

WEST BENGAL MUNICIPAL SERVICE COMMISSION (TERMS AND CONDITIONS OF SERVICE OF THE CHAIRMAN AND OTHER MEMBERS, APPOINTMEN

O Registered No. WB/SC-247 koLkata BHADRA 29] 1. Extraordinary Published by Authority TUESDAY, SEPTEMBER 20, 2022 No. 6a3ttte [SAKA 1944 i PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc. GOVERNMENT OF WEST BENGAL Department of Urban Development & Municipal Affairs (Municipal Affairs Branch) NAGARAYAN, 6th Floor, DF - 8, Sector-I, Salt Lake, Kolkata - 700 064 NOTIFICATION No. 967/MA/O/C-4/3R-6/2018 dated, Kolkata, the 20th day of September, 2022 — In exercise of the power conferred by section 14 of the West Bengal Municipal Service Commission Act, 2018 (West Bengal Act XII of 201 8). the Governor is pleased hereby to make the following rules : — 2. Chapter-I Preliminary Short title and commencement— (1) These rules may be called the West Bengal Municipal Service Commission (Terns and conditions of service of the Chairman and other Members, appointment and the function) Rules, 2022. (2) They shall come into force on the date of its publication in the Official Gazette. Definitions — In these rules, unless the context otherwise requires, a) b) c) d) e) "the Act" means the West Bengal Municipal Service Commission Act, 2018; "Appointing Authority" means that Authority empowered to make appoinânent to the candidates for any particular post in question; "Chairman" means the Chairman of the West Bengal Municipal Service Commission; "Commission" means the West Bengal Municipal Sewice Commission constituted under the Act; "Corporation" means a Municipal Corporation in West Bengal, by whatever name called constituted under relevant Municipal Corporation Act; 2 3

4. EXTRAORDNARY, SEPTEMBER 20, 2022 "Councillor" means a Councillor of Corporation or municipalities, as the case may be; [PART T f) g) h) i) j) k) l) m) n) o) p) q) "Development Authority" means Development Authorities constituted under the West Bengal Town and Counfry (Planning and Development) Act, 1979; "local authority" means Local Bodies which include Municipal Corporation/ Municipalities/ Development Authorities/ Notified Area Authorities/ Indusfrial Township Authorities; "Mayor" means the Mayor of the Corporation; "Mayor-in-Council" means the Mayor-in-Council of any Corporation; "Member" means a member of the Commission and includes the Chairman; "Municipalities" means municipalities constituted under West Bengal Municipal Act 1993; 'regulations' means regulations made by the Commission under this Act; "Requiring Body" means those organization/authorities that will send requirement for recruitment to different post in their organization to West Bengal Municipal Service Commission."rule" means a rule of these rules; "Section" means a section of the Act; "Valuation Board" means the West Bengal Valuation Board constituted under the West Bengal Valuation Board Act; Chapter - 11 Chairman and Members Qualifications for appointment as Chairman and Members — (1) The candidates must be citizens of India and be above forty-five years of age on the first day of the month of appointment or nomination, as the case may be, and shall possess a degree of a recognized University or equivalent and service experience as set forth below : (a) In the case of the Chairman, 20 years' experience in Group-'A' post or the like in Government, public undertaking or statutory body or local bodies (Municipal Corporation/ Municipalities/Development Authorities/ Notified Area Authorities/Industrial Township Authorities); (b) In the case of a Member, 15 years' experience in Group-'A' post or the like in Government, public undertaking or statutory body or local bodies (Municipal Corporation/Municipalities/Development Authorities/Notified Area Authorities/Industrial Township Authorities). (2) Notwithstanding anything contained in sub-rule (1), a person who holds office as Chairman or other member of the Commission shall on the expiration of his term of office, be ineligible for appointment to any post under the Corporation or municipalities or Development Authorities, as the case may be. Salary and allowance of Chairman and Members — (1) The salaries and allowances of the Chairman and other members of the Commission shall be as under : (i) the Scale of Pay for Chairman shall be fixed in the level 24 in the revised Pay Matrix and that for the Member shall be fixed in the level 21 in the revised Pay Matrix plus Allowances as admissible to AIS Officers for both cases; (ii) If he/she be in-service personnel, he/she may opt for the scale of pay of the post of the parent department scale of pay plus deputation allowances as per nonnal rules; (iii) If he/she be retired personnel (retired from pensionable service) he/she may be allowed the last pay drawn including D.A. minus pension including dearness relief

or the pay in the prescribed scale minus pension including dearness relief; (iv) If such person does not belong to pensionable service he/she may be paid pay (including DA) of the post less the notional pension (including dearness relief) being 50% of pay : Provided that the member who is an officer of Backward Class Welfare Department is entitled to his/her service pay only. PARTI] EXTRAORDINARY, SEPTEN/BER 20, 2022 3 5. 6. 7. 8

