

**** APPENDIX No. 6A**

1. **Short title, application and commencement**—(1) These rules may be called the West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980.

(2) They shall apply to all employees of the Government of West Bengal :

Provided that nothing in these rules shall apply to persons appointed to any All India Service and members of the Police, and Jail Staff falling under the purview of the Jail Code.

(3) They shall be deemed to have come into force with effect from the 1st day of June, 1980.

2. **Definitions**—In these rules, unless there is anything contrary to the context,—

- (a) "appointing authority" in relation to a Government employee, means the authority empowered to make appointment to the service or post held by him for the time being ;
- (b) "Government" means the Government of West Bengal ;
- (c) "Government employee" means a person appointed to a service or post in connection with the affairs of the State ;
- (d) "member of the family", in relation to a Government employee, means the wife or husband, as the case may be, and the child or the step-child of the Government employee ;
- (e) "public servant" has the same meaning as in the Indian Penal Code (45 of 1860) ;
- (f) "State" means the State of West Bengal ;
- (g) "strike" means strike as defined in clause (q) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).

3. **Duties**—The following shall be the duties of a Government employee :—

- (1) every Government employee shall bear in mind that he is a public servant ; he shall faithfully discharge his duties, shall always behave courteously with the members of the public or colleagues with whom he has to come in contact in the discharge of his duties as a public servant and shall always try to help them in all possible ways through quick and faithful discharge of the duties assigned to him ;
- (2) every Government employee shall in the discharge of his duties rise above all personal, political and other considerations and maintain integrity, impartiality and devotion to duty ;
- (3) every Government employee shall, notwithstanding his personal views on any matter relating to State Policy and programme, carry out faithfully the duties and responsibilities entrusted to him as a public servant ;

- (4) every Government employee shall practise, promote and encourage collective functioning in the interest of the administrative efficiency and apply his personal initiative to the efficient discharge of his duties ;
- (5) when in the discharge of his duties a Government employee is called upon to decide a matter in which he or a relation of his financial or otherwise interested, every such Government employee shall, at the earliest opportunity, bring this fact in writing to the notice of the authority to whom he is subordinate ;
- (6) every Government employee (other than a Group D employee) shall once in every year, submit in the prescribed form to the appointing authority a return of movable and immovable property and other assets owned, acquired or inherited by him or any member of his family.

4. Rights—The following shall be the rights of Government employee :

- (1) every Government employee shall have the right to form Association Unions|Federative bodies of the employees ;
- (2) every Government employee shall have full trade union rights including the right to strike. The right to strike shall, however, be subject to compliance with the provisions laid down in Appendix ;

Note.—The right to strike shall not, however, be available to the members of the W.B.C.S. (Executive and Judicial) and other allied executive administrative, medical, engineering and educational services ;

- (3) every Government employee shall enjoy full democratic rights except being a member of any political party.

Explanation.—These rights do not however include any which is prohibited under the law of the land.

- (4) any Government employee may, with prior intimation to the authority and subject to the conditions laid down in clause (7) of rule 6 of these rules, participate in a radio or television programme :

Provided that nothing should be said in such programme which—

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

- (5) any Government employee may contribute any literary or scientific writing or write any letter to any newspaper or periodical, subject to the provisions laid down in clause (4).

5. Obligations—Every Government employee shall have the following obligations :—

- (1) no Government employee shall commit any misconduct as laid down in section 5 of the Prevention of Corruption Act, 1947 (2 of 1947) or take any gratification other than the legal remuneration or obtain valuable things without consideration or for consideration which he knows to be inadequate, from persons concerned in proceeding or business transacted by such Government employee as detailed in section 161 and section 165 of the Indian Penal Code (45 of 1960) ;

- (2) no Government employee shall, except with prior sanction of the appointing authority, acquire or dispose of any immovable property by lease, mortgage, sale, gift or otherwise either in his own name or in the name of any member of his 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 5,000 in value.

Note.—The movable or immovable properties owned by the members of the family of the Government 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 or clause (6) of rule 3 of these rules ;

- (3) no Government employee shall lend money to, or obtain loan from, any member of the public, business house or a trader with whom he has to deal in his official capacity directly or indirectly ;

Note.—A co-operative society shall not, however come within the purview of this clause ;

- (4) no Government 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 ;

- (5) no Government employee shall employ or engage any subordinate for any private, domestic or personal service or for any purpose other than official business ;

- (6) no Government employee shall use or permit any other person to use a Government vehicle or a safe or any other Government property for any purpose other than official business ;

- (7) no Government employee shall except in accordance with any general or special orders of the Government communicate directly or indirectly to officials not concerned or non-official person or to the press any secret document or information that may come to his knowledge in course of his public duties ;

- (8) no Government employee shall—

(a) violate any law relating to intoxicating drinks or drugs ;

(b) consume or be under the influence of any intoxicating drink or drug during the course of his duty and/or in any public place ;

- (9) no Government employee shall, without the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person any gift of more than trifling value ;

Note.—Gifts in conformity with religious or social customs shall not come within the purview of this clause ;

- (10) no Government employee shall, while on leave, accept any service or employment ;

- (11) no Government employee shall, except with the previous sanction of the Government, engaged in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking excepting in the case of honorary work of social and charitable nature or co-operative societies.

