

The West Bengal State Health Service Act, 1990

WEST BENGAL

India

The West Bengal State Health Service Act, 1990

Act 7 of 1990

- Published on 16 May 1990
- Commenced on 16 May 1990
- [This is the version of this document from 16 May 1990.]
- [Note: The original publication document is not available and this content could not be verified.]

The West Bengal State Health Service Act, 1990 West Bengal Act 7 of 1990 [16th May, 1990.] Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 16th May, 1990. An Act to provide for the regulation of the recruitment, and conditions of service of persons appointed, to the State Health Service. Whereas it is expedient, in the public interest, to regulate the recruitment, and the conditions of service of persons appointed, to the State Health Service; It is hereby enacted as follows:-

1. Short title and commencement.

(1) This Act may be called the West Bengal State Health Service Act, 1990. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "cadre" means the strength of service or a part of service sanctioned by the State Government as a separate unit; (b) "former West Bengal Health Service" means the West Bengal Health Service in existence immediately before the coming into force of this Act; (c) "notification" means a notification published in the Official Gazette; (d) "prescribed" means prescribed by rules made under this Act; (e) "service" means the State Health Service; (f) "State Health Service" means the West Bengal Medical Education Service, or the West Bengal Health Service, [or the West Bengal Public Health-cum-Administrative Service,] [Words inserted by W.B. Act 26 of 2003.] as constituted under section 3.

3. [Constitution of State Health Service. [[Section 3 substituted by W.B. Act 26 of 2003, which was earlier as under:-

'3. Constitution of State Health Service. - (1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be constituted the following State Health

Services and different dates may be appointed for different services, namely:-

1. The West Bengal Medical Education Service;

2. The West Bengal Health Service.

(2)The West Bengal Health Service shall include a cadre for Public Health-cum-Administration as a separate unit.'.] - With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be constituted the following State Health Services and different dates may be appointed for different services, namely:-

1. The West Bengal Medical Education Service;

2. The West Bengal Health Service;

3. The West Bengal Public Health-cum-Administrative Service.]

4. Transfer from one service to another.

- [(1) No person appointed to the West Bengal Medical Education Service or the West Bengal Public Health-cum-Administrative Service shall be transferred to the West Bengal Health Service:Provided that any person holding a teaching post in the basic level in the West Bengal Medical Education Service or any person holding either a part of Basic Public Health-cum-Administrative Officer or Public Health-cum-Administrative Officer Group B of the West Bengal Public Health-cum-Administrative Service may exercise an option for the West Bengal Health Service on such terms and conditions as may be prescribed.] [[Sub-section (1) substituted by W.B. Act 26 of 2003, which was earlier as under:-'(1) No person appointed to the West Bengal Medical Education Service shall be transferred to the West Bengal Health Service:Provided that any person holding a teaching post in the basic level in the West Bengal Medical Education Service may exercise an option for the West Bengal Health Service on such terms and conditions as may be prescribed.'.]Explanation. - 'Basic Public Health-cum-Administrative Officer' and 'Public Health-cum-Administrative Officer Group B' shall mean respectively the two lower most tiers in the cadre hierarchy of the West Bengal Health-cum-Administrative Service subject to the provisions of section 8A of the Act.(2)No person appointed to the West Bengal Health Service [or the West Bengal Public Health-cum-Administrative Service] [Words inserted by W.B. Act 26 of 2003.] shall be transferred to the West Bengal Medical Education Service.[* * * * *] [[Sub-section (3) omitted by W.B. Act 26 of 2003, which was as under:-'(3) Any person appointed to a post included in the West Bengal Health Service, other than a post included in the cadre for Public Health-cum-Administration as a separate unit, may transferred to a post included in the cadre for Public Health-cum-Administration as a separate unit.'.] (4)Subject to the foregoing provisions of this section and the rules made under this Act, the State Government shall have the right to transfer any person from one post to another post:Provided that except on account of inefficiency or misbehaviour or on his written request, no person shall be transferred to a post carrying less pay

than the pay of the post held by him for the time being.

5. Combination of appointment.

- Subject to the provisions of this Act, the State Government may appoint any person to hold two or more separate posts on such terms and conditions as may be prescribed.

