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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 WEST BENGAL BOARD OF MADRASAH EDUCATION

### NOTIFICATION

No.1371/ADMN/15.—1st September, 2015. In exercise of the power conferred by clause (m) of sub-section (2) of section 20 read with clause (b) of sub-section (3) of section 16 of the West Bengal Board of Madrasah Education Act, 1994 (West Ben Act, XXXIX of 1994), the West Bengal Board of Madrasah Education hereby makes, with the approval of state Government, the following regulations:—

#### Regulations

#### 1. Short title and commencement:

- (i) The regulations shall be called the West Bengal Board of Madrasah Education, (conditions of service of Employees) Regulations, 2015.
- (ii) They shall come into force at once.

*Application:*

#### 2. These regulations shall apply to all employees of the Board but shall not apply to-

- (a) the Secretary of the Board;
- (b) Government employees on deputation to the Board;
- (c) a Government pensioner appointed in the service of the Board;
- (d) a part time employee, and
- (e) persons engaged on the basis of daily wages and other similar staff paid from contingencies.

#### 3. The power of interpreting these regulations is reserved to the Administrative Department.

#### 4. In all matters not expressly provided for by these regulations, the rules specified in the West Bengal Service Rules, part-I and part-II in so far as they are not inconsistent with these regulations and with the Act, apply to the officers and employees of the Board.

## CHAPTER-II

### Definitions

5. In these regulations, unless there is anything repugnant in the subject or context,
  - (i) "Act" means the West Bengal Board of Madrasah Education Act, 1994, (West Ben. Act, XXXIX of 1994);
  - (ii) (a) "Appointing authority" in relation to all the employees other than Group 'D' employees of the Board means the President of the Board;  
(b) "Appointing authority" in relation to 'group D' employees of the Board means the Secretary of the Board;
  - (iii) "Basic Pay" means the pay in pay band plus grade pay drawn by the employees and any other emolument declared as pay by the competent authority and as declared by the Government of West Bengal time to time;
  - (iv) "Competent Authority" means any authority to which power is delegated by the Board for the purpose of these regulations;
  - (v) "Compensatory Allowance" means the allowance granted to meet personal expenditure necessitated by the circumstances in which duty is performed. It includes travelling allowance. It is not intended to be a source of profit.
  - (vi) "Board" means the West Bengal Board of Madrasah Education established under the Act;
  - (vii) "Day" means the calendar day beginning and ending at mid-night, but an absence from head quarters which does not exceed 24 hours, shall be reckoned for all purposes as one day; at whatever hours the absence begins or ends;
  - (viii) "Duty" includes-
    - (a) service as a probationer provided such service is followed by confirmation,
    - (b) Joining time, and
    - (c) the period spent on a duly authorised course of training including the time reasonably required for the journeys to and from the place of training;
  - (ix) "Employee" means a person appointed to a service for a post in connection with the affairs of the Board but does not include-
    - (a) Government employees on deputation to the Board,
    - (b) A Government pensioner or a retired employee re-employed in the service of the Board,
    - (c) A part time employee,
    - (d) Daily rated workers and other similar staff paid from contingencies;
  - (x) "Government" means the Government of West Bengal;
  - (xi) "Joining Time" means the time allowed to an employee to enable him/her to join the new post to which he/she has been appointed or to proceed from one station to another where he/she is posted on transfer;
  - (xii) "Lien" means the title of an employee of the Board to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post;
  - (xiii) "Medical certificate" means the certificate from a registered medical practitioner or a Medical Board constituted by the Government;
  - (xiv) "Month" means the 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;

- (xv) "Officiate"- means an employee officiates in a post when he/she performs the duties of that post, either vacant or one on which another person has a lien;
- (xvi) "Pay" means the amount drawn monthly by an employee of the Board,  
(a) The pay other than special pay or pay granted in view of his/her personal qualifications, which has been sanctioned for a post held by him/her substantively or in an officiating capacity, or to which he/she is entitled by reason of his/her position in a category,  
(b) Special pay and personal pay, and  
(c) any other emoluments which may be specially classed as pay by the Board with the prior approval of the State Government;
- (xvii) "Permanent Post" means a post carrying a definite rate of pay sanctioned without limit of time;
- (xviii) "Personal Pay" means additional pay granted to an employee in consideration of an exceptional circumstances;
- (xix) "Pay Protection" means to save the Board's employee from the loss of substantive pay due to revision of pay or otherwise;
- (xx) "President" means the President of the Board;
- (xxi) "Post" means any post sanctioned by the competent authority for the establishment of the Board;
- (xxii) "Probationer" means an employee appointed on trial against a substantive vacancy;
- (xxiii) "Secretary" means the Secretary of the Board;
- (xxiv) "Pay in the Pay Band" means the pay in the Pay Band with Grade Pay sanctioned by the competent authority on any post borne in the establishment of the Board subject to revision by the Government from time to time;
- (xxv) "Subsistence allowance" means a monthly payment made to an employee who is not in receipt of pay or leave salary during the period of suspension;
- (xxvi) "Substantive pay" means the pay other than special pay, personal pay or emoluments classed as pay to which an employee is entitled on account of a post to which he/she has been appointed substantively;
- (xxvii) "Temporary post" means a post declared as such and sanctioned for a limited period;
- Note :—A post is said to be on the same Pay Band as another post on a Pay Band if the two Pay Band with grade pay are identical and the posts fall within a category, or a class in a category, such category 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/her position in the category or class and not by the fact that he/she holds that post;
- (xxviii) "Traveling Allowance" means an allowance granted to an employee to cover the expenses which he/she incurs in travelling in the interest of the Board.



## CHAPTER-III

## APPOINTMENT AND PROMOTION

*Clarification  
of posts*

6. For the purpose of these regulations the employees of the Board shall be classified as Group A, Group B, Group C and Group D posts in the following manner:

- (i) Group A-Employees of the Board holding all posts in the pay band Nos.4 and 5 with grade pay ranging from Rs. 4400/- to Rs. 10000/-
- (ii) Group B -Employees of the Board holding all posts in the pay band No.3 with grade pay ranging from Rs. 3200/- to Rs. 4100/-
- (iii) Group C - Employees of the Board holding all posts in the pay band No.2 with grade pay ranging from Rs. 1900/- to Rs. 2900/-
- (iv) Group D - Employees of the Board holding all posts in the pay band No.1 with grade pay ranging from Rs. 1700/- to Rs. 1800/-

Revision of regulation of Group A, Group B, Group C or Group D posts will be made by the Administrative Department/ in consultation with the Finance Department;

*Appointment*

7. Appointment to any post shall be made by direct recruitment and/or by promotion in the following procedure:—

- (i) There shall be a Selection Committee, which will make recommendation for appointment either by direct recruitment or by promotion. The Selection Committee will be constituted by the Board with not more than 5 members including the Secretary of the Board and the President as the Chairman. Officer in the rank of Joint Secretary or above of the Administrative Department shall be one of the member of the Selection Committee for direct recruitment.
- (ii) In case of direct recruitment, applications are to be invited through open advertisement in at least 3 (three) leading daily news papers having wide circulation in the State and employment exchange. Selection shall be made through written test, interview and test on knowledge of computer where necessary by the selection committee constituted for this purpose.
- (iii) Notwithstanding anything contained in sub-regulation (i) and (ii) of this regulations (a) a person who has retired from service may be re-employed as per the usual norms provided that no person who has attained the age of 62 years shall be re-employed. (b) A person may also be appointed on contract basis for limited purpose and for a limited period only on fixed remuneration to be determined by the Board.
- (iv) Absorption of deputationist is permissible on the following conditions:-
  - (a) Absorption may not be with retrospective effect under any circumstances. The same may be effective on the date of joining on absorption.
  - (b) Before absorption the deputationist is required to be resigned from the post of the parent office/institution.
  - (c) Past service may be counted for pensionary benefits and pay protection may be allowed.
  - (d) Past service may not be counted for any other purpose, like promotion and CAS benefits.
- (v) For the purpose of promotion the following categories of posts shall be created :-
  - (a) Deputy Secretary,
  - (b) Assistant Secretary (Academic), Assistant Secretary,



- (c) Office Superintendent, Law Officer,
- (d) Computer Programmer,
- (e) Head Assistant,
- (f) Upper Division Assistant / Confidential Clerk/ P.A to President / P.A to Secretary/ Proof Reader/ Accountant or any equivalent post,
- (g) Law Assistant,
- (h) Lower Division Assistant / Steno / Computer Operator (Typist) / Store Keeper/ or any equivalent post,
- (i) Duftari, Record Keeper, Record Supplier, Cash Sarkar, Duplicating and Photocopy Machine Operator or any equivalent post,
- (j) Peon, Orderly Peon, Durwan, Sweeper, Security Guard/ Night Guard.