6. **Submission of petitions and memorials**—(1) Any Government employee or a group of employees desiring to place a claim or seeking redress of his or their grievance in any matter connected with the service condition shall ordinarily address the authority at the lowest level competent to deal with the matter or the authorities superior to the officer against whose order or action redress is being sought for. If the employee or the group of employees does not receive within a 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 said authority, the employee or the group of employees may directly address higher authorities, including the Minister, seeking interview or intervention.

(2) Any Government employee desiring to apply for any other post shall apply through his appointing authority who shall, unless there is any disciplinary proceeding pending against the Government employee, forward the application to the addressee.

A Government employee may, if necessary, send an advance copy of an application direct to the addressee.

7. **Interpretation**—If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

7A. **Rules not to be in derogation of the West Bengal Government Servants' Conduct Rules, 1959**—Nothing in these rules shall be construed to be in derogation of the provisions of the West Bengal Government Servants' Conduct Rules, 1959.

8. **Repeal and savings**—(1) Subject to the provisions of rule 7A, as from the coming into force of these rules, the West Bengal Government Servants' Conduct Rules, 1959, shall, in relation to the Government employees to whom these rules apply, stand repealed.

(2) Notwithstanding such repeal, anything done or any act committed or any omission made by any Government employee before the coming into force of these rules, the rules which were in force when such thing was done or such act was committed or such omission was made, shall be deemed to continue and to have always continued to apply.

9. Any violation or infringement of these rules shall be deemed to be a good and sufficient reason within the meaning of rule 8 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, for imposing penalties.

APPENDIX I

Procedure to be followed before going on strike

1. No employee shall go on strike without—
 - (i) completing the process of conciliation or negotiation in the manner laid down hereunder; and
 - (ii) giving notice of at least 14 days to the appropriate authority and the strike shall not commence before expiry of the period of notice. For public utility services (as detailed below) the period of notice shall be thirty days.

Note.—The following services shall be included in the category of public utility services :

- (1) All services directly connected with the running of hospitals.
- (2) Fire Brigade—operational services.
- (3) Drinking Water Supply—operational services.
- (4) Milk Supply—operational services.
- (5) Ration Shops of the Food and Supplies Department.

(iii) Matters over which Government 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 process of negotiation or conciliation :—

- (a) There shall be a State Negotiating Body under the State Government. The body shall be headed by a Senior Officer of the Government of the rank of Secretary of a department and shall consist of four other members not below the rank of Joint Secretary of a Department. The body shall function under the direct control and supervision of the Chief Secretary.
- (b) The Body shall have a separate establishment of its own and shall be entrusted with the task of holding negotiation with Associations|Unions|Federative Bodies on the grievances of the employees both of general nature or of departmental or sectional character.
- (c) The Unions|Associations|Federative Bodies after exhaustion of negotiation with the appropriate departmental or Ministerial level shall place their points of grievances to this Negotiating Body in writing on receipt of which the Negotiating Body shall call the aggrieved party and may also call the authorities concerned for negotiation and settlement of the grievances. The Negotiating Body shall not take more than 30 days except with mutual agreement of the Body and the aggrieved party to complete the negotiation. It shall be the responsibility of the Negotiating Body to make its recommendation to the appropriate authority and settle the grievances within the period of 30 days.

3. If the negotiation falls and no settlement of the grievances is reached within the stipulated period noted above, the Federative Bodies|Unions|Associations may serve a strike notice to the Appropriate Authorities under intimation to this Body mentioning the points of grievances.

4. On receipt of the strike notice the Negotiating Body may take further initiative to resolve the dispute and make all efforts to that effect by arranging discussion between the aggrieved party and the authorities concerned. In case of failure of such discussion the aggrieved party shall have the right to give effect to the strike notice.

5. When a strike, which commences after the procedure laid down here-inbefore 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 the|amongst the parties regarding the composition of the Board of Arbitrators, such a Board of Arbitrators shall be nominated by the Government which shall consist of not more than three members, majority of whom shall be other than Government employees.

6. The Board of Arbitrators shall hear all the parties to the dispute and give its award within a period of one month.

7. After the grievances|disputes leading to the commencement of a strike are referred by the Appropriate Authority to a Board of Arbitrators, the Government by an order may prohibit continuance of the strike.