6. [Medical Colleges where a person holding post in the cadre of the West Bengal Medical Education Service or the West Bengal Health Service may exercise option for practice. [[Section 6 substituted by W.B. Act 22 of 2005, which was earlier as under:-

'6. Medical Colleges to be non-practising institutions. - (1) The State Government may, by notification, declare any undergraduate or post-graduate Medical College or other teaching institution together with the hospital, if any, attached to such Medical College or institution to be a non-practising institution with effect from such date as may be specified in the notification.(2) Upon such declaration, no person holding any post in such Medical College or other institution or the Hospital attached thereto on terms and conditions for practice shall be allowed to hold such post on terms and conditions for practice: Provided that any person holding a non-teaching post in such medical College or other institution or the Hospital attached thereto on terms and conditions for practice may exercise an option for practice or non-practice without any change of post or designation within a period of ninety days from the date of coming into force of this Act or within such extended period as the State Government may by notification specify: Provided further that any such person who exercises option for non-practice shall be allowed time, not exceeding six months from the date of exercise of such option, for winding up practice: Provided also that if any such person does not exercise any option or exercises option for practice, he shall, within a period of one year from the date of coming into force of this Act, be transferred to a post in any other Hospital on terms and conditions for practice: Provided also that it shall be the duty of a person, holding teaching post in any of the non-practising institutions as laid down in sub-section (1), to render, in addition to his own, duties, patient care services in the Poly Clinics or Pay Clinics run in such non-practising institutions.']]- The State Government may, by notification, declare any undergraduate or post-graduate Medical College or other teaching institution together with the Hospital, if any, attached to such Medical College or institution to be an institution where a person holding such post in the cadre of the West Bengal Medical Education Service or the West Bengal Health Service, on such terms and conditions, as may be prescribed, may exercise option for practice.]

7. Cadre of West Bengal Medical Education Service.

- The cadre of the West Bengal Medical Education Service shall consist of such teaching posts on such pattern and on such terms and conditions as may be prescribed and shall include [such teaching administrative posts] [Words substituted for the words 'such non-teaching administrative posts' by W.B. Act 13 of 1990.] as may be notified by the State Government from time to

time: Provided that such terms and conditions may include the condition of management and supervision of admission to beds, and treatment, of patients in such undergraduate or post-graduate Medical College or other teaching institution together with the Hospital, if any, attached to such Medical College or institution by such persons appointed to the West Bengal Medical Education Service or appointed on such terms and conditions as the State Government may determine, to the exclusion of all other persons appointed to the West Bengal Health Service, as may be prescribed: [Provided further that notwithstanding anything contained elsewhere in this Act, any person holding a teaching administrative post included in the cadre of the West Bengal Medical Education Service shall be deemed to be a person holding a teaching post in the West Bengal Medical Education Service.] [Proviso inserted by W.B. Act 13 of 1990.]

8. Cadre of West Bengal Health Service.

- The cadre of the West Bengal Health Service shall consist of such non-teaching posts as may be prescribed and [* * * * *] [Words 'shall include such other posts to form a cadre for Public Health-cum-Administration as a separate unit as may be' omitted by W.B. Act 26 of 2003.] notified by the State Government from time to time.

8A. [Cadre of the West Bengal Public Health-cum-Administrative Service. [Section 8A inserted by W.B. Act 26 of 2003.]

- The cadre of the West Bengal Public Health-cum-Administrative Service shall consist of such administrative posts as may be prescribed and notified by the State Government from time to time.]

9. [Posts in the cadre of West Bengal Medical Education Service. [[Section 9 substituted by W. B. Act 22 of 2005, which was earlier as under:-

'9. Posts in cadre of West Bengal Medical Education Service to be non-practising. - (1) The posts included in the cadre of the West Bengal Medical Education Service shall be non-practising. (2) Any person appointed to a post included in the cadre of the West Bengal Medical Education Service may be granted such non-practising allowance as may be prescribed.'](1) The cadre of the West Bengal Medical Education Service shall consist of non-practising posts, as may be prescribed, and shall include certain posts where practising option may be available, on such terms and conditions, as may be prescribed. (2) Any person appointed to a non-practising post included in the cadre of the West Bengal Medical Education Service, or any person, who opts for practice but not permitted to practice, may be granted such non-practising allowance as may be prescribed.]