- (1) *The post of Finance Officer shall remain outside of the category of post.*
- (2) *Board in consultation with the Government may decide if any other post/ posts in the office will be equivalent to any of the categories of the post for the purpose of inclusion in any of the categories herein constituted.*
- (3) *Any one holding on the date of commencement of these regulations, a post in any of the categories as are being constituted into categories under these Regulations shall belong to the respective categories w.e.f. the said date.*
- (4) *For each of the category constituted as per the Regulations there shall be a single gradation list. In the gradation list the seniority of a person shall be determined by the provisions laid down in the Regulation 23.*

**Method of recruitment**

8. Notwithstanding anything contained in any other regulations for the time being in force the recruitment to posts under sub-regulation (iv) of regulation 7 shall be regulated in the following manner:—

**POST**

**METHOD OF RECRUITMENT**

- |   |  |
|---|--|
| <p>(i) Group D<br/>Peon / Orderly Peon / Sweeper/<br/>Durwan/Night Guard/ Security<br/>Guard</p>  | <p>(i) By direct recruitment in the manner laid down in sub-regulations (i) and (ii) of regulation 7.</p>  |
| <p>(ii) a) Record Keeper<br/>b) Cash Sarkar<br/>c) Duplicating and Photocopy<br/>machine operator<br/>d) Record Supplier<br/>e) Duftari</p> | <p>(ii) By promotion from the confirmed employees belonging to category (j) of sub-regulations (v) of Regulation 7 on seniority-cum-performance basis.</p>   |
| <p>(iii) Lower Division Assistant/ Steno/<br/>Computer Operator (Typist) /<br/>Store Keeper</p>   | <p>(iii) 80% by direct recruitment in the manner laid down in sub-regulations (i) and (ii) of Regulations 7 and 20% by promotion from the confirmed employees belonging to category (i) of sub-regulations (v) of Regulation (7) having passed madhyamik/High Madrasah/ Alim or its equivalent examination on seniority-cum-performance basis.</p> |

(iv)	Law Assistant	(iv)	By promotion from the confirmed employees belonging to category (h) of sub-regulation (v) of regulation (7) and having L.L.B. degree or failing which by direct recruitment in the manner laid down in sub-regulations (i) and (ii) of regulation (7).
(v)	Upper Division Assistant / Confidential Clerk / P.A. to President / P.A. to Secretary / Accountant / Proof Reader	(v)	By promotion from the confirmed employees belonging to Category (h) of sub-regulation (v) of Regulation (7) on seniority-cum-performance basis.
(vi)	Head Assistant	(vi)	By promotion from the staff belonging to category (f) of sub-regulation (v) of Regulation (7) having at least five years satisfactory service in the aforesaid category.
(vii)	Computer Programmer	(vii)	by direct recruitment in the manner laid down in sub-regulations (i) and (ii) of Regulation (7).
(viii)	(a) Office Superintendent	(viii)	(a) By promotion from the staff belonging to category (e) of sub-regulation (v) of Regulation (7) having at least three years service in the aforesaid category. But programmer will not be promoted to this post.
	(b) Law Officer		(b) By deputation from State Government from the cadre of west Bengal legislative, failing which or by direct recruitment as per sub-regulation (i) and (ii) of Regulation (7).
(ix)	Assistant Secretary (Academic), Assistant Secretary	(ix)	(i) 33 <sup>1/3</sup> %, by promotion from the staff belonging to the Post of Office Superintendent having a minimum qualification of a degree of any recognised University and having at least five years satisfactory services in that post but Law Officer shall not be promoted to this post and (ii) 66 <sup>2/3</sup> % by direct recruitment or by deputation

the condition laid down in sub-regulation (iv) of regulation (7). The direct recruitment will be made as per sub-regulation (i) and (ii) of regulation (7).

(x) Deputy Secretary

(x) 33<sup>1</sup>/<sub>2</sub> by promotion from the Officer belonging to the Post of Assistant Secretary (Academic)/ Assistant Secretary and having not less than 5 years satisfactory service in that post and 66<sup>2</sup>/<sub>3</sub>% by deputation from the State Government from any constituent cadre;

(xi) Finance Officer

(xi) by deputation from the State Government.

**Qualification:** 9. The minimum academic and other qualification for appointment to various services in the Board shall for the posts be as follows:

(i) **POST**  
Group D  
Peon / Orderly Peon / Sweeper/  
Durwan/Night Guard/Security  
Guard

**METHOD OF RECRUITMENT**  
**Essential:**  
(a) Class VIII passed.  
(b) Good physique.

(ii) a) Record Keeper  
b) Cash Sarkar  
c) Duplicating and Photocopy  
machine operator  
d) Record Supplier  
e) Duftari

**Essential:**  
(a) Class - VIII passed;  
(b) Aptitude and capability of performing the duties of the post;  
(c) Security deposit as may be fixed by the Board for Cash Sarkar;  
(d) For duplicating and Photocopy machine operator the candidate will have efficiency in operation of duplicating and photocopy machine.

(iii) Lower Division Assistant / Steno  
/ Computer Operator (Typist) /  
Store Keeper

**Essential :**  
(a) Lower Division Assistant and Store Keeper:  
(i) H.S./Fazil or equivalent examination passed.  
(ii) Knowledge of Computer.

**Desirable:**  
(i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic scripts.

(b) English Computer Operator (Typist);



**Essential :**

- (i) H.S. / Fazil or equivalent examination passed;
- (ii) Typing speed 40 words per minute (English);
- (iii) Knowledge of Computer.

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

**(C) Bengali Computer Operator (Typist) :**

**Essential :**

- (i) H.S. / Fazil or equivalent examination passed;
- (ii) Typing speed 20 words per minute (Bengali);
- (iii) Knowledge of Computer.

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

**(d) Steno-Typist**

**Essential :**

- (i) H.S. / Fazil or equivalent examination passed;
- (ii) Typing speed 40 words per minute (English);
- (iii) Knowledge in Stenography;
- (iv) Knowledge of Computer.

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

- (iv) Upper Division Assistant/  
Confidential Clerk / P.A. to  
President / P.A. to Secretary /  
Accountant/Proof Reader

**For Promotion:**

**Essential :**

- (a) Higher Secondary or Fazil or equivalent examination passed for all posts;
- (b) The graduate candidate may be given special importance for the posting as the P.A.;
- (c) Knowledge of proof reading (for the post of Proof Reader);
- (d) Knowledge of typing and Computer/ Stenography for P.A. to President and Secretary;
- (e) The promotion shall be given on seniority cum performance basis from the employees belonging to category (h) of Sub-regulation (v) of regulation (7).

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

- (v) Law Assistant

**For direct recruitment:**

**Essential :**

- (i) LL.B degree of any recognised university.

**Desirable:**

- (i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic scripts;  
(iii) Knowledge of typing and Computer / Stenography.

**For Promotion :**

**Essential :**

- (i) Having LL.B degree of any recognised university from category (h) of sub-regulation (v) of Regulation (7).

**Desirable:**

- (i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic;  
(iii) Knowledge of typing and Computer / Stenography.

**For Promotion :**

**Essential :**

- (a) Must have 5 years' satisfactory service in the feeder post, i.e. from category (f) of sub-regulation (v) of regulation (7);  
(b) Higher Secondary passed from any recognised Institution;  
(c) Knowledge of computer and accounts and office work.

**Desirable:**

- (i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic scripts.

**For direct recruitment :**

**Essential:**

- (i) B.E / B. Tech in Computer Science/ Bachelor of Science in Computer or B.C.A. from any recognised institutions.

**Desirable:**

- (i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic scripts.

**For promotion :**

**Essential:**

- (i) Must have 5 years' satisfactory service in the feeder post i.e. from category (e) of sub-regulation (v) of Regulation (7).

**Desirable:**

- (i) Islamic knowledge and culture;  
(ii) Knowledge of Arabic or Urdu scripts.

**(1) For direct recruitment :**

(vi) Head Assistant

(vii) Computer Programmer

(viii) (a) Office Superintendent

(b) Law Officer

**Essential:**

- (i) Must have LL.B. degree with 2 years legal experience LL.M.

(2) Deputation from State Government :

(ix) Assistant Secretary(Academic),  
Assistant Secretary

**(i) For direct recruitment:**

**Essential:**

- (a) Masters Degree of any recognised university;
- (b) 5 years administrative experience or at least 10 years teaching experience in recognised High Madrasah/School.

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

**(ii) For Deputation:**

**Essential:**

- (a) 5 years administrative experience or at least 10 years teaching experience in recognised High/Senior Madrasah/School.

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

**(iii) For promotion:**

**Essential:**

Must have at least 5 years' satisfactory service in the post of Office Superintendent.

(x) Deputy Secretary

**(1) For promotion :**

**Essential:**

Must have 5 years' satisfactory service in the post of Assistant Secretary/Assistant Secretary (Academic).

