

GOVERNMENT OF WEST BENGAL

Department of Personnel and Administrative Reforms & e-Governance

Common Cadre Wing

STATE SECRETARIAT

NABANNA, 7th Floor, Room No. 703

325, Sarat Chatterjee Road, Howrah-711 102

No. : 173-PAR(CCW)/N-89/16

Dated, Howrah, the 28th June, 2017

MEMORANDUM

Subject : Acquisition/Disposal of Movable/Immovable property Obligation under the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980.

The undersigned is directed to state that it has come to the notice of the Department of Personnel and Administrative Reforms & e-Governance that some employees under Secretariat Common Cadre are not observing the obligations prescribed under the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980 regarding acquisition/ disposal of movable/ immovable properties. This may put the employees concerned into undesirable situation apart from disciplinary action(s). Some employees are acquiring/ disposing of property without any permission from this Department. In some cases they are applying to other authorities for such permission. In a number of cases, employees do not furnish all relevant information and as a result, the process towards grant of permission is delayed. Again, many employees seek permission in respect of cases where no such permission is necessary. It may not be out of place to mention that submission of any application cannot be considered as compliance of the obligation of obtaining prior permission.

It appears that many employees under Secretariat Common Cadre are not aware of the obligations and the procedures to be followed in respect of acquisition/ disposal of movable/ immovable property.

In order to remove ambiguity and to make the process simple and less time consuming, the requirement of the aforesaid rule and the procedure to be followed, are detailed below :

1. Obligation regarding permission for acquisition/ disposal of movable/ immovable property :

Under Rule 5(2) of the West Bengal Services (Duties, Rights and Obligations of the Govt. Employees) Rules, 1980, prior permission of the Appointing Authority is required for acquisition/ disposal of movable/ immovable properties by the employees under Secretariat Common Cadre.

2. Competent Authority to grant permission in respect of the employees under Secretariat Common Cadre :

Being the Appointing Authority in respect of the employees under Secretariat Common Cadre such permission in respect of the employees under Secretariat Common Cadre may be given only by the Department of Personnel and Administrative Reforms & e-Governance.

3. Applicability :

The provision is applicable in respect of the property owned/ acquired by the Government employee either in his/ her own name or in the name of any member of his/ her family.

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 aforesaid obligation.

4. Acquisition/ disposal of movable property :

(A) Requirement of permission.

- (a) When value of each item is equal or less than two months Basic Pay (Band Pay + Grade Pay) of the employee, no permission is required.
- (b) When value of each item exceeds two months Basic Pay (Band Pay + Grade Pay) of the employee,
 - (i) No permission is required if transaction is through a regular or reputed dealer.
 - (ii) Prior permission is required if transaction is not through a regular or reputed dealer.

Even when prior permission is not required in respect of cases covered by (b) (i) it is advisable to send intimation of such acquisition/ disposal to the Department of Personnel and Administrative Reforms & e-Governance through proper channel along with relevant particulars like - description of the item, value, date of transaction, name and address of dealer, source of fund, current month's pay slip etc.

(B) Procedure to be followed regarding prior permission for acquisition/ disposal of movable items -

Where prior permission is necessary as indicated at (A) (b) (ii), following procedure should be followed -

The employee should submit application for prior permission to the Department of Personnel and Administrative Reforms & e-Governance through proper channel giving following information -

- (a) Name, designation and contact number of the employee.
- (b) Full description of the item.
- (c) Value.
- (d) Particulars of the vendor (in respect of purchase)/ the purchaser (in respect of sale)
- (e) Declaration to whether there is any official dealing with the vendor/purchaser.
- (f) Mode of purchase/sale.
- (g) Source of fund (in respect of purchase).
- (h) In respect of sale by the employee, mode of earlier acquisition by the employee should be indicated in details.
- (i) Current month's pay slip of the Government employee.

(C) Grant of permission.

Department of Personnel and Administrative Reforms & e-Governance will examine the application alongwith the submitted documents for further necessary action from this end.

5. Acquisition/disposal of immovable property through lease/ mortgage/ sale/ gift or otherwise :

(A) Requirement of permission :

- (a) When the transaction is through a regular or reputed dealer, no permission is required. For example a plot of land/ a flat/ a building sold/ leased out by Government/ Statutory Bodies/ Various Development Authorities and properties sold or mortgaged to Government/ Statutory Bodies/ Department Authorities etc.

Although prior permission may not be necessary in respect of such cases it will be advisable to intimate such transaction immediately to the Department of Personnel and Administrative Reforms & e-Governance along with relevant particulars to avoid future complications.

(b) When the transaction is not through a regular or reputed dealer prior permission from the Appointing Authority will be necessary.

(B) Procedure to be followed for obtaining prior permission regarding acquisition of immovable Property (by lease/ mortgage/ sale/ gift or otherwise) :

The employee should submit application for prior permission to the Department of Personnel and Administrative Reforms & e-Governance through proper channel giving following information –

- (a) Name, designation and contact number of the employee.
- (b) Full description of the property (schedule of property).
- (c) Value.
- (d) Particulars of the owner/ vendor (name, address etc.).
- (e) Declaration as to whether there is any official dealing with the vendor.
- (f) Mode of acquisition (i.e. sale/lease/gift etc.).
- (g) Copy of agreement/communication from the owner/vendor.
- (h) Mode of transaction (sale/lease/gift etc.).
- (i) Source of fund required for acquisition of the property.
- (j) Fair market value certificate.

Note: Valuation Certificate :

A Valuation Certificate from :-

- (a) The L.A. Collector having jurisdiction. Or
- (b) The Registered Valuer. Or
- (c) The Additional District Sub-Registrar concerned. Or
- (d) Any document regarding assessment of valuation of the property by the Registering Authority.

(C) Procedure to be followed for obtaining prior permission for disposal of immovable property by lease/mortgage/sale/gift or otherwise :

The employee should submit application for prior permission to the Department of Personnel and Administrative Reforms & e-Governance through proper channel giving following information –

- (a) Name, designation and contact number of the employee.
- (b) Full description of property (schedule of property).
- (c) Nature of title (indicating share of the employee concerned).
- (d) Present market value (relating to the share of the title of the employee) and certificate regarding market value.
- (e) Mode of acquisition of the title by the employee. *(Detailed information regarding time and manner of acquisition. If acquisition was made with the permission of the Appointing Authority that should be mentioned and a copy of such permission should be enclosed.)*
- (f) Particulars of the transferee (Name, Address etc.).
- (g) Declaration as to whether there is any official dealing of the employee with the Transferee.
- (h) Mode of transaction (lease/mortgage/sale/gift etc.).
- (i) Consideration for transfer.

(D) Grant of permission.

Department of Personnel and Administrative Reforms & e-Governance will examine the application alongwith the submitted documents for further necessary action from this end.

This order issues in cancellation of order no.135-PAR(CCW) dated 23.05.2017 of this Department.

Sd/- D.Chowdhury
Special Secretary to the
Government of West Bengal

No. : 173 /I(2) -PAR(CCW)/N-89/16

Dated, Howrah, the 28th June, 2017

Copy forwarded for information and necessary action to :-

1. The Joint Secretary, _____ Department.

2. ✓ IT Cell of the Department of Personnel and Administrative Reforms & e-Governance for uploading it in the Departmental website.

OSD & EO Assistant Secretary to the
Government of West Bengal