10. [Posts in the cadre of West Bengal Public Health-cum-Administrative Service to be non-practising. [[Section 10 substituted by W.B. Act 26 of 2003, which was earlier as under:-

'10. Posts in cadre for Public Health-cum-Administration as a separate unit of West Bengal Health Service to be non-practising. - (1) The posts included in the cadre for Public

Health-cum-Administration as a separate unit of the West Bengal Health Service shall be non-practising.(2)Any person appointed to a post included in the cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service may be granted such non-practising allowance as may be prescribed.']] - The posts included in the cadre of West Bengal Public Health-cum-Administrative Service shall be non-practising.(2)Any person appointed to a post included in the cadre of West Bengal Public Health-cum-Administrative Service may be granted such non-practising allowance as may be prescribed.]

11. [Persons appointed to posts in the West Bengal Health Service, other than posts in the cadre of West Bengal Public Health-cum-Administrative Service, to continue in such posts. [[Section 11 substituted by W.B. Act 26 of 2003, which was earlier as under:-

'11. Persons appointed to posts in West Bengal Health Service, other than posts in cadre for Public Health-cum-Administration as a separate unit, to continue in such posts. - Any person of the former West Bengal Health Service appointed to a post included in the cadre of the West Bengal Health Service, other than a post included in the cadre for Public Health-cum-Administration as a separate unit shall continue in such post on such terms and conditions as were in force immediately before the coming into force of this Act.']] - Any person of the former West Bengal Health Service appointed to a post included in the cadre of the West Bengal Health Service, other than a post included in the cadre of the West Bengal Public Health-cum-Administrative Service shall continue in such post on such terms and conditions as were in force immediately before the coming into force of this Act and the amendments made in terms of the West Bengal State Health Service (Second Amendment) Act, 2003.]

12. Status of persons holding teaching posts connected with Public Health or Administration, in former West Bengal Health Service [or the West Bengal Public Health-cum-Administrative Service] [Words inserted by W.B. Act 26 of 2003.].

- Any person who has held, or any person who holds immediately before the coming into force of this Act, a teaching post in the former West Bengal Health Service on terms and conditions for practice or non-practice, may exercise an option for the West Bengal Medical Education Service or the West Bengal Health Service in such manner as may be prescribed and thereupon such person shall be appointed or shall be deemed to have been appointed, as the case may be, to a post included in the West Bengal Medical Education Service or the West Bengal Health Service, as the case may be:[Provided that if any such person, appointed or deemed to have been appointed to a teaching post in the basic level in the West Bengal Medical Education Service, fails to be selected for promotion or recruitment to the post of Lecturer in the West Bengal Medical Education Service within a period of five years from the date of his appointment to a teaching post in the basic level in the West Bengal Medical Education Service, he shall, notwithstanding anything contained elsewhere in this Act, be liable to be transferred to a nonteaching post in the West Bengal Health Service:] [Proviso inserted by W.B. Act 13 of 1990.][Provided further that] [Words substituted for the words

'Provided that' by W.B. Act 13 of 1990.] a person exercising option for the West Bengal Medical Education Service and a person selected for appointment to the West Bengal Medical Education Service shall, upon appointment to a teaching post in the West Bengal Medical Education Service, be required to perform duties in a Hospital in addition to his duties as Teacher of the discipline concerned having such designation as may be prescribed:[Provided also that] [Words substituted for the words 'Provided further that' by W.B. Act 13 of 1990.] that any person holding a post connected with Public Health or Administration in the former West Bengal Health Service immediately before the coming into force of this Act, may exercise an option for the West Bengal Health Service or the [West Bengal Public Health-cum-Administrative Service] [Words substituted for the words 'cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service' by W.B. Act 26 of 2003.] in such manner as may be prescribed:Provided also that the persons holding posts connected with Public Health or Administration in the former West Bengal Health Service immediately before the coming into force of this Act, who do not exercise any option as aforesaid, shall be deemed to have exercised option for the West Bengal Health Service but the posting of such persons in the West Bengal Health Service shall be made in phases:Provided also that the persons holding teaching posts and the persons holding administrative posts in the former West Bengal Health Service immediately before the coming into force of this Act, who do not exercise any option under this section, shall be deemed to have exercised option respectively for the West Bengal Health Service and the [West Bengal Public Health-cum-Administrative Service] [Words substituted for the words 'cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service.' by W.B. Act 26 of 2003.].

