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

GOVERNMENT OF WEST BENGAL  
Department of Health & Family Welfare

[West Bengal Clinical Establishment Regulatory Commission (Salary, Allowances  
and Procedure) Rules, 2017]

No. HF/O/GA/2656/HF/SPSRC/28/2017 Pt. VA.

Dated : 24.08.2017

NOTIFICATION

In exercise of the power conferred by section 59, read with sections 42 and 43 [and 44] of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017, the Governor is pleased hereby to make the following Rules:—

1. Short title and commencement:

- (i) These rules may be called West Bengal Clinical Establishment Regulatory Commission (Salary, Allowances and Procedure) Rules, 2017.
- (ii) They shall come into force at once.

2. Definitions:

In these rules, unless the context otherwise requires, -

- (a) "the Act" means West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017;
- (b) "Chairperson" means the Chairperson of the Commission;
- (c) "Commission" means the West Bengal Clinical Establishment Regulatory Commission constituted under the Act;
- (d) "Vice-Chairperson" means the Vice-Chairperson of the Commission;
- (e) "Member" means the Member of the Commission;
- (f) "Registrar" means the Registrar of the Commission.

3. **Constitution of the Commission:**

- (a) The West Bengal Fire Insurance Regulatory Commission constituted under section 36 of the Act having its office at Standard Insurance Building, 32, B.B.D. Bag, Kolkata 700 003.
- (ii) The Commission shall consist of a Chairperson, a Vice-Chairperson and other Members not exceeding eleven in number in terms of the Act.

4. **Salary allowances etc. of the Chairperson, Vice-Chairperson and Members (Section 42):**

(i) **Chairperson:**

The Chairperson of the Commission shall be paid such salary and allowances as admissible to him while he is or was in-service and such benefits should not be to his disadvantage ; He shall be entitled to Leave Travel Concession, Medical Facilities, Conveyance Facilities, Sumptuary Allowance and other perquisites available to him, immediately before joining the Commission.

Provided that if the person appointed as Chairperson is in receipt of any retirement benefit by way of pension etc., the pay of such Chairperson shall be reduced by the gross amount of such pension or any other form of retirement benefits etc., if any drawn or ought to be drawn by him.

(ii) **Vice-Chairperson:**

The Vice-Chairperson of the Commission shall be paid a salary of a consolidated sum of Rs.80,000/- per month.

Provided that if the person appointed as Vice-Chairperson is or was in Government service, he shall be paid such salary and allowances as admissible to him while he is or was in service. He shall also be entitled to Leave Travel Concession, Medical Facilities, Conveyance Facilities, Sumptuary Allowance and other perquisites available to him, immediately before:

Provided further, if the person appointed as Vice-Chairperson is in receipt of any retirement benefit by way of pension, interest on usual rate on the employer's contribution to contributory provident fund, etc., the pay of such Vice-Chairperson shall be reduced by the gross amount of such pension or employer's contribution to contributory provident fund or any other form of retirement benefits etc., if any drawn or ought to be drawn by him;

(iii) Except the Chairperson and the Vice-Chairperson and the members of the Commission who are in receipt of monthly salary, the other members of the Commission shall receive an honorarium of Rs 1000/- for half day sitting and Rs 2000/- for full day sitting during working days.

5. **Travelling Allowances:** The Chairperson and the Vice-Chairperson while on official tour, including journey undertaken to join the Commission or on expiry of their term of office in the Commission to proceed to his hometown, shall be entitled to travelling allowance, daily allowances, transportation of personal effects and other similar matter at the same scale and rate as are applicable to the Secretary to the Government of West Bengal. If he avails his own conveyance for attending office and Commission's work, he shall be entitled to travelling allowance as permissible to the Secretary to the Government of West Bengal according to the existing rules. The other members may be allowed travelling allowance and daily allowance while on official tour and also the actual fare on usual transportation for journey undertaken to attend the Commission but not the travelling allowance, daily allowance, transportation of personal effects etc. on expiry of their term of office.

6. **Accommodation:**

Where the Chairperson of the Commission is not provided with, or does not avail himself the official residence, he shall be paid house rent allowance of an amount equal to 30% of his pay.