9. Term of Office of Chairman and Members —(a) The Chairman and other members shall hold office for a maximum tenn of five years from the date on which they enter upon their respective office or till they attain the age of sixty-five years, whichever is earlier : Provided that, the appointment to the post of Chairman and other Members, shall be for a period of one year only and thereafter the term may be extended from time to time for a maximum period of one year on every occasion. (b) The Chairman or any other Member appointed or nominated by the State Government may by writing under his hand to the State government resign his office; (c) The Chairman or a Member may be removed from his office in the manner provided in rule 6. Removal of Chairman or Member — (1) The Chairman and the Member nominated by the State Government be removed by the State Government, on the ground of misbehavior after an Inquiry Committee on a reference being made to it by the State Government, has, on inquiry in accordance with such procedure as the State Government, has, on inquiry in accordance with such procedure as the State Government determine in this behalf, reported that the Chairman or such Member ought, on such ground, to be removed. (2) The Inquily Committee referred to in sub-rule (1) shall consist of three members, one of which must be a person of legal knowledge, nominated by the State Government. (3) Notwithstanding anything in sub-rule (1) the State Government may by order, remove from office the Chairman or a Member if the Chairman or such Member, as the case may be, on any of the following grounds, namely:— (a) If adjudged an insolvent; or (b) Misconduct involving moral turpitude; or (c) Engages during his terms of office in any paid employment outside the duties of his officc, or (d) Is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body. (4) Ifthe Chairman or a Member is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as Chairman or a Membér, he shall for the purpose of sub-rule (1) be deemed to be guilty of misbehavior. Suspension of Chairman and Members — The State Government may suspend from office the Chairman or the Member nominated by it in respect of whom a reference has been made under rule 6. Conditions of Service — Subject to the provisions of rules 5, 6 and 7 the provisions of the rules which regulate the conditions of service of officers appointed by the Commission shall regulate the conditions of servicc of the Chairman and other Members : Provided that the conditions of service of the Chaيمان or a Member shall not be varied to his disadvantages after his appointment. Chapter -111 General Provisions Functions of the Commission— (1) It shall be the duty of the Commission to conduct, where necessary, examinations for appointment to the posts and services in the establishment of Urban Local Bodies (Municipal Corporation, Municipalities, Notified Area Authorities and Industrial Township Authorities), Development Authorities and also establishment of different organizations under Urban Development and Municipal Affairs Department, Government of West Bengal. 4 10. 11. 12. 13. TÆEKOLI<ATAGAZETTE, EXTRAORDINARY, SEPTEN,BER 20, 2022 (2) The Commission may be consulted as and when necessary — [PART (a) On all matters relating to methods of recruitment to category A posts, category B posts and category C posts; (b) On the principles to be followed in making appointments to category A posts, category B posts and category C posts; And it shall be the duty of the Commission to advice on any matter so referred to it or on any other matter which the State Government may refer to it. Reports of the Commission — It shall be the duty of the Commission to present annually to the State Government a report as to the work done by the Commission and on the receipt of such report the State Government shall cause a copy thereof together with •a memorandum explaining, in respect of cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance shall be laid. Conduct of examination — When an examination is to be held for the purpose of recommending candidates for appointment, the Commission shall, — (i) Decide on the syllabus for holding written examination and publish it through its website at least one month prior to the date of written examination. (ii) call candidates for interview on the basis of their performance in written test. The number of candidates called for interview shall be thrice the number of vacancies. In case of non-availability of suitable number of candidate, Commission may call lesser

