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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

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

West Bengal Act XIV of 1999

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

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 3rd November, 1999.]

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

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

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

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

(Sections 1, 2.)

Short title, extent, commencement and application.

1. (1) This Act may be called the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

(4) It shall apply to all posts in State Government establishments and establishments of public undertakings, statutory bodies, Government companies and local authorities, other than the posts which are required to be filled up either on the recommendations of—

- (a) the Public Service Commission, West Bengal, or
- (b) the West Bengal College Service Commission constituted under the West Bengal College Service Commission Act, 1978, or
- (c) the West Bengal Regional School Service Commission constituted under the West Bengal School Service Commission Act, 1997, in respect of any of the regions referred to in sub-section (2) of section 3 of the said Act, or
- (d) any Municipal Service Commission constituted under any law for the time being in force, or
- (e) the Co-operative Service Commission constituted under the West Bengal Co-operative Societies Act, 1983.

West Ben. Act LXII of 1978.

West Ben. Act IV of 1997.

West Ben. Act XLV of 1983.

or by promotion, or by absorption of persons declared surplus by the State Government or by absorption of such categories of casual workers and other workers as the State Government may by notification specify from time to time or by persons included in the exempted category.

Definitions.

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

- (1) "appointing authority", in relation to any post in a State Government establishment or establishment of a public undertaking or statutory body or Government company or local authority, means the authority empowered to make appointment to such post;
- (2) "Director of Employment" means the Director of Employment, Government of West Bengal;
- (3) "employment exchange" means any office or place established and maintained by the State Government for the collection and furnishing of information, either by the keeping of registers or otherwise, in respect of—
 - (a) persons who seek to engage employees,
 - (b) persons who seek employment, and
 - (c) vacancies to which persons seeking employment may be appointed;
- (4) "establishment" means—
 - (a) any office, or
 - (b) any place where any industry, trade, business or occupation is carried on;
- (5) "exempted category" means the category of persons seeking any job, declared by the State Government to be exempted category under section 3;
- (6) "Government company" has the same meaning as in clause (18) of section 2 of the Companies Act, 1956;
- (7) "local authority" has the same meaning as in clause (23) of section 3 of the Bengal General Clauses Act, 1899;

1 of 1956.

Ben. Act I of 1899.

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

(Sections 3-7.)

- (8) "notification" means a notification published in the *Official Gazette*;
- (9) "public undertaking" means any industry, trade, business or occupation owned, controlled or managed by—
- (a) the State Government or any department of the State Government; or
 - (b) a Government company; or
 - (c) a corporation established by or under a Central or State Act which is owned, controlled or managed by the State Government and in which not less than fifty-one per cent. of the paid up share capital is held by the State Government;
- (10) "registrant" means the person who, seeking any employment, has registered his name in the employment exchange and whose name exists in such register of the employment exchange as is in force for the time being;
- (11) "statutory body" means any board, corporation, or society, not being a local authority, set up under any law for the time being in force and the affairs of which are controlled by the State Government.

Exempted category.

3. The State Government may, from time to time, by notification,—
- (a) declare any class or category of persons to be exempted category for the purposes of this Act,
 - (b) reserve a percentage of vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company, or local authority, to be filled up by the persons from the exempted category,
 - (c) prescribe the procedure for filling up the vacancies as aforesaid, and
 - (d) provide for the relaxation of age-limit for the persons included in the exempted category.

Vacancies to be filled up by persons sponsored by employment exchange.

4. After the commencement of this Act, all vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority shall be filled up by such persons as may be sponsored by an employment exchange.

Notification of vacancies to employment exchanges.

5. Every appointing authority in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority shall notify to the employment exchange concerned, in the form of a requisition, every vacancy in any post in such establishment in accordance with the provisions of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, and the rules made thereunder, and shall state the qualifications, age, experience or any other requirement for filling up of such vacancy.

31 of 1959.

Employment exchange to submit list of registrants to appointing authority.

6. The employment exchange shall, on receipt of the requisition under section 5, submit to the appointing authority a list of registrants, other than the registrants who belong to the exempted category, in order of seniority determined on the basis of the length of the period of registration in that employment exchange and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time, and also in conformity with the qualification, age, experience or other requirement, if any, as stated in the requisition.

Recruitment of Scheduled Castes and Scheduled Tribes registrants.

7. In order to enable the appointing authority to fulfil the requirements of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the employment exchange concerned shall forward to

West Ben. Act XXVII of 1976.

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

(Sections 8-13.)

the appointing authority a list of registrants belonging to the Scheduled Castes and the Scheduled Tribes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to the concerned posts, in order of seniority, that is to say, in order of the length of the period of registration amongst the registrants belonging to the Scheduled Caste and the Scheduled Tribe respectively and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time. It shall be the responsibility of the appointing authority to indicate clearly in the requisition the number of posts which are to be filled up by the candidates belonging to the Scheduled Caste and the Scheduled Tribe and the relaxations in the educational qualification and the age-limits for them.

Backward classes registrants.

8. In order to enable the appointing authority to fulfil the requirements of the West Bengal Commission for Backward Classes Act, 1993, the employment exchange concerned shall forward to the appointing authority a list of registrants belonging to the backward classes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to the concerned posts in order of seniority, that is to say, in order of the length of the period of registration amongst the registrants belonging to the backward classes, and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts which are to be filled up by the candidates belonging to the backward classes and the relaxations in the educational qualification and the age-limits for them.

West Ben. Act
I of 1993.

Registrants being persons with disability.

9. In order to enable the appointing authority to fulfil the requirements of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to in this section as the said Act), the employment exchange concerned shall forward to the appointing authority a list of registrants being persons with disability for each post reserved for them in terms of the provisions of Chapter VI of the said Act and the rules made thereunder. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts reserved for such candidates to enable the employment exchange to sponsor names from such category.

I of 1996.

Ratio of candidates for a vacancy in a post.

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

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

Power to prescribe age-limit, educational qualifications and physical standard.

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

Power to exempt.

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

Power to revise percentage of reservation.

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

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

(Sections 14-16.)

Model roster for recruitment.

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

Penalty.

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

Saving and validation.

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

By order of the Governor,

S. MAITRA,
Special Officer & ex officio
Jt. Secy, to the Govt. of West Bengal.