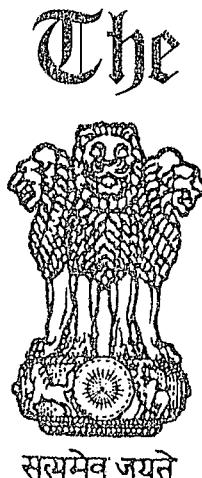


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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
West Bengal State Warehousing Corporation
4th Floor, Block B, Khadya Bhavan 11A, Mirza Ghalib Street
Kolkata, West Bengal 700087

No: 115/R(III)-1/SWC/2023

Date: 15.04.2023

NOTIFICATION

In exercise of the power conferred by Sub-section (1), read with Clause (a) of Sub-section (2), of Section 42 of the Warehousing Corporations Act, 1962 (Act 58 of 1962), the West Bengal State Warehousing Corporation hereby makes, with the previous sanction of the appropriate Government, the following regulations regulating Conditions of Service of, and the Remuneration Payable to the Officers and Other Employees of the West Bengal State Warehousing Corporation, namely:—

Regulation

CHAPTER - I

1. **Short Title and Commencement:** — (1) These regulations may be called the West Bengal State Warehousing Corporation (Conditions of Service of, and the Remuneration payable to, the Officers and Other Employees) Regulations, 2024.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definition:** —In these regulations, unless there is anything repugnant to the subject or context,
 - (a) “Act” means the Warehousing Corporations Act, 1962 (58 of 1962);
 - (b) “Board” means the Board of Directors of the Corporation;
 - (c) “Chairman” means the Chairman of the Board of Directors;
 - (d) “Corporation” means the West Bengal State Warehousing Corporation established under Section 18 of the Act;
 - (e) “Daily allowance” means the allowance granted for each day of absence from the headquarters on duty;
 - (f) “Day” means a calendar day beginning and ending at midnight but an absence from the headquarters which does not exceed 24 hours shall be reckoned as one day;

- (g) "Director" means a member of the Board of Directors;
- (h) "Employee" means a person in the whole or part-time Service of the Corporation but does not include a person employed on contract or daily wages;
- (i) "Executive Committee" means the Executive Committee of the Corporation constituted by the Board in terms of Section 25 of the Act;
- (j) "Family" means an employee's wife or husband; as the case may be, residing with and wholly dependent on the employee and legitimate children and adopted children. Except as otherwise provided, it also includes parents, sister, and minor brothers if residing with and wholly dependent upon the employee;
- (k) "Headquarters" means the normal place of duty of an employee or such other place as specified by the Corporation;
- (l) "Lien" means the title of an employee to hold substantively either immediately or on the termination of a period/periods of absence, a permanent post, including a tenure post to which he or she has been appointed substantively;
- (m) "Managing Director" means the Managing Director of the Corporation;
- (n) "Notification" means a notification published in the *Official Gazette*;
- (o) "Officiate" means when an employee performs duties of a post on which another person holds a lien or when he or she is appointed by the Authority competent to make a substantive appointment to the post to officiate in a vacant post on which no other person holds a lien;
- (p) "Pay" means-
 - (i) the amount drawn monthly by an employee as the pay other than special pay or pay granted in view of personal qualifications, which has been sanctioned for a post held by him or her substantively or in an officiating capacity, or to which he or she is entitled by reason of his or her position in a cadre;
 - (ii) personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by the Corporation;
- (q) "Personal Pay" means additional pay granted to an employee-
 - (i) to save him or her from a loss of substantive pay in respect of Permanent Post other than tenure post due to revision of Pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
 - (ii) in exceptional circumstances, on other personal consideration.
- (r) "Rule" means the West Bengal State Warehousing Corporation Rules, framed under the Act;
- (s) "Secretary" means the Secretary of the Corporation;
- (t) "Selection Committee" means a Selection Committee constituted by the Board or the Appointing authority for selecting persons for various Posts in the Corporation and shall include "Departmental Promotion Committee";
- (u) "Special Pay" means addition of the nature of the pay to the emoluments of a post or of an employee, granted in consideration of-
 - (i) the specially arduous nature of the duties or
 - (ii) a specific addition to the work or responsibility
- (v) "Sub-Committee" means a Sub-Committee appointed by Board of Directors or by the Executive Committee;

CHAPTER-II

CLASSIFICATION OF POSTS

3. **Classification of Posts.** — The posts under the Corporation shall be classified as follows:-

Group-A: All posts carrying a pay or a scale of pay from level 12 in Pay Matrix;

Group-B: All posts carrying a pay or a scale of pay from level 8 up to 11 in Pay Matrix;

Group-C: All posts carrying a pay or a scale of pay from level 3 up to 7 in Pay Matrix;

Group-D: All posts carrying a pay or scale of pay below of level 3 in Pay Matrix.