number of candidates. (ii) form Interview Board comprising of Chairman and Members. In case where large number of candidates are to be interviewed, more than one Interview Board may be formed by the Commission. (iv) Reserve the right to rectify error and omission, if any, in the process of holding written examination, Interview and the final declaration of result. Appointment by direct recruitment — When appointments are to be made by direct recruitment, the commission shall — (i) announce the probable number of vacancies and invite application; (ii) consider all applications received and interview such candidates (after holding a preliminary written test, if deemed necessary), as it considers most suitable for appointment : (iii) recommend to the Appointing Authority as many candidates as there are vacancies subject to sufficient number of qualified candidates being available. Appointment-by-promotion - When recruitment it to be made by promotion, the Commission shall consider the claims of officers eligible for promotion, on examination of their records of service and after interviewing them, where considered necessary, and recommend to the appointing authority as many officers as there are vacancies, subject to sufficient number of officers being found suitable

14. Preparation of Panel —Notwithstanding anything contained in these rules, the Commission may prepare a panel or keep a reserve list of suitable candidates, against anticipated vacancies which shall be drawn upon in order of merit : Provided that such a panel or a reserve list shall be in no circumstances remain valid for a period exceeding one year from the date of preparation of the panel or reserve list. O PARTI] TI-EKOLK.ATAGAZETTE, EXTRAORDNARY, SEPTeHÆER 20, 2022 5 15. 16. 17. 18. 19

20. Forwarding of record when advice is sought —In any case in which the advice or recommendation of the Commission is sought, the record of the case shall be forwarded to the Commission and the opinion given or recommendation made by the Commission shall form part of the record of the case. Chapter - IV Establishment of the Commission Officers and other employees — (1) The Commission shall have the following officers and other employees — (a) (b) (c) (d) (f) Secretary Deputy Secretary Law Officer Finance Officer Assistant Secretary such other officers as may be designated by the State Government in this behalf : Provided that the State Government may reduce the number of the posts of the officers as aforesaid for the Commission : Provided further that the State Government may by order redesignate any of the posts of the officers as aforesaid. (2) Subject to the provision of sub-rule (1) of this rule, the State Government may fix the salaries and allowances to be paid and granted to such officers. (3) The State Government may fix from time to time, the norms regulating the size of the establishment of the Commission and the categories or designations of officers and other employees with their scales of pay, other than the officers mentioned in sub-rule (1), and create posts of such officers and other employees, and fix the salaries and allowances to be paid and granted to such officers and other employees. Method of recruitment etc. — Powers of appointment, method of and qualifications required for recruitment and terms and conditions of service of The Secretary and other officers and employees shall be such as may be prescribed by separate rules. Salaries and allowances of officers and employees.— (1) All officers and employees of the Commission including the officers referred to in rule 16 shall receive salaries and allowances out of the State Exchequer. The State Government shall place requisite fund to the Commission for the above purposes. (2) The State Government may also provide for pension, gratuity, provident fund, incentive, bonus, reward or penalty for the officers and employees of the Commission in accordance with the extant rules, norms, scales and conditions applicable to the employees of the Autonomous Body under State Government under similar category. Leave and other conditions of service. — All officers and employees of the Commission shall be subject to such conditions of service including leave and other benefits or obligations, not specifically provided for in these rules, similar to those applicable to the employees of the Autonomous Body under State Government under similar category. Discipline, control and appeal— (1) The Chairman shall be the executive head of the administration and shall exercise control over all officers and employees in the matter of discipline. (2) The Chairman may delegate his power to any other member of the Commission or an officer of the Commission in such manner as he may specify by an order. 6 TEE KOLKATA GAZETTE, EXTRAORDINARY, SEPTEMBER 20, 2022 (3) The punishment for breach of discipline may include dismissal from service, reduction in rank, withholding of increment, suspension including suspension pending proceedings, fine and censure. (4) In all disciplinary matters involving dismissal from service and reduction in rank, an appeal shall lie before the State Government which shall be the appellate authority. (5) No disciplinary action shall be taken by Commission against any officer borne in cadre of State service or any officer of the State Government

appointed for the Commission. (6) The State Government may by order extend the rules providing for the norms of conduct of the officers and employees of the State Government for the officers and employees of the Commission and such other matters regarding discipline and control as it may think fit. By order of the Governor, KHALIL Principal Secretary to the Governnzent of West Bengal Published by the Department of Urban Development & Municipal Affairs (Municipal Affairs Branch), West Bengal and printed at Saraswaty Press Ltd. (Government of West Bengal Enterprise), Kolkata 700 056.

