. 9417-F, dated 4th November

1977.

Rule 166A Based on old rules.

Note 1 and Note 2 below rule 166A Based on Government of India's rule S.R. 194A.

State Government Based on Finance Department No. 10083-F, dated 19th December 1981.

decision Appendix 1:

Rule 1 Based on old rule.

Rules 2-4 Based on old rules read with Finance Department Memo No. 10460-F, dated 5th

September 1983.

Rule 5 Based on old rule read with Memo No. 1011-F, dated 9th February 1977 and No.

10460-F, dated 5th September 1983 and on the basis of provisions in Government of

India's rule in this respect.

Rule 6 Based on old rule read with Finance Department Memo. No. 10460-F, dated 5th

September 1983.

Appendix 2 Based on old Appendix and Government decision.

Appendix 3 Based on old Appendix.

Appendix 4 Based on old Appendix and Government decision.

Appendix 5 Based on old Appendix and Government decision.

Appendix 6 Omitted.

Appendix 6A Based on Finance Department Memo No. 562-F, dated 27th January 1981.

Appendix 7 Based on old Appendix as modified by Government decision and Memo. No. 4072-F,

dated 9th June 1975.

Appendix 8 Based on old Appendix and Government decision

Appendix 9 Based on old Appendix and modified by Memo No. 4072-F, dated 9th June 1975.

Appendix 10 Based on old Appendix as partially modified by Government decision in respect of

certain items.

Appendix 11 Omitted.

Appendix 12 Based on old x4ppendix as modified by Memo No. 4072-F, dated 9th June 1975.

Appendix 13 Based on old Appendix. Item 4 only modified as per Government decision on

the basis of Memo No. 10460-F, dated 5th September 1983.

Appendix 14 Based on old Appendix.

Appendix 15 Based on old Appendix only items "Forest" and "Police" partially modified by

Government decision.

Appendix 16 Based on old Appendix.

Appendix 17 Rule 2 Based on old rule as modified by notification No. 4037-F, dated 22nd June 1973,

Memo No. 6256-F, dated 2nd September 1985, notification No. 9308-F, dated

30th November 1981, No. 10593-F, dated 7th September 1983,

Rules 3-4 . Based on old rules.

Rule 5 Based on old rule as modified by Memo. No. 1278-F, dated 19th April 1956.

Rules 6-7 Appendix 17A- Omitted.

18 . Based on old Appendix.

Appendix 19 Based on Memo. No. 3179-F, dated 15th April 1977.

Note below rule II Included in terms of Memo. No. 5845-F, dated 22nd August 1975.

Item 7 of the Schedule

Appendix 20 Based on old Appendix as modified by:

Memo No. 5597-F, dated 13th May 1978 Memo. No. 3743-F, dated 9th June 1973 Memo No. 3147-F, dated 28th March 1979: Memo No. 3068-F, dated 22nd

May 1988 Memo No. 11746-F, dated 19th November 1982.

Appendix 21 Appendix Based on old Appendix.

22 Concordance showing the source of each rule in this volume.