**Desirable:**

- (i) Islamic knowledge and culture;
- (ii) Knowledge of Arabic scripts.

(2) For Deputation from State Government :

**Desirable:**

- (i) Islamic knowledge, knowledge in *Mohammedan law* and culture;
- (ii) Knowledge of Arabic scripts.



Notes: -  
of India.

(i) In all cases a candidate shall be a citizen of India as defined in part-II of the Constitution

er and  
tion of  
tion  
mittee

10. (1) In cases where the selection will be made through both written test and interview, the Selection Committee shall:
  - (a) prescribe form for application;
  - (b) make necessary arrangement to conduct all written and oral test properly, and
  - (c) Prepare a list of selected candidates in order of merit and forward the same to the appointing authority.
- (2) In cases where selection will be made only through written test, the Selection Committee shall:
  - (a) prescribe form for application;
  - (b) make necessary arrangement to conduct all written test properly, and
  - (c) Prepare a list of selected candidates in order of merit and forward the same to the appointing authority.
- (3) The names of the selected candidates will be placed in a panel in order of merit. The candidates will be offered appointment against vacancies in sanctioned posts according to their position in the panel.
- (4) The candidates will be given a reasonable time as the appointing authority may fix within which he/she has to appear before Regd. Medical practitioner/ Medical Board to be constituted by the Board for medical examination and on the receipt of the certificate as regards his/her medical fitness, the candidate will be given appointment letter against a post with the direction to join the post within reasonable time as the appointing authority may fix.
- (5) Confirmation, selection and promotion to higher grade of Group 'D', 'C', 'B' posts should be on the basis of seniority subject to departure being allowed to be made where on the basis of the reports of performance in respect of either or both on attendance or performance, the concerned employees are not found performing at the minimum level.
- (6) The promotion shall be given on the basis of Annual Confidential Report for the employees belonging to Group A shall be given on the basis of open performance report for the employees belonging to group B, C and D respectively.

#### CHAPTER-IV GENERAL CONDITIONS OF SERVICE

11. Maximum age for recruitment to Gr 'A' and Gr.'B' post shall be 32 years and for Gr 'C' and Gr.'D' post shall be 40 years. Provided that the upper age may relaxable for the candidates belongs to the categories of schedule caste, schedule tribe and backward class as per Government.
12. (1) Every person, at the time of entry into the Board's service, shall submit to the appointing authority a declaration in a form set out in Note 1, stating the year, month and date of his/her birth. The declaration so made shall be binding on him/her and he/she shall have no right to revise it subsequently for any reason whatsoever.

- (2) The declaration of date of birth should be supported by documentary evidence, Matriculation / School Final / Madhyamik / High Madrasah / Alim / Higher Secondary or equivalent certificate. If a candidate is not able to produce such evidence should be asked to produce any other authenticated documentary evidence to the satisfaction of appointing authority. Such documentary evidence could be the leaving certificate, an extract from the register of births maintained by local authority or Govt. Hospitals showing the date of birth of the candidates but horoscope shall not be accepted as evidence in support of the declaration of age.

Note: 1 The declaration under sub-regulation (1) shall as nearly as may be in the following form:  
 I,..... having been selected for appointment to the service of the Board do hereby declare that I was born at ..... (Birth place)  
 ..... (Date, month and Year), I also annex herewith the following documents in support of my statement:-

(i)

(ii)

(iii)

I do further declare that the year, month and date of birth as recorded herein are binding on me and I shall not ask any modification thereof at any subsequent date.

Place:

Date:

Signature

Note:2 Orders of the Appointing Authority:

Date of birth as finally accepted under this regulation shall be recorded in the service book both in words and figures under proper attestation by the competent authority with reference to documentary evidence in support of the same. For the purpose of rectification or correction of age of the employee neither the affidavit sworn in this respect nor the report of ossification test which indicates only an approximate and not an accurate result would be accepted as reliable evidence within the meaning of sub-regulation (2) of Regulation 12.

Medical examination:

13. Except in case of temporary appointment for a period not exceeding 6 months no person shall be substantively appointed to the service of the Board without the production of medical certificate of fitness from registered medical practitioner to be selected by the Board on his behalf.

14. Except or otherwise provided by regulation the medical certificate of fitness referred to in this chapter shall be in the following form:-

"I hereby certify that I have examined (name) ..... candidate for employment in the West Bengal Board of Madrasah Education, and cannot discover that she has any disease communicable or otherwise, constitutional weakness or bodily infirmity except..... I do not consider this a disqualification for employment in the office of the West Bengal Board of Madrasah Education (name).....'s age is according to his/her own statement ..... years, and by appearance about ..... Year

Signature of the Medical Practitioner.  
 Registration No.....

Form of  
 medical  
 certificate

15. (1) An employee on substantive appointment to a permanent post acquires a lien on the post.  
(2) The lien of an employee in a permanent post which he/she holds permanently shall be suspended if he/she is appointed substantially to a permanent post outside the category on which he/she is borne.  
(3) If an employee's lien on a post is suspended under sub-regulation (2) the post may be filled substantively, and the employee appointed to hold it substantively shall acquire a lien on it.
16. Any person under the employment of the Board may be posted in any of the offices of the Board or may be transferred from one section / department to another in the interest of the service of the Board.
17. The headquarters of an employee shall be in such place as the Secretary may prescribe and are, in the absence of any orders to the contrary the station where the records of his office are kept. An employee should ordinarily reside at the headquarters of the station to which he/she is posted and the residence should not be shifted to any other place without prior permission of the Secretary.
18. (1) No permanent employee shall be permitted to resign if he/she fails to serve on his /her appointing authority due notice at least for 3 months which may be relaxed at the direction of the appointing authority.  
(2) An employee, who tenders resignation and quits without giving notice as provided in sub-regulations (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 recruitment of that sub-regulations in addition to such disciplinary action as may be taken against him/her for contravention of this regulation.
19. Where an employee has been appointed temporarily and or until further notice or orders or where his/her appointment has under the terms of appointment, been made "terminable" without notice, the services of the temporary employee may be terminated after serving one month notice or after paying him/her one month's salary or wages in lieu of such notice.
20. Except as otherwise provided in these regulations an employee shall retire from service compulsorily with effect from afternoon of the last day of the month in which he/she attains the age of 60 years.

#### CHAPTER-V

##### Probation, Confirmation and Seniority

21. All appointments on entry into any post or service of the Board shall initially be made on temporary basis.
22. (1) An employee shall be deemed to be on probation on completion of continuous temporary service for two years after initial appointment in a post of service or category  
(2) Except as otherwise provided elsewhere in these regulations, the period of probation shall normally be one year.  
(3) An employee shall be confirmed and made permanent on completion of the period of probation.  
(4) In case the appointing authority is not satisfied with the performance he/she may extend the period of probation for such time as he/she may deems fit.  
(5) No formal declaration is necessary in respect of appointment on probation.



**Determination  
of seniority**

23.

The relative seniority of all persons appointed directly following due process regulations shall be determined on the basis of order of merit assigned by the Committee.

Notes: (a) *A list of candidates for the purpose of selection for appointment shall be prepared in all cases by the Selection Committee, when the recruitment is in a single process of selection of more than one person.*

(b) *Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these regulations such seniority shall, on coming into force of these regulations be determined on the basis of date of their joining.*

When the date of joining of all such persons is the same, seniority shall be determined on the basis of date of birth, persons retiring earlier being adjudged as senior. When the date of birth is the same, seniority shall be determined on the basis of the total marks obtained in the examination passing of which is the qualification prescribed for recruitment to that particular post, category or grade.

**(2) Determination of Seniority of promotees**

(a) Seniority of persons appointed on promotion to any post, or grade shall be determined from the date of joining such post, or grade.

(b) When there will be appointment in a single process of selection of more than one person, the relative seniority of the persons so appointed shall be determined on the basis of order in which they are selected for such promotion.

(c) Persons appointed on the result of an earlier selection shall be senior to persons appointed on the result of a subsequent selection.

(d) When promotion to a post, category or grade is made from more than one category or grade, the relative seniority of the promotees from different categories or grades shall be according to the order of merit determined by the selection committee.

Notes:-

(i) *A list of candidates for the purpose of selection for promotion shall be prepared in all cases by the selection committee when appointments are made on promotion in a single process of selection of more than one person.*

(ii) *When the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these regulations, such seniority shall on coming into force of these regulations, be determined on the basis of date of joining. When the date of joining of such persons is the same seniority in the promotion post category or grade shall follow the seniority in the lower feeder post, category or grade.*

**(3) Relative Seniority of direct recruits and promotees:**

The relative seniority between a promotee and a direct recruit shall be determined on the basis of date of joining.

