REGISTRAR GENERAL HIGH COURT, CALCUTTA



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Dated, Calcutta, the 20th February, 2014.

To

- All the District Judges of West Bengal, (Darjeeling, Jalpaiguri, Cooch Behar, Uttar 1. Dinajpore, Dakshin Dinajpore, Malda, Murshidabad, Nadia, South 24-Paraganas, North 24-Paraganas, Howrah, Hooghly, Burdwan, Birbhum, Bankura, Purulia, Paschim Midnapore, Purba Midnapore).
- The Chief Judge, City Civil Court, Calcutta, 2.
- The Chief Judge, City Sessions Court, Calcutta, 3.
- The Chief Judge Presidency Small Causes Court, Calcutta. 4.

Sir,

I am directed to say that

The Hon'ble Supreme of India in All India Judges' Case has been pleased to accept the recommendations of the Shetty Commission in respect of the staff of the subordinate Courts. The relevant portion of the recommendation of the Shetty Commission (Chapter VI, page 47 under the heading 'Human Resource Management' in respect of recruitment of staff) is reproduced below for your perusal: -

"1. SELECTING AUTHORITY

We are of the Opinion that the powers of the Public Service Commission to recruit staff to the Subordinate Courts should be taken away and the District Recruitment Committee shall be empowered to make all such recruitments.

(b) District Recruitment Committee.

The District Recruitment Committee for the District Courts shall consist of:

- i) Principal District & Sessions Judge ... Chairman.
- ii) Senior-most Addl. District & Sessions Judge Member.
- iii) Civil Judge (Sr. Div.)/CJM/CMM Member.
- (ii) The Recruitment Committee for Cities with City Civil Courts shall consist of:
 - Principal City Civil & Sessions Judge Chairman.
 - Senior-most Judge in the City Civil Court/Metropolitan City v)Member.
 - vi) Chief Metropolitan Magistrate/Chief Judge, Small Causes CourtMember.
- The Recruitment Committee shall make recruitment to all categories of iii) posts excluding the posts for which High Court is the appointing authority.

iv) Recruitment Cell

There shall be a Recruitment Cell established in each District Court or the City Civil Court / or in other cities for the purpose of collecting information continuously as to the vacancies arising upon retirement or promotion or resignation. This Cell shall assist the Recruitment Committee, including processing of applications received for the posts, and short-listing them as per the guidelines of the Recruitment Committee. The creation of such Cell with adequate staff has become necessary in view of the fact that applications are received in thousands even for 5 to 6 posts.

v) The recruitment shall take place every year well in advance before the vacancies arise."

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- (B) The Hon'ble Supreme Court by Order dated 07-10-09 had been pleased to observe inter alia that ".....this Court, after considering the submission made by the States/UTs/High Courts, has accepted the Shetty Commission recommendations and passed various orders. Finally, on 15-07-08 this Court has directed that
 - (i) the recommendations are reasonable and do not involve any financial burden (ii) the decision to implement the recommendations by all States should be taken within a period of three months.(iii) the recommendations will be implemented w.e.f. 1.4.2003.........".
- (C) From above, it transpires that the recommendations of the Shetty Commission were duly accepted by the Hon'ble Supreme Court.
- (D) Accordingly, the District Recruitment Committees which were formed with the approval of the Hon'ble the Chief Justice took all necessary steps for filling up the vacancies of staff in their respective judgeships and the Committee of Registrars of this High Court monitored and supervised the same.
- (E) The copy of the Minutes of the meeting of the Committee of Registrars constituted in terms of the resolution of the Administrative Committee held on 06-01-11, duly ratified by the Full Court for conducting of examination and interview of the staff at the District Courts in the State of West Bengal held on Saturday, the 15th January, 2013 containing inter alia the "Time Schedule" for recruitment of Staff of different categories at the District Courts in the State of West Bengal was sent to all the District Court in West Bengal for their information and necessary action.

It is expected that the processes initiated for recruitment of staff of different categories in the District Courts by the District Recruitment Committees for the year 2013 have been completed giving strict adherence to the time schedule framed by the Committee of Registrars.

(F) In the meantime, few Districts have sought for clarification from this end upon giving reference of the matter to the State Government regarding applicability of "The West Bengal Services (Appointment, Probation and Absorption of Group-C Employees) Rules, 2013"

olished on 01-03-2013 under Notification No. 1832-F(P) (copy enclosed) in respect of giving appointment to Group-C post in their respective judgeships.

(G) Moreover, on several occasions all the District Recruitment Committees were requested from this end to take independent decision to dispose of any matter with regard to recruitment and appointment of Staff in relation to their respective District Courts since they have been empowered by the Hon'ble Supreme Court of India by accepting the recommendations of the Shetty Commission, mentioned above.