7. The Vice-Chairperson is being paid monthly consolidated sum of Rs 80,000/-, which includes all allowances. House Rent Allowance is not admissible in absence of official residence.

However, House Rent Allowance @30% may be allowed to the Vice-Chairperson on the consolidated monthly salary of Rs 80,000/- in absence of official residence as a special case.

7. **The salary, allowances and expenditure of the Commission:** The Chairperson and the Vice-Chairperson of the Commission shall be paid their salary and allowances from the West Bengal Clinical Establishment Regulatory Fund set up under section 48 of the Act;

8. **Leave entitlement:** The Chairperson and the Vice-Chairperson of the Commission shall be entitled to leave as per the existing leave rules of the State Government;

9. **Leave sanctioning authority:** (i) Leave shall be granted to Chairperson and to the Vice-Chairperson of the Commission by the State Government.

(ii) The Chairperson and the Vice-Chairperson of the Commission, if he is in service, on his retirement shall be entitled to receive pension and gratuity in accordance with the retirement rules applicable to him. They shall not be allowed to carry forward their earned leave but shall be entitled to receive cash equivalent of leave salary if any, in accordance with the rules applicable to him prior to his retirement.

10. **Staff Members:**

(1) As per section 43 of the Act, the following officers and staff members shall be deputed by the State Government as mentioned in the table below, for smooth functioning of the Commission :-

Sl.	Name of the posts	Rank	Number of post	Remarks
(i)	Secretary/ Registrar	Not below the rank of Joint Secretary in the WBCS(Executive) Cadre	1(one)	Serving/ Retired.
(ii)	Deputy Secretary	From the West Bengal Legal Service Cadre or WBCS (Executive) Cadre, not below the rank of Deputy Secretary	2(two)	Serving/ Retired.
(iii)	Finance Officer holding the charge of DDO	From the WBA&AS Cadre	1(one)	Serving/ Retired.
(iv)	Assistant Secretary	From the WBSS Cadre	2(two)	Serving/ Retired.
(v)	Law Officer	Group A	2(two)	From the West Bengal Legal Service Cadre.
(vi)	Personal Assistant/ Stenographer to the post of Chairperson	Schedule A	2(two)	From the Finance Reserved Pool.
(vii)	Personal Assistant/ Stenographer to the post of Vice-Chairperson	Schedule A	2(two)	From the Finance Reserved Pool.
(viii)	Personal Assistant/ Stenographer to the post of Secretary/ Registrar	Schedule A	1(one)	From the Finance Reserved Pool.

Sl.	Name of the posts	Rank	Number of post	Remarks
(iv)	Section officer	Group A	2(two)	From the CC wing of P&AR Department.
(v)	Head Assistant	Group B	2(two)	From the CC wing of P&AR Department.
(vi)	Upper Division Assistant	Group B	4(four)	From the CC wing of P&AR Department.
(vii)	Lower Division Assistant	Group C	2(two)	From the CC wing of P&AR Department.
(viii)	Record Supplier	Group C	2(two)	From WBSSC. The Record supplier may be engaged on contractual basis from the outsourced agency for one year or regular recruitment, whichever is earlier.
(ix)	Receptionist		2(two)	On contractual basis through outsourced agency.
(x)	Data Entry Operator		3(three)	On contractual basis through outsourced agency.
(xi)	Peon		10(ten)	On contractual basis through outsourced agency.
(xii)	Sweeper		4(four)	On contractual basis through outsourced agency.
(xiii)	Security persons including Night Guard		6(six)	On contractual basis through outsourced agency.

- (2) Salary of all staff members shall be paid from the Fund under section 48 of the Act according to their pay scale on usual terms and conditions of service under the Government of West Bengal.
- (3) The salaries and allowances payable to staff members and other terms and conditions of service shall be as admissible to them according to Rules of the State Government.
- (4) The controlling authority of the staff members shall be the Vice-Chairperson of the Commission.

#### 14. Residuary provision:

The conditions of the service of the Chairperson, if he is a Judge of a High Court, for which no express provision is made in these rules, shall be determined by the rules and orders for the time being applicable to a serving Judge of the High Court.

By order of the Governor,

ANIL VERMA

*Principal Secretary to the Government of West Bengal*