(4) Publication of the seniority list:

The seniority list in respect of each or a combined category when promotion is made on the basis of this combined category, the seniority list shall be published once in every three years. Before finalisation of the list a draft shall be circulated with scope for representation to be made within a period of 30 days from the date of issuance of draft. The representation shall be looked into and if necessary be heard in person by the appointing authority or by a committee appointed by him/her then the same shall be finalised by the appointing authority within a period of 30 days counting from the date of the last date of filing of the representation. The list so published shall be final.

CHAPTER-VI

24. An employee shall begin to draw pay and allowance attached to a post to which he/she is being appointed with effect from the date he/she joins the duties of that post and shall cease to draw the same when he/she ceases to discharge those duties.
25. The employees of the Board shall be entitled to such a pay in the Pay Band with grade pay of pay and allowances as shall be determined by the Board with the approval of the State Government.
26. Pay of an employee at the time of initial appointment will be fixed at the minimum of the pay in the pay band with grade pay to which he/ she is recruited as per ROPA, 2009 r/w Memo No. 1556-MD dated 13-10-2010.
27. Pay fixation on promotion or appointment shall be made as per ROPA, 2009 r/w Memo No. 1556-MD dated 13-10-2010.
28. An increment shall ordinarily be drawn as a matter of course unless it is withheld.
29. (i) All duty in a post on a pay in the Pay Band counts for increment in that Pay Band.  
(ii) Officiating or temporary service in another post and leave other than extraordinary leave count for increments in a pay in the Pay Band applicable to the post on which the person concerned holds a lien.  
(iii) Increment cannot be allowed to re-employed person.  
(iv) Extraordinary leave does not count for increments but Board may, in any case where they are satisfied that leave was taken on account of illness or for prosecuting higher scientific and technical studies, direct that the whole or any portion of such leave shall count for increments.  
(v) Counting of the increment for the period under suspension:-  
(a) The period of suspension may be counted for increment, if the same is treated as spent on duty or is regularised by granting leave other than extra ordinary leave after finalisation of the department or criminal proceedings.  
(b) It also counts as qualifying service for increments even if full pay is not allowed for such period, provided the competent authority specifically directs in writing that it shall count towards increments.
30. Increment to employees will be granted from 1<sup>st</sup> day July every year as per ROPA'2009.

- No premature increment* 31. No premature increment can be allowed under any circumstances.
- Reduction to a lower stage* 32. When an employee is ordered to be reduced to a lower stage in a Pay Band, the order shall include in the order :-
- a statement of the period for which the reduction is to remain in force; and
  - Statement whether on the expiry of the period the employee's previous service stage of the Pay Band from which he was reduced, and the period during which orders of reduction were in force shall count for increment in whole or in part or all.
- Note:- See note below regulation 33.
- Promotion or reinstatement after reduction to lower grade or post* 33. When an employee is ordered to be reduced to a lower grade or post, and is subsequently promoted or reinstated in his previous service in the grade or post from which he/she was reduced counts for increment unless authority promoting or reinstating him declares that such counts shall not so count either in whole or in part, the period during which the order of reduction was in force does not count for increment upon promotion or reinstatement.
- Notes: - An order imposing the penalty of reduction to a lower service, grade or post shall invariably specify :-
- the date from which it will take effect;
  - the stage in the Pay Band with Grade Pay to which the employee is reduced;
  - the period of reduction.
  - whether on promotion subsequent to the imposition of penalty, the seniority of the employee which had been assigned to him/her prior to the imposition of penalty will be restored in the higher grade or post or higher Pay Band with Grade Pay.
- Officiating appointment* 34. For the purpose of this regulation, the officiating appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which he is appointed is on the same Pay Band with Grade Pay as the permanent post, other than a temporary post, on which he holds a lien.
- Erroneous promotion or appointment* 35. If any promotion or appointment to a post is found to be or to have been erroneous, the matter shall be referred to the Administrative Department whose decision thereon shall be final.
- Remuneration of re employment* 36. The remuneration of a person re-employed after retirement shall be decided in consultation with the State Government.
- Temporary post* 37. A temporary post, if created, shall carry pay as per ROPA'2009.

## CHAPTER-VII PART-1

### LEAVE

- Application* 38. The regulations of this chapter apply to all employees of the Board.



not a  
of right

39. Leave cannot be claimed as a matter of right. When the exigencies of the Public Service or Service of the Board so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

increment

40. Leave ordinarily begins on the day on which the transfer of charge is effected and ends of the day preceding that on which duty is resumed. Leave may either be affixed or pre-fixed to holidays, but cannot both be pre-fixed and affixed to holidays.

to duty

41. An employee on leave shall not return to duty before expiry of leave granted to him without permission of the authority which granted the leave.

of re-  
ment

42. The services of a re-employed person shall be regarded as temporary and the grant of leave to him shall be regulated by the rules applicable to the temporary employee of the Board.

in case of  
ent  
ment

43. (1) (a) No employee in permanent employment of the Board shall be granted leave of any kind for a continuous period exceeding five years.  
(b) Except in the cases of employee in permanent employment of the Board no employee shall be granted extraordinary leave in any occasion in excess of three months, provided that the President of the Board may in exceptional circumstances, grant extraordinary leave beyond the period of three months.

- (2) Unless the authority competent to sanction the leave extends the leave, an employee who remains absent even after the expiry of the leave previously granted is not entitled to any leave salary for the period of such absence and that period shall be debited against this leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such half pay due being treated as extraordinary leave.

- (3) Wilful absence from duty after expiry of the leave renders an employee liable to disciplinary action.

**Note:-** treatment of willful absence from duty:

- (1) 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 and increment

- (2) Action for unauthorised absence from duty for over stay of leave:-

- (i) (a) When an employee applies for leave beyond the 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 grounds as exceptional, the leave cannot be granted. In such cases the employee shall be asked to rejoin duty within a specific date failing which he/she would render himself/herself liable to disciplinary action,

Disobedience of orders to rejoin duty within the specified period would afford good and sufficient reasons for initiating disciplinary action under these regulations. If he/she rejoins duty by the stipulated date he/she may be taken back in service and the period of absence not covered by leave would be treated as overstay and such overstay shall be regularized in accordance with the provisions of this regulation.

employee who applies for leave on medical certificate to appear before a Registered Medical Practitioner / Medical board appointed for the purpose by the leave sanctioning authority to ascertain the nature, duration and period of leave required by the employee. If the said employee refuses or fails to comply with such instruction the period of leave on medical ground shall be treated as absence from duty.

(3) The leave address should be indicated in the application for leave in all cases.

48. Every application for leave or for an extension of leave should be sent to the authority competent to sanction the leave through the immediate superior if any of the employees applies for leave.

49. (a) In case of employee to whom the regulations in this chapter apply, a leave account shall be kept in the form prescribed in Appendix-I to these regulations.

(b) The form appended in appendix I to these regulations shall, in case of each employee be attached to his/her service book.

(c) The leave account of the employee shall be maintained by the Secretary of the Board or by any officer authorized by him/her.

## CHAPTER-VII PART-II

### LEAVE-REGULATIONS

50. In this Chapter and elsewhere in these regulations:

(1) "Commutated leave", means the leave taken under regulation 54.

(2) "Completed years of service" or "one year's continuous service", means continuous service of specified duration under the Board and includes the period spent on duty as well as absence on leave including extraordinary leave,

(3) "Date of retirement", means the afternoon of the last day of the month in which the employee of the Board attains the age prescribed for retirement under the terms and conditions governing his service,

(4) "earned leave", means leave earned under regulations 52 and 53,

(5) "Half-pay leave" means leave earned in respect of completed years of service under regulation 54,

(6) "Leave" includes "earned leave", "half-pay leave", "commuted leave", "leave not due", and "extraordinary leave",

(7) "Special kind of leave", includes "special disability leave", "quarantine leave", "maternity leave" and "special casual leave",

51. One kind of leave under these regulations may not be granted in combination with or continuation of any other kind of leave. However, in exceptional circumstances leave sanctioning authority being satisfied with the circumstances may allow the same.

**Explanation:-**

Casual leave which is not recognized as leave under these regulations shall not be combined with any other kind of leave admissible under these regulations.

**Earned leave**

52.

- (1) (a) The leave account of every employee shall be credited with earned leave in advance in two installments of 15 days each on first January and on first July every year.
- (b) Leave at credit of the employee at the close of previous half-year shall be carried forward to the next half year subject to the condition that the leave so carried forward plus the credit for that half-year does not exceed the maximum limit of 120 days.
- (2) Subject to the provision of regulations 44, the maximum earned leave that can be granted at a time shall be 120 days.
- (3) The credit of earned leave shall be reduced by  $\frac{1}{10}$ th of extraordinary leave without pay availed of by an employee during the previous calendar half-year subject to the condition that such reduction shall not exceed a maximum of 15 days.

**Credit of earned leave**

53.