The above classification is based on the existing scales of pay and shall correspondingly be revised on revision of pay scales from time to time.

4. **Appointing Authority.** – The authorities competent to make appointments to the Categories of posts indicated in column 2 of the Appendix I of West Bengal State Warehousing Corporation (Recruitment and Promotion) Regulations, 2024 will be those specified in the corresponding entries in column 3 of that Appendix I of aforesaid Regulation.
5. **Liability for Service.** – (1) A person recruited to any post under the Corporation shall be liable to serve anywhere in West Bengal or India in the interest of the Corporation.
(2) All employees are liable to undergo such training for such period and undertake such examinations as may be prescribed by the Corporation from time to time.
6. **Seniority.** – Seniority of the employees appointed in the Corporation shall be determined as follows:
 - (a) The relative seniority of direct recruits will be determined by the order of merit in which they are selected for such appointment. When two or more Candidates are declared to be of equal merit at one and the same selection, their relative seniority will be determined by the date of birth and the elder Candidate being the senior. Persons appointed as a result of earlier selection shall rank to those appointed as a result of subsequent selection.
 - (b) In categories of Post partially filled by direct recruitment criteria for determination of seniority shall be the order in which the selection list has been drawn by the Selection Committee. The inter-se-seniority amongst direct recruits vis-à-vis promotees will be decided as per Government Rules.
7. **Seniority on Promotion.** – Candidates selected for promotion at an earlier selection shall be senior to those selected later irrespective of the dates of joining. If a promotion order contains Names of more than one person, their seniority shall be according to the merit list drawn by the Selection Committee in accordance with the relevant promotion rules.
8. **Seniority on Reduction as Penalty.** – (1) The seniority of an employee whose pay is reduced in the same time scale as a result of disciplinary action will not be affected by such order if not otherwise specified.
(2) The seniority of an employee who is reduced to a lower grade or post as a result of disciplinary action and the period of such reduction is not specified in the order imposing the penalty, shall be lost entirely. Such employee shall be required to render prescribed qualifying service in the reduced grade/post for being eligible for consideration for re-promotion. On re-promotion the seniority of such an employee shall be determined by the date of re-promotion without regard to the service rendered by him or her in such service grade prior to his or her reduction. Where the penalty of reduction to a lower grade or post or lower time scale is for specified period the employee concerned shall be re-promoted automatically to the post from which he or she was reduced and the seniority in the original grade or post or time scale shall be fixed at which it would have been but for his or her reduction.
9. **Seniority of Deputationists.** – (1) Seniority of deputationists absorbed in the same grade in which he or she was originally appointed on deputation shall count from the date of his original appointment on deputation in that grade in the Corporation.
(2) Seniority of the deputationists on absorption vis-à-vis those directly recruited or promoted in the same grade will be decided based on the date of appointment to the grade. When the date of order of appointment in the case of direct recruits, promotes and the date of absorption in the case of deputationists happens to be the same, the deputationists will be placed above the direct recruits but below the promotees subject to inter-se-seniority of direct recruits, drawn at the time of selection.
10. **Security.** – Any person appointed by the Corporation to a post which requires handling of stores or cash or both for discharge of duties attached thereto shall furnish security in Cash or otherwise as the Managing Director in his or her discretion may determine from time to time.
11. **Contract of Service.** – Persons, other than those lent by the State Government, who are appointed for a fixed period, may be required to execute a contract in such form or forms, as may be prescribed by the Corporation.
12. **Maintenance of Service Records etc.** – (1) Service records, leave accounts and annual confidential reports of all employees, except those on deputation from the Government on Foreign Service, shall be maintained in such forms/reports as per Government rules.

(b) when appointment to a new post does not involve such assumption he or she shall draw the initial pay at the stage of time-scale which is equal to his or her presumptive pay in the post on which he or she holds lien or if there is no such stage the stage below that pay, plus personal pay equal to the difference to be absorbed in future increments, but if the minimum of the time scale of the new post is higher than his or her substantive pay, he or she shall draw the minimum pay as initial pay.

(2) In case an employee of the Corporation holds higher posts substantively as a temporary measure or officiates in one or more separate posts his pay will be regulated as follows:—

- If he or she may draw the highest pay to which he or she would be entitled if his or her appointment to one of the posts stood alone, on account of his or her tenure of that post;
- For each other post he or she may draw such reasonable pay in no case exceeding one-fifth of the presumptive of such post, as Corporation may fix;
- If a special pay is attached to one or more of the posts, he or she may draw such special pay as Corporation may fix, provided that it shall not exceed the total of the special pay attached to all the posts: Provided that the benefit under the regulation will be admissible for a total period not exceeding six months except under special circumstances: Provided further that if a person holding a superior post performs in addition to his or her own duties, the duties of his or her subordinate officer in the same office or establishment, he or she shall not be entitled to additional remuneration.