In view of the above, I would like to intimate you that being the Chairman of the concerned District Reruitment Committee, you are competent enough to deal with the matter in accordance with existing rules. However, it may be advised to act according to the existing norms, procedure and rules followed in your District Court for recruitment, appointment of staff. In doing so, if there be any objection, then the matter may be considered in its proper perspective and will be taken up with the appropriate authority.

Enclo: As above.

Yours faithfully,

(Mir Dara Sheko)

Finance Department Audit Branch Writers* Buildings, Kolkata-700001.

NOTIFICATION

No.1832-F(P) dt. 01-03-7013.—In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in partial modification of notification No. 6060-F, dated the 25th June, 1979, the Governor is hereby pleased to make the following rules, namely

Rules

- 1. Short title and commencement.— (1) These rules may be called the West Bengal Services (Appointment, Probation and Absorption of Group C Employees) Rules, 2013.
 - (2) They shall come into force with effect from the 1st day of March 2013.
- 2. Application. (1) These rules shall apply in case of appointment to any post or cadre or service or category belonging to Group C.
 - (2) These rules shall not apply to-
 - (a) part-time workers, casual labourers, daily labourers, master roll workers and seasonal labourers;
 - (b) such other categories of persons as may be specified from time to time by Government by notification in the Official Gazette;
 - (c) cases of appointment on promotion.
 - 3. Definitions In these rules, unless the context otherwise requires,-
 - (1) "Appointment on probation" means appointment on trial before absorption;
 - (2) "Government" means the Government of West Bengal;
 - (3) "Probationer" means a Government employee appointed on probation.
- 4. Mode of appointment. On or after the date of coming into force of these rules, all appointments on entry into posts or cadre or service or category belonging to Group C in the Government service, shall be on probation for a period of three years.
- 5. Absorption after probation.—A Government employee shall be absorbed on regular basis on satisfactory completion of the period of probation and for this purpose, the performance of the concerned employee shall be reviewed after completion of each year:

Provided that where passing of departmental or other examination like computer skill etc. is essential under any existing rules of the concerned Group C post, the concerned employee shall have to pass the same within the period of probation:

Provided further that in case such Government employee fails to pass the departmental or other examination within the period of probation, the period of probation may be extended for further period of one year on the request of the employee

- 6. Discharge on non-satisfactory performance during the period of probation. In case of non-satisfactory performance or failing to pass the departmental examination or other examination as mentioned in rule 5, the Government employee concerned may be discharged.
- 7. Selection procedure.—Selection shall be made on the basis of competitive examination to be conducted by the Staff Selection Commission. West Bengal or the Public Service Commission. West Bengal (Clerkship Examination only), as the case may be, by way of following the procedures mentioned in the relevant recruitment rules of the concerned Group C posts of cadre opening or category.
- 8. Drawnl of salary during the period of probation. During the period of probation only the entry point pay i.e. Basic Pay plus Grade Pay of the concerned Group C posts or service or cadee or category shall be allowed with annual increment @ 3% per annum and medical allowance, if any.
- 9. Treatment of probation period after absorption. (1) After absorption on successful completion of the period of probation and passing of such departmental examination wherever applicable

an employee shall be allowed to draw pay in the regular scale related to the concerned posts or service or cadre or category from date of confirmation.

- (2) The period of probation shall be counted for pensionary benefit and shall not counted for Modified Carrier Advancement Scheme (MCAS) or for promotion,
- 10. Leave during period of probation. Leave during period of probation shall be allowed as per rule 213 of the West Bengal Service Rules. Part I, applicable for contractual appointment.

By order of the Governor,

Sd/- H.K. Dwivedi

Secy to the Gavt. of West Bengal.

No. 1832/I(500)-F(P) : Dated: 01-03-2013

Copy forwarded for information and necessary action to:

- The Accountant General (A&E) West Bengal, Treasury Buildings, Kolkata, 700 001.
- The Director of Treasuries & Accounts, West Bengal, New India Assurance Buildings, 4, Lyons Range, Kolkata – 700 001.
- 3) The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata-700 012.
- 4) The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, Hyde Lane, Jawahar Buildings, Kolkata-700 073.
- The Pay & Accounts Officer, Kolkata Pay & Accounts Office-III,
 I.B. Market, Sector III, Salt Lake, Kolkata-700 091.
- 6) The Secretary, Public Service Commission, 161A, S. P. Mukherjee Road, Kolkata 700 026.

7) The District Magistrate/Judge,	
8) The Sub-Divisional Officer,	
9) The Treasury Officer,	
10) The,	
11) The Commissioner,	
12) The Superintendent of Police	

OSD & F.O. Joint Secretary to the Government of West Bengal Finance Department