- (1) During the half-yearly period in which an employee is appointed credit of earned leave will be at the rate of  $2\frac{1}{2}$  days for each completed calendar month of service.
- (2) (a) The credit for the half year in which an employee is due to retire or resign from service shall be afforded only at the rate of  $2\frac{1}{2}$  days per completed calendar month up to the date of retirement or resignation.
- (b) When an employee is removed or dismissed from service or dies while in service credit of earned leave shall be allowed at the rate of  $2\frac{1}{2}$  days per completed calendar month up to the end of the calendar month preceding the calendar month in which he/she is removed or dismissed from service or dies while in service.
- (3) When affording credit of earned leave or making reduction from the credit of earned leave by  $\frac{1}{10}$ th as referred to sub-regulation (3) of regulations 54 fraction below  $\frac{1}{10}$ th will be ignored and those of half or more will be reckoned as one day.

**Half-pay leave**

54.

- (1) An employee shall be entitled to half-pay leave for 20 days in respect of each completed year of service.
- (2) The leave under sub-regulation (1) may be granted to an employee on medical certificate or private affairs.
- (3) Commuted leave not exceeding half the amount of half-pay leave due may be granted on account of illness and on production of medical certificate to an employee provided half-pay leave up to the maximum limit of 180 days may be allowed to be commuted during the entire period of service without production of medical certificate when leave is utilized for an approved course of studies certified to be in the public interest in the interest of the Board by the leave sanctioning authority.
- (4) When commuted leave is granted twice the amount of such leave shall be debited from the half-pay leave due.

not due 55. (1) Except in the case of leave preparatory to retirement, "Leave not due", may be granted to a permanent employee subject to the following conditions:-

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;
- (b) Leave not due shall be limited to the half-pay leave he is likely to earn thereafter;
- (c) Leave not due during the entire period of service shall be limited to a maximum of 360 days, out of which 90 days at a time and 180 days in all may be granted otherwise than on medical certificate;
- (d) Leave not due shall be debited against the half-pay leave the employee may earn subsequently;

(2) Where an employee who having availed himself/herself of leave not due resigns or retires from service before he/she earned such leave he/she 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 this regulation if the retirement is by reasons of ill health incapacitating the employee for further service or in the event of his/her death. Recovery will not also be made for subsequent non-earning of half-pay leave by an employee due to enforced retirement.

56. (1) Extraordinary leave may be granted to an employee in special circumstances where no other leave is by regulation admissible or when other leave being admissible, an employee applies in writing for the grant of extraordinary leave. Such leave is not debited to the leave account and no leave salary is admissible during such leave.

(2) Subject to the provisions of this regulation an employee may be granted extraordinary leave to the following extent:-

- (a) three months, where an employee has not completed one year of continuous service;
- (b) six months, where an employee who has completed one year's complete service and his/her request for such leave is supported by a medical certificate from a registered medical practitioner;
- (c) eighteen months, where an employee who has completed one year of continuous service, is undergoing treatment for cancer, mental illness, pulmonary tuberculosis or pleurisy, tuberculosis and leprosy or any accidental injury. For grant of leave under this clause an employee should produce medical certificate from a Medical Officer of Health or a specialist or a recognised sanatorium or Nursing Home recognised as such by State Administrative Medical Officer or Board.

57. (1) A female employee may be granted maternity leave for a period of 135 days. During such period of leave 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 miss carriage including abortion on medical advice subject to the conditions that-



- (n) the leave does not exceed six weeks; and
- (b) the application of leave is supported by a medical certificate from a registered medical practitioner.

- (3) (a) Maternity leave may be granted in combination of leave of any other kind;
- (b) Notwithstanding the provisions contained in regulation 54 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-regulation may be granted on production of medical certificate from a registered medical practitioner for the illness of the female employee. Such leave may also be granted in case of illness of a newly born baby subject to the production of medical certificate to the effect that the condition of the baby warrants mother's personal attention and the presence by the baby's side is absolutely necessary.

- (5) The maternity leave shall not be debited against the leave account.

**Special  
disability leave**

58. (1) An employee who is disabled by injury accidentally incurred in consequence of the performance of his official duties or illness on the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary attaching to the post may be granted as special disability leave.
- (2) The period of leave granted shall be such as is certified by a medical officer appointed by the medical board constituted by the Board.
- (3) Such leave can be granted in combination with other leave.
- (4) The leave shall not exceed 24 months.
- (5) Leave salary during such leave shall be equal to:-
- (a) for the first 120 days of any period of such leave be equal to leave salary while earned leave,
  - (b) for the remaining period of any such leave to be equal to leave salary during half pay leave provided that an employee may at his/her option be allowed leave salary as in clause (a) of this regulation for a period not exceeding another 120 days, and at that event the period of such leave shall be debited to his/her half pay leave account.

**Quarantine  
leave**

59. (1) Where, in consequence of the presence of an infectious disease, referred to in sub-regulation (2) in the family or household of an employee, residence or sojourns, his/her attendance at his/her office is considered as hazardous to the health of other employees, such employee may be granted quarantine leave on the certificate of a medical officer or Public health officer for a period not exceeding 21 days, or in exceptional circumstances up to 30 days.
- (2) "Infectious diseases" mean small pox, scarlet fever, plague, typhus and cerebrospinal meningitis.
- (3) The above leave is not debited to leave account and may be combined with other kinds of leave. An employee on Quarantine Leave shall be treated as on-duty and his/her pay shall not be intermitted.



**Note:** The term "Medical Officer" or "Public Health Officer" occurring in this regulation includes medical officer in-charge of any Government or Municipal Hospital Or Dispensary.

60. (1) Casual leave is a concession granted to an employee to enable him/her to stay away from office for short period on account of illness or to enable him/her to attend him/her private matter.
- (2) It should be applied for as far in advance as possible except when a person is prevented from attending office by sudden illness or other unforeseen circumstances. Casual leave is not a recognized form of leave and an employee on casual leave is not treated as absent from his/her duty and his/her pay during such leave is not interrupted.
- (3) Casual leave granted in any one calendar year shall not exceed 14 days for all employees under the Board. It shall not entail absence of more than 7 consecutive days at a time including Saturdays, Sundays, Holidays.
- (4) Such leave cannot be claimed as a matter of right or allowed when the interests of Public / Board service forbid it.
- (5) A register of such leave shall be maintained by the Secretary of the Board or any person authorised by him/her to do so in the following from:-

Column (1): Name and rank of the employee.

Column (2): Leave granted from,..... to ..... (Total number of days)

Column (3): Cause of absence.

Column (4): Address while on leave.

Column (5): Total casual leave on credit.

Column (6): Initial of the Office Superintendent / Assistant Secretary / Deputy Secretary/Secretary or any person authorised by the Secretary.

(6) Such leave cannot be carried forward to the next year.

(7) Such leave is admissible to a new entrant in the first year of his/her service on pro-rata Basis.

61. Half-a-day's casual leave:-

- (1) The above leave may be granted to an employee for the forenoon session or the afternoon session as the case may be in cases where an employee may have urgent private work which does not require a full day's casual or compensatory causal leave. For the purpose of grant of such leave, the dividing line for both forenoon session and afternoon session should be 1:30p.m. that is the person who takes half-a-day leave for the forenoon session is required to attend office at 1:30 p.m. and person who takes leave in the after forenoon session may be allowed to leave office at 1:30 p.m.
- (2) The privilege of taking this leave shall not be admissible :-
- (a) on any day on which the office is not held for full day; and
  - (b) on any day on which an employee is permitted to attend office late or leave office early by any general order.

**Exception:**

If an employee who has availed of half-a-day's casual leave in the afternoon and has no leave due to his/her credit he/she may be permitted, as an exception to the general rule, to combine that half-day casual leave with other regular leave, to cover his/her absence for the following day(s) on account of sickness or other compelling cause.

*Dies-non*

62. Dies-non of an employee should be treated as per existing Government norms and will be decided in consultation with the Administrative Department.

*Preparatory leave*

63. An employee may be permitted by the authority competent to grant leave to take preparatory leave to retirement to the extent of earned leave due not exceeding 300 days together with half pay leave due, subject to the condition that such leave extends up to and includes the date of retirement.

## CHAPTER-VII

### PART-III

#### Regulations regarding attendance at office for employees:

*Attendance*

64. Unless otherwise decided by the Board the normal office hours shall be from 10:00 a.m. to 5:30 p.m. with a recess of half-an-hour from 1:30 p.m. to 2:00 p.m. on week days. The Secretary shall have the power to alter the hours of work of an employee of the Board whenever necessary. He shall also have the power to require an employee to attend office early and leave office late on any day including holidays if exigency arises. Provided, however in no case shall the total no. of working hours of an employee exceed the total normal working hours per day.

Sweepers, durwans, Security guard and such other employees as may be decided by the Secretary shall be required to work in the morning, mid-day, afternoon, evening, night during such hours as may be determined by the Secretary in the interest of the Board. Provided, however in no case shall the total no. of working hours of an employee exceed the total no. of normal working hours per day.