22. **Pay on Promotion.**— (1) Where an employee is promoted to a higher post or grade, his or her initial pay in new time scale shall be fixed at the stage next above the pay notionally arrived at by increasing his or her pay in respect of the lower post by one increment at the stage at which such pay has accrued.

(2) Where an employee immediately before his or her promotion was drawing pay at the maximum of the time scale of the lower post, his or her initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his or her pay in the lower post by an amount equal to the last increment of the time scale of the lower post.

(3) If an employee had previously officiated for or has been promoted on ad-hoc basis to a higher scale, the initial pay fixed on re-promotion at the same scale or another post having an identical scale of pay will not be less than that drawn on the last occasion in the higher scale and the period(s) for which it had been drawn shall count for the purpose of drawal of annual increment in the higher scale.

(4) Where an employee is specifically required by the competent authority to hold charge of a higher post in addition to his or her own duties, he or she shall not be deemed to have been promoted to that higher post and shall not be eligible for benefit of pay fixation as on promotion. He or she shall, however, be eligible to draw charge allowance in accordance with the instructions issued by the Board of Directors from time to time.

23. **Treatment of Special Pay/Charge Allowance/Personal Pay on Promotion.**— (1) Special pay shall be ignored for purpose of fixation of pay in the higher grade unless it has been continuously drawn for a period of three years or it is allowed in lieu of higher grade.

(2) Charge allowance shall not count for purposes of fixation of pay of promotion.

(3) Personal pay wherever applicable shall be protected in accordance with the conditions attached to it.

24. **Pay Fixation on Reversion.**— The pay of an employee reverted from a higher grade or posts to a lower grade or post shall be fixed in the lower grade in such a manner that he or she does not draw less than what he or she should have drawn had he or she continued in the lower scale but for his or her promotion to the higher scale.

25. **Pay Fixation of Deputationists.**— The pay of a deputationists shall be regulated in accordance with his or her terms of deputations as mutually agreed upon between the Lending Authority and the Corporation subject to the condition that in no case the benefit accruing to a deputationists shall exceed the limits prescribed by the State Government in this regard, from time to time.

26. **Increment.**— (1) Increment in the time scale of a post to which person is appointed shall be drawn as a matter of course except where such increments have been withheld as a result of penalty imposed under these regulations.

(2) All increments shall fall due on the 1st day of July of following years in case of those employees appointed/promoted between 1st January and 30th June and all increments shall fall due on the 1st day of July of the following year in case of those employees whose actual increment dates fall due between 1st July and 31st Dec.

(3) In the case of employees who are on probation no increment shall be allowed during the period of probation. The first increment shall be allowed to be drawn with effect from the first of the month in which the probation is completed or twelve months are completed, whichever is later. Where the period of probation is extended no increment shall be granted with retrospective effect from the first of the month in which the initial period of probation has come to an end or twelve months are completed, whichever is later, although no arrears will be paid for the extended period of probation up to the first of the month in which it is completed. Subsequent increment shall be regulated in accordance with the provisions of sub-regulation (2).

(4) An employee who reaches the maximum of the scale shall draw annual increment for stagnation beyond the maximum of the scale at the same rate at which it was last drawn subject a maximum of six increments. An employee against whom a disciplinary case is pending shall not be granted such increment till the finalization of disciplinary proceedings started against him or her.

(5) The appointing authority may withhold the increment if work and conduct of a person are not considered satisfactory. When the increment is withheld, the order shall state the purpose for which it is to be withheld.

CHAPTER – III

Miscellaneous

27. **Interpretation.** – If any doubt or difficulty arises in interpreting those regulations of in giving effect to them or if any lacuna, inconsistency or anomaly is discovered in their applications, it shall be open to the Board of Directors to issue general instructions not inconsistent with the Act and the rules and regulations made hereunder or any instructions issued by the Government from time to time to the extent it is applicable to the Corporation for the purposes of removing such doubt, difficulty, lacuna, inconsistency or anomaly.

28. **Power of Relaxation.** – If the Board of Directors is satisfied that in the special circumstances of any case it is necessary or expedient so to do it may, after specifying those special circumstances in writing, relax the provisions of any of these regulations in such a case subject to the approval of the State Government.

29. **Savings.** – Any matter not provided for in these regulations shall until requisite provisions in that behalf are made in these regulations, be dealt with and disposed of by the appropriate authority, as far as may be in accordance with the rules and orders issued from time to time by the Government of West Bengal relating to similar matters.

By order of the Governor,

SRISTIDHAR SANTRA, IAS (RETIRED)
OSD & EO, Secretary,
West Bengal State Warehousing Corporation