

WEST BENGAL SERVICES (DETERMINATION OF SENIORITY) RULES, 1981

1. Short title and commencement.—(1) These rules may be called the West Bengal Services (Determination of Seniority) Rules, 1981

(2) They shall come into force on the 11th March, 1981.

2. Application.—These rules shall apply to all Government servants except—

- (1) members of the All India Services ;
- (2) members of the West Bengal Higher Judicial Service ;
- (3) members of the West Bengal Civil Service (Judicial) ;
- (4) members of the West Bengal Civil Service ;
- (5) members of the West Bengal Police Service ;

3. Definitions.—In these rules, unless the context otherwise requires—

- (i) "appointing authority" in relation to a post means the authority competent to fill up such post ;
- (ii) "commission" means the Public Service Commission, West Bengal ;
- (iii) "select list" means the list of candidates prepared in the order of merit in which candidates are selected through a competitive examination and/or interview and/or, after training or otherwise ;
- (iv) "post", "cadre" or "grade" shall mean any post, cadre or grade in connection with the affairs of the State of West Bengal;
- (v) "selecting authority" means the appointing authority or any other authority empowered to make selection of candidates for recruitment or promotion to any post, cadre or grade ;
- (vi) "date of joining" shall be reckoned from the date of continuous officiating in a post/cadre or grade.

4. Determination of seniority of direct recruits.—The relative seniority of all persons appointed directly through competitive examination or interview or after training or otherwise shall be determined by the order of merit in which they are selected for such appointment on the recommendation of the Commission or other selecting authority, persons appointed on the result of an earlier selection being senior to those appointed on the result of a subsequent selection:

Provided that where appointment of persons initially made otherwise than in accordance with the relevant recruitment rules is subsequently regularized in consultation with the Commission, where necessary, seniority of such persons shall be determined from the

date of regularization and not from the date of appointment. The *inter-se-seniority* amongst such persons shall, however, depend on the date of appointment of each such person in the department or office concerned:

Provided further that if any person selected for appointment to any post does not join within two months of the offer of appointment, his seniority shall count from the date on which he joins the post unless the appointing authority for reasons to be recorded in writing condones the delay.

Note.—(1) A list of candidates for the purpose of selection for appointment shall be prepared in all cases by the selecting authority, when there will be recruitment in a single process of selection of more than one person.

(2) Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of actual 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 total marks obtained by each in the examination passing of which is the qualification prescribed for recruitment to the particular post, cadre or grade.

(3) In so far as the determination of relative seniority of persons selected either by the Commission or by other selecting authority for appointment to different posts in the same grade with different qualifications such as posts of Assistant Professors in History, Economics, Physics, Chemistry, etc., is concerned, seniority shall be determined from the date of joining.

5. Determination of seniority of promotees.—(1) Seniority of persons appointed on promotion to any post, cadre or grade shall be determined from the date of joining such post, cadre or grade.

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

(3) Persons appointed on the result of an earlier selection shall be senior to those appointed on the results of a subsequent selection.

(4) Where promotions to a post, cadre or grade are made from more than one post, cadre or grade, the relative seniority of the promotees from different posts, cadre, or grades shall be according to the order of merit determined by the Commission or the

selecting authority, if such posts, cadres or grades do not come within the purview of the Commission.

Note 1.—A list of candidates for the purpose of selection for promotion shall be prepared in all cases, by the selecting authority when appointments are made on promotion in a single process of selection of more than one person.

Note 2.—Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of date of joining. When the date of joining of such persons in the same seniority in the promotion post, cadre or grade shall follow the seniority in the lower feeder post, cadre or grade.

6. Relative seniority of direct recruits and promotees.—(1) The relative seniority between a promotee and a direct recruit shall be determined by the year of appointment or promotion of each in the post, cadre or grade irrespective of the date of joining.

(2) The promotees shall be enbloc senior to the direct recruits of the same year.

7. Determination of seniority of transferees.—The relative seniority of persons appointed by transfer to a post, cadre or grade from the feeder post, cadre or grade of the same department or office from other departments or offices of the Government shall be determined by the order of selection for such transfer.

(2) When such transfer involves two or more persons selected from different departments or offices on the same occasion, the appointing authority for such appointment on transfer shall indicate the order of merit of the selected persons in each case.

(3) The relative seniority between a promotee, a transferee and a direct recruit shall be determined by the year of promotion or transfer of recruitment, promotees being enbloc senior to the transferees and direct recruits of the same year and transferees being enbloc senior to the direct recruits of the same year.

8. Service benefits.—With effect from the date of coming into force of these rules, for the purpose of service benefits available on the basis of seniority, such seniority shall mean the seniority determined under these rules.

9. Interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to the Government in the Finance Department whose decision thereon shall be final.

9. Repeal and saving.—All rules, orders or memoranda concerning matters covered by these rules are hereby repealed:

Provided that the cases of benefits already given on the basis of seniority determined in accordance with the principles in force prior to the coming into force of these rules shall not be affected:

Provided further that there shall be no change in the existing order of *inter-seniority* amongst the officers of the services within the meaning of the West Bengal Service (Unification of State Services) Rules, 1979 (hereinafter referred to as the said rules) as determined prior to the coming into force of the said rules *i.e.*, the 18th May, 1979.