Notes: The above regulation may be relaxed in case of an employee who is required to work on overtime or holiday basis on prior requisition.

*Record of arrival and departure*

65. (1) On arriving at and before leaving office every employee shall record the hours of his arrival and departure in the attendance register and initial the entry. A red line shall be drawn by the Secretary or Deputy Secretary or any officer authorized by the Secretary at the place provided for initial of those employees who are not present at office at 11:30 a.m. An employee arriving thereafter shall sign the attendance register putting the time of his arrival before the officer concerned. Except in case where the half-a-day's casual leave has been sanctioned in advance, no employee will be allowed to attend office after 11:30 A.M.
- (2) No employee should leave office during office hours after signing the attendance register except on official business with the permission of the Head of the Office/Department or any officer authorized by him/her.
- Note: In a special case this regulation may be relaxed at the discretion of the Head of the Department.

66. Every 3 days' late attendance after 10:15 a.m. and before 11:30 a.m. in a calendar month shall entail forfeiture of one day's leave in the following manner-

(a) If an employee attends office late for 3 days or more in a calendar month and he/she has casual / compensatory casual leave due to him/her, such leave shall be deducted at the rate of one day's casual / compensatory casual leave for 3 days' late attendance. If late attendance is condoned by the controlling authority, the same shall not be taken into account for the purpose of deduction of casual / compensatory casual leave;

(b) In case the employee has no casual / compensatory casual leave to avail of, the controlling authority shall deduct earned leave and if there is no earned leave due and admissible to him/her, then half-pay leave from his/her leave account and if no leave for which leave salary is admissible is due, then extraordinary leave without pay. In such cases also the leave shall be deducted at the rate as in the cases if casual leave were due;

(c) Disciplinary action may be taken against habitual defaulters;

67. No employee shall be allowed to absent himself/herself from office without prior permission from the Secretary of the Board on application submitted to him/her the previous day or earlier.

68. If an employee is prevented from resuming duty on account of any unforeseen occurrence immediately before the due date, he/she must send an intimation to the Secretary within 48 hours giving full reasons of his/her inability to attend office on the due date.

69. Willful absence from the duty after the expiry of leave renders an employee liable to disciplinary action.

70. Leave salary will be settled after admissibility of pension. The Board is competent to sanction leave within the compass of these regulations to any employee of the Board subject to delegation noted below:

Name and extent of leave.

Sanctioning Authority.

(a) Casual leave,  
Quarantine leave and Maternity leave.

(i) The President in the case of the Secretary.  
(ii) The Secretary in the case of other employees.

(b) Other kind of leave, if the period of leave does not exceed 30 days.

(i) The President in the case of the Secretary and Deputy Secretary.  
(ii) The Secretary in the case of other employees.

(c) In all other cases the sanctioning authority is the President.

CHAPTER-VIII

Duties, Rights and obligations of the Employees

71. The following shall be the duties of an employee:

(1) every employee must employ himself/herself to the duties of his/her office with the utmost diligence and implied obedience to orders and directions as may issue by the superiors.

- (2) every employee shall bear in mind that he/she is a public servant; he/she shall discharge his/her duties, shall always behave courteously with the members of public or colleagues with whom he/she has to come in contact in the discharge of duties as a public servant and shall always try to help them in all possible way quick and faithful discharge of the duties assigned to him/her.

Note:- *Public servant has the same meaning as assigned in section 19 of Indian Penal Code (45 of 1860).*

- (3) every employee shall in the discharge of his/her duties rise above all personal and other considerations and maintain absolute integrity, impartiality and duty;
- (4) every employee shall, notwithstanding his/her personal views on any matter of state policy and programme of Board's policy, carry out faithfully the duties and responsibilities entrusted upon him/her;
- (5) every employee shall practice, promote and encourage collective functioning in the interest of the administrative efficiency and apply his/her personal initiative for efficient discharge of his/her duties;
- (6) when in the discharge of his/her duties an employee is called upon to decide a matter in which he/she or a relation of him/her is financially or otherwise interested, every employee shall, at the earliest opportunity bring this fact in writing to the notice of the authority to whom he/she is subordinate.

**Right to  
employee**

**72. The following shall be the rights of an employee:**

- (1) every employee shall have the right to form association/unions, federative bodies of employees;
- (2) every employee, shall have full trade union rights including the right to strike, though to strike shall however, be subject to compliance with the provisions laid down in Appendix-II;

Note:- (i) *Security guard, night guard, durwan and sweeper shall have all the rights excepting the right to strike usual work because of security and health reasons.*

(ii) *"Strike" means strike as defined in clause (2) of section 2 of the Industrial Disputes Act 1947 (14 of 1947). Strike implies refusal to work or stoppage or slowing down of work by a group of employees acting in combination.*

*It also includes-*

- (a) *mass absenteeism from work without permission;*
- (b) *overtime is not considered in any establishment under the State Government;*
- (c) *showing such conduct in office which amounts to go slow, sit down, pen down, staying, token, sympathetic or any other similar strike;*

*It, however, does not include the right to confining any staff or employee of the Board in any place or room or to put obstruction in such a manner so as to restrict his/her free movement and discharge of duty.*

- (iii) *every employee shall enjoy full democratic rights, but these rights do not include any right which is prohibited under the law of the land;*
- (iv) *any employee may, with prior intimation to the President and subject to the conditions laid down in sub-regulation (ii) of regulation 73 participate in radio and television programme.*

*Provided that nothing should be said in such programmes which-*

- (a) *incites communal and/or parochial feelings;*
- (b) *goes against the unity and integrity of the country;*
- (c) *goes against the policy and programme of the Board;*



- (v) any employee may contribute any literary or scientific writing or write any letter to any newspaper or periodical, subject to the provision in sub-regulation (iv).

73. Every employee shall have the following obligations:

- (i) Save in cases mentioned below no employee shall serve in, or give evidence before, any committee or commission without obtaining prior permission of the Board:-
  - (a) Committee or Commission appointed by the Central or State Government, the Parliament and the State Legislature, or
  - (b) a judicial enquiry, or
  - (c) a departmental enquiry ordered by the President or any other authority of the Board;
- (ii) no employee or staff working in the Board shall divulge, either directly or indirectly, any official secrecy or any information concerning the Board or its functioning to the Press or outsider, unless he/she is authorised to do so by the President.
- (iii) no employee shall commit any misconduct as laid down in section 5 of the Prevention of Corruption Act, 1988 or taking any gratification other than the legal remuneration or obtain valuable things without consideration or for consideration which he/she knows to be inadequate from persons concerned in proceedings or business transacted by such employees as detailed in section 161 and section 165 of the Indian Penal Code 1860 (45 of 1860);
- (iv) no employee shall, except with prior sanction of the appointing authority acquire or dispose of any immovable property by lease, mortgage, sell, gift or otherwise either in his/her own name or in the name of any member of his/her 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 10,000 in value.

Notes:-

- (1) "Members of the family" means the wife or husband, as the case may be, and the child or the step-child or adopted of the employee;
- (2) the movable or immovable properties owned by the members of the family of the 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;
- (v) no employee shall lend money to, or obtain loan from, any member of the public, business house or a trader with whom he/she has to deal in his/her official capacity directly or indirectly;  
 Note:-A co-operative society shall not, however, come within the purview of this clause;
- (vi) no 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;
- (vii) no employee shall engage or employ any subordinate for any purpose other than official business;
- (viii) no employee shall use or permit any other person to use a Board vehicle or a safe or any other property of the Board for any purpose other than official business;
- (ix) no employee shall-
  - (a) violate any law relating to intoxicating drinks or drug;
  - (b) consume or be under the influence of any intoxicating drinks or drug during the course of his/her duty and/or in public place;
- (x) no employee shall, without the previous sanction of the appointing authority, accept directly or indirectly on his own behalf or on behalf of any other person any gift of more than trifling value;

Note:-Gift in conformity with religious or social customs shall not come within the

*purview of this clause;*

shall while on leave accept (xi) no employee shall, while on leave, accept any service or employment;

- (xii) no employee shall except with the previous sanction of the appointing authority engage in any trade or undertake any employment other than his public/ duty carry on directly or indirectly any business or undertaking excepting in the honorary work of social and charitable nature or co-operative societies.

*Representation  
by employee or  
group of  
employees*

74. (1) Any sort of representation in connection with the service matters by an employee or group of employees shall be submitted to the Secretary of the Board through his immediate superior. If the employee or group of employees does not receive within 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 authority, the employee or the group of employee may directly address the President seeking interview or intervention.
- (2) An employee desiring to apply for any other post shall apply through the Secretary of the Board who shall, unless there is any disciplinary proceeding pending against the employee, forward the application to the addressee. An employee may if necessary submit an advance copy of an application direct to the addressee.

*Misconduct*

75. Any violation or infringement of these regulations and any act of misconduct or breach of discipline shall be deemed to be a good and sufficient reason within the meaning of regulation 79 for imposing penalties.

*Suspension*

76. (1) an employee of the Board may be placed under suspension by the appointing authority or any authority empowered by the appointing authority in this behalf-
- (a) Where a disciplinary proceeding or departmental enquiry against him/her is contemplated or is pending; or
- (b) Where in the opinion of the said authority competent to place an employee under suspension, he/she has engaged himself/herself in activities prejudicial to the interest of the Board or the security of the State, or
- (c) Where a case against him/her in respect of a criminal offence is under investigation or inquiry or trial.

Provided that, where in exceptional circumstances the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made and obtain his approval.

- (2) An employee against whom a proceeding has been commenced on a criminal charge who is not actually detained in custody (eg. a person released on bail) may be placed under suspension under clause (c) of sub-regulation (1) by an order made by any of the authorities mentioned in that sub-regulation. If the criminal charge is related to the official position of the employee or involves any moral turpitude on his part, suspension shall be ordered under this sub-regulation, unless there are exceptional reasons for adopting such a course.
- (3) An employee who is detained in custody for a period exceeding 48 hours under any law providing for preventive detention or as a result of proceeding either on a criminal charge or otherwise, shall be deemed to have been suspended by an order of the appointing authority, with effect from the date of his detention and shall remain under suspension until further order. An employee who is undergoing a sentence of imprisonment shall also be dealt with in the same manner, pending a decision on disciplinary action to be taken against him/her.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed on an employee under suspension is set aside in appeal under these regulations and the case is remitted for further inquiry or action or with any other directions, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force.

articles of charge are proposed which shall contain :

- (a) a statement of relevant facts including any admission or confession made by the employee.
  - b) a list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.
- (3) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge and the statement of imputations of misconduct or misbehavior and a list of documents by which and a list of witnesses by whom each article of charge is proposed to be sustained and shall require the employee to submit a written statement of his/her defense to the inquiring authority within such time as may be specified and to state whether he/she desires to be heard in person.
- (4) (i) The disciplinary authority shall in all cases for the purpose of inquiry appoint an inquiring authority and forward to it:-
- (a) a copy of the articles of the charge and the statement of the imputations of misconduct or misbehavior;
  - (b) a copy of the statement of witness, if any;
  - (c) evidence providing the delivery of documents referred to sub-regulation (3) to the employee.
  - (d) a copy of the order appointing the "presenting officer" if any.
- (ii) When the disciplinary authority appoints an inquiry authority for holding an inquiry into the articles of charge, it may by an order in writing appoint an employee of the Board / or any Government employee / retired Government employee to be known as the presenting officer to present in its behalf the case in support of the articles of charge.
- (iii) The employee against whom departmental proceedings have been instituted may take assistance of any other employee to present the case in his/her behalf.
- (5) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him/ her of the articles of charge as the inquiring authority may, by a notice in writing specify in this behalf.
- (6) If the employee who has not admitted any of the articles of charge in his written statement of defense appears before the inquiring authority, such authority shall ask him/ her whether he/ she is guilty or has any defense to make and if he /she pleads guilty to any of the articles of charge, the inquiring authority shall record the plead, sign the record and obtain the signature thereon. The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty. The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead or claims to be tried, require the disciplinary authority or his/her representative to produce the evidence by which he/she proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding 30 days, after recording an order that the employee may for the purpose of preparing his/her defense-
- (a) Inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents, specified in the list referred to in sub-regulation (2);
  - (b) submit a list of witnesses to be examined on his/her behalf;
  - (c) give a notice within 10 days of the order or within further time not exceeding ten days as the inquiring authority may allow asking for the discovery or production of any documents which are in the possession of the Board but not mentioned in the list referred to in sub-regulation (2);
- (7) The inquiring authority shall, on receipt of the notice for the discovery or production of documents forward the same to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition;



Provided that the inquiring authority may, for reasons to be recorded by it in writing, refer to requisition such of the documents as are, in its opinion, not relevant to the case.

- (8) On receipt of the requisition referred to in sub-regulation (7) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority; provided that if such authority is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the interest of the Board or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.
- (9) If the employee to whom a copy of the articles of charge has been delivered, fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry *ex-parte*.
- (10) After the completion of the inquiry a report shall be prepared and it shall contain.
- (a) the articles of charge and statement of imputation of misconduct or misbehavior or negligence of duty;
  - (b) the defense of the employee in respect of each article of charge;
  - (c) an assessment of the evidence in respect of each article of charge;
  - (d) the finding of each article of charge and the reasons therefore.
- (11)(i) The disciplinary authority shall consider the record of the inquiry and record its finding on each charge;
- (ii) The disciplinary authority may, for reasons to be recorded in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall, thereupon, proceed to hold further inquiry, as far as possible according to the provisions laid down in this regulation.
- (12) If the disciplinary authority, having regard to its findings on the charge, is of opinion that any of the penalties specified in clauses (i) to (iii) of regulation 77 should be imposed, it shall pass an appropriate order on the case.
- (13) If the disciplinary authority, having regard to its findings on the charge, is of opinion that any of the penalties specified in clauses (iv) to (vii) of regulation 77 should be imposed, it shall-
- (a) furnish to the employee a copy of the report of the inquiring authority and a statement of the findings, together with brief reasons for disagreement, if any, with the findings of the inquiring authority; and
  - (b) give him/her a notice stating the punishment proposed and the grounds thereof and calling upon him to submit within a specified time such representation as he/she may wish to make on the punishment proposed but only on the basis of the evidence adduced during the inquiry.
- (14) The disciplinary authority may consider the representation, if any, made by the employee according to the provision of clause (b) of sub-regulation (13) and determine what penalty, if any, should be imposed on the delinquent employee and pass appropriate orders on the case.
- (15) Orders passed by the disciplinary authority under sub-regulation (12) and (14) of this regulation shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiring authority and statement of its findings together with brief reasons for disagreement, if any, with findings of the inquiring authority, unless those have already been supplied to him/her.

80. Nothing in regulation 79 apply in a case where-

- (a) any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where the Board is satisfied that in the interest of the Board or the security of the State it is not expedient to hold such inquiry.



81. (1) An employee who is suspended or deemed to have been suspended under regulation 80 may prefer an appeal against such suspension to the Board.  
Provided that no appeal shall lie against any such order if it is issued in terms of resolution adopted at the meeting of the Board.
- (2) The Board may entrust such matter to the Appeal Committee of the Board or may constitute a committee for the purpose.
82. An employee may prefer/ appeal against an order imposing upon him any of the penalties specified in regulation 77 to the Board.
83. (1) An employee may also appeal against an order which-
- (a) denies or varies to his disadvantage pay, allowance, pension provident fund benefits, service gratuity or other conditions of service as regulated by rules regulations or by agreement;
  - (b) interprets to his disadvantage the provisions of any such rule, regulations and agreement to the Board if the order is passed by the President;
- (2) (a) reverting to a lower service, grade or post, employee officiating in a higher service, grade or post otherwise than as a penalty;
- (b) reducing or withholding the pension of Board employee or denying to him/her the maximum pension admissible under the rules;
  - (c) determining the pay and allowances for the period of suspension to be paid to an employee of the Board on his/her reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, which shall lie with the Board.
84. No appeal under these regulations shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:  
Provided that the Board may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant has sufficient cause for not submitting the appeal in time.
85. (1) Every person preferring an appeal shall do so separately and in his / her own name.
- (2) The appeal shall be presented to the Board to whom the appeal lies, a copy being simultaneously forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies.
86. (1) In the case of an appeal against an order of suspension, the Board shall consider whether in the light of the provision of regulation 76 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in regulation 78 the Board / appeal Committee/ Committee as the case may be constituted by the Board for such purpose shall consider-
- (a) whether the procedure prescribed in these regulations has been complied with, and if not whether such non-compliance has resulted in the violation of any of the provisions of the Constitution of India or in the failure of justice.
  - (b) whether the findings of the disciplinary authority are warranted by the evidences on the record; and
  - (c) whether the penalty imposed is adequate, inadequate or severe and pass orders-setting asides, reducing, confirming or enhancing the penalty;
- Provided that no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to

make against such enhanced penalty.

87. The authority which made the order appealed against shall give effect to the orders passed by the appellate authority and in doing so it shall furnish to the employee concerned a copy of the order passed by the appellate authority in the case.

88. (1) An employee under suspension or deemed 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 employee concerned 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 is 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 first three months as follows:

- (1) The amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent 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 employee;
- (2) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first twelve 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 employee;
- (b) Dearness, medical or other compensatory allowances, if any, admissible from time to time on the basis of pay which the 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 allowance.

*Note:- No payment under this regulation shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation. The disciplinary authority shall have the right to verify or to cause verification of the position before passing any order for payment or non-payment under this regulation.*

- (2) The following recoveries which would have been made from salary had he not been suspended, shall be made from the subsistence allowance of the employee:
  - (a) Government dues such as income-tax, super-tax, profession-tax, house-rent, charges for electricity and water, furniture hire and like;
  - (b) loans and advances taken by the employee from the Board;
  - (c) overpayment made to the employee by the Board, and
  - (d) loss to the Board for which the employee has been held responsible;Provided that the total amount of the recoveries to be made under clauses (b) to (d) shall not exceed one third of the subsistence allowance granted to the employee under clause (a) of sub-regulation (1).
- (3) Recovery may also be made from the subsistence allowance to the employee with his written consent and to the extent agreed upon in respect of the following namely:
  - (a) premium due on any life or mediclaim insurance policies;
  - (B) dues of any co-operative society.

89. (1) When an 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 allowance to be paid to the employee for the period of

suspension ending with reinstatement or the date of retirement including period of suspension or retirement as the case may be;

- (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 suspension was wholly unjustified, the employee shall, subject to the provision of sub-regulation (7), be paid in full pay and allowances to which he/she would have been entitled, had he/she not been suspended.
- (3) In a case falling under sub-regulation (2) the period of suspension shall be treated as a period spent on duty for all purposes.
- (4) In a case other than falling under sub-regulation (2) the employee shall subject to the provisions of sub-regulations (7) and (8) be paid such amount (not being the whole) of 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 employee of the quantum proposed and considering the representation, if any submitted by him/ her 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) Where suspension is revoked pending finalisation of disciplinary or court proceedings, any order passed under sub-regulation (1) before the conclusion of the proceedings against the employee, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-regulation (4) who shall make an order according to the provisions of sub-regulation (2) or (4) as the case may be.
- (6) In case falling under sub-regulation (4) 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 employee so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible.
- (7) The payment of allowance under sub-regulation (2) and (4) shall be subject to all other conditions under which such allowances are admissible.
- (8) The amount determined under sub-regulation (4) shall not be less than the subsistence allowance and other allowances admissible under regulation 88.

Reinstated on  
appeal

90. (1) When an employee who has been dismissed, removed or compulsorily retired, is reinstated as a result of an appeal would have been so reinstated but for his/her retirement on superannuation while and / or suspension or not, the authority competent to order reinstatement shall consider and make specific order:
  - (a) Regarding the pay and allowance to be paid to the 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 employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the employee shall, subject to the provisions of sub-regulation (4) be paid the full pay and allowances to which he/she 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 when such authority is of opinion that the termination of the proceedings instituted against the employee had been delayed due to reasons directly attributable to the employee, it may, after giving him/her an opportunity to make his/her representation within sixty days from the date of which communication in this regard is served on him / her and after considering the representation if any, submitted by him / her direct for reasons to be recorded in writing that the employee shall, subject to the provisions of sub-regulation (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-regulation (ii) 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 all purposes.
- (4) In case other than those covered by sub-regulation (2) including cases where the order of dismissal, removal and compulsory retirement from the service is set aside by the appellate authority solely on technical grounds and not on merits and no further inquiry is proposed to be held, the employee shall be subject to the provisions of sub-regulations (4) and (7) 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 removal, dismissal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the employee of the quantum proposed after considering the representation, if any submitted by him/her in that connection within such period, which in no case shall exclude 60 days from the date on which the notice has been served, as may be specified by notice.
- (5) In case falling under sub-regulation (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 directs that it shall be so treated for any specified purpose:
- Provided that if the employee so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to him.
- (6) The payment of allowances under sub-regulation (2) or sub-regulation (4) shall be subject to all other conditions under which such allowances are admissible.
- (7) The amount determined under the provision to sub-regulation (2) or under sub-regulation (4) shall not be less than a subsistence allowance and other allowances admissible under regulation 88.
- (8) Any payment made under this regulation to an employee on his/her reinstatement shall be subject to adjustment of the amount, if any earned by him/her 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. When the emoluments under this regulation are equal or less than the amounts earned during the employment elsewhere, nothing shall be paid to the employee.
- Note: The President shall be the authority competent to order reinstatement.*

91. (1) Where the dismissal, removal or compulsory retirement of an employee is set aside by a court of law and such employee is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the employee shall be paid pay and allowances for the period in accordance with the provisions of sub-regulation (ii) or (iii) subject to the directions, if any, of the court.
- (2) Where the order of dismissal, removal or compulsory retirement of an employee is set aside by the court on the ground of non-compliance with the technical requirements of rules or procedure or where he is not exonerated on merits of the case, action will be taken in the same way as in sub-regulation (4) of regulation 88 and period of absence will be regularised in accordance with the provisions in sub-regulation (5) of regulation 88.
- (3) If the dismissal, removal or compulsory retirement of the employee is set aside by the court on the merit 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 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,

pay and  
allowances on  
reinstatement  
when the order  
of dismissal  
etc. are set  
aside by a  
court of law::



- (4) Any payment made under this regulation to an 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 regulation are equal to or less than these earned during the employment elsewhere, nothing shall be paid to the employee.

By order,

MD. FAZLE RABBI

President

West Bengal Board of Madrasah Education.

APPENDIX II

(See Regulations)

## PROCEDURE TO BE FOLLOWED BEFORE GOING ON STRIKE

## 1. No employee shall go on strike without-

- (a) completing the process of conciliation or negotiation in the manner laid down hereunder; and
- (b) giving notice of at least 14 days to the appropriate authority and the strike shall not commence before expiry of the period of notice.

Matters over which 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 procedure of negotiation and conciliation:

- (a) The Unions/ Associations/ Federative Bodies after exhaustion of the negotiation with the Secretary and President of the Board shall place their points of grievances to the Board in writing on receipt of which the Board shall call the aggrieved party for negotiation and settlement of the grievances. If the negotiation fails and no settlement of grievances is reached within 30 days, the Unions/ Associations/ Federative Bodies may serve a strike notice to the President, Board mentioning the points of grievances.
- (b) On receipt of the strike notice the President may take further initiative to resolve the dispute by holding an emergency meeting of the Board and make all efforts to that effect by arranging discussion with the aggrieved party with an intimation to the Department of Minority Affairs and Madrasah Education, Govt. of West Bengal. In case of failure of such discussion the aggrieved party shall have the right to give effect to the strike notice.
- (c) When a strike, which commences after the procedure laid down herein before 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 and amongst the parties regarding the composition of the Board of Arbitrators, such a Board of Arbitrators shall be nominated by the Govt. which shall consist of not more than three members, majority of whom shall be other than members and employees of the Board.
- (d) The Board of Arbitrators shall hear all the parties to the dispute and give its award within a period of one month.
- (e) After the grievances / disputes leading to the commencement of a strike are referred to by the Appropriate Authority to a Board of Arbitrators, the Board by an order may prohibit continuance of the strike.

**APPENDIX I****(See sub-regulation (a) of regulation 49)  
FORM OF LEAVE ACCOUNT**

Name of the employee:

Date of Commencement of continuous service:

Date of retirement.....

Date of permanent employment:

**Earned Leave**

Particulars of Service in the half-year of calendar year From to		completed months of the service in the half-year of a Calendar year	E.L. credited at beginning of half-year	No. of days of other kind of leave (Col.36) availed of during the previous calendar Half-year	Earned leave to be deducted (1/10* of the period in Col.5)	Total Earned Leave at credit in days (Col.4+11-6)	Leave taken From to No. of days		
1	2	3	4	5	6	7	8	9	10
<div>Balance of E.L. on Return from leave (Col. 7-10)</div> <div>Length of service</div> <div>Credit of leave</div> <div>Leave against the earning of half-pay</div>									
			From To	No. of Completed Years	Leave earned (in days)	leave at credit (Col. 15+35)	From To	No. of days	
11		12	13	14	15	16	17	18	19

**HALF-PAY LEAVE TAKEN****(On private affairs and on medical certificate including commuted leave and leave not due)**

Commuted leave on medical Certificate on full pay			Commuted leave without medical certificate for studies certified to be in public interest limited to 180 days half pay leave in entire service converted into 90 days commuted leave in entire service			Commuted leave converted into half-pay leave twice of the Col.22 and 25		
From	To	No. of days	From	To	No. of days			
20	21	22	23	24	25	26		

**LEAVE NOT DUE  
(Limited to 360 days in entire service)**

on medical certificate			otherwise than on medical certificate limited to 180 days			total of leave not due (Col.32 and 29)		Total of half-pay leave taken (Col. 19+26+33)		Balance of half-pay leave on return from leave (Col. 16-34)		other kinds of leave taken	
From	To	No. of Days	From	To	No. of Days								
27	28	29	30	31	32	33	34	35				36	