13. Transfer of persons holding teaching posts but not opting for West Bengal Medical Education Service.

- Notwithstanding anything contained in section 12, persons holding teaching posts of any rank in the former West Bengal Health Service on terms and conditions for practice, who do not exercise option for the West Bengal Medical Education Service, may, on transfer from such posts, be appointed to the West Bengal Health Service in phases within a period of one year from the date of coming into force of this Act.

13A. [Transfer of persons holding administrative posts but not opting for the West Bengal Public Health-cum-Administrative Service. [Section 13A inserted by W.B. Act 26 of 2003.]

- Notwithstanding anything contained in section 12, persons holding administrative posts in the former West Bengal Health Service, who do not exercise option for the West Bengal Public Health-cum-Administrative Service, on transfer from such posts, be appointed to the West Bengal Health Service in phases.]

14. [Recruitment to State Health Services. [Words 'ten years' first substituted for the words 'five years' by W.B. Act 10 of 2000, then the words 'eleven years' substituted for the words 'ten years' by W.B. Act 4 of 2001, then again the words 'fifteen years' substituted for the words 'eleven years' by W.B. Act 22 of 2003, thereafter the words 'eighteen years' substituted for the words 'fifteen years' by W.B. Act 22 of 2005, and thereafter, the words 'twenty years' substituted for the words 'eighteen years' by W.B. Act 14 of 2008, then the words 'twenty-one years' substituted for the words 'twenty years' by W.B. Act 17 of 2010, and finally the words within third brackets substituted for the words 'twenty-one years' by W.B. Act 15 of 2011.]

- Recruitment to all teaching posts in the West Bengal Medical Education Service shall be made through the [West Bengal Health Recruitment Board] in such manner as may be prescribed: Provided that a quota shall be fixed in such manner as may be prescribed for all categories of teaching posts in the West Bengal Medical Education Service for being filled up by promotion of persons holding teaching posts in the said Service: Provided further that-(a) for a period of twenty-six years from the date of coming into force of this Act, recruitment to the teaching posts in the basic level in the West Bengal Medical Education Service shall be made from amongst the persons appointed to the West Bengal Health Service who have rendered two years' service in the West Bengal Health Service in rural areas, on such terms and conditions as may be prescribed, and](b) on the expiry of the period as aforesaid, recruitment to the teaching posts in the basic level in the West Bengal Medical Education Service shall be made through the State Public Service Commission giving weightage to persons who have rendered two years', service in the rural areas: Provided also that recruitment to the posts of and above the rank of [Associate Professor] [Words substituted for the word 'Lecturer' by W.B. Act 10 of 2000.] in the West Bengal Medical Education Service shall be made through the State Public Service Commission in such manner as may be prescribed: Provided also that any person appointed to the West Bengal Medical Education Service shall, subject to such terms and conditions as may be prescribed, be eligible to apply for any such post: Provided also that recruitment to the posts of [* * * * *] [Words 'Lecturer and' omitted by W.B. Act 10 of 2000.] Assistant Professor in the West Bengal Medical Education Service shall be made through the State Public Service Commission in such manner as may be prescribed: Provided also that weightage of service in the rural areas shall be given to the persons who apply for recruitment to the posts of [* * * * *] [Words 'Lecturer and' omitted by W.B. Act 10 of 2000.] Assistant Professor in the West Bengal Medical Education Service, in such manner as may be prescribed. (2) Recruitment to all posts in the basic level in the West Bengal Health Service shall be made through the State Public Service Commission in such manner as may be prescribed. (2A) [Any person of the former West Bengal Health Service who may not be required 'to exercise any option under section 12, shall be appointed to a teaching post in the basic level, or to a post of [Assistant Professor] [Sub-section (2A) inserted by W. B. Act 13 of 1990.], or to any other teaching post, as the case may be, in the West Bengal Medical Education Service:][Provided that if the exigencies of the public service so require, the State Government may appoint such person to a teaching post in the basic level, or to a post of Lecturer, or to any other teaching post, as the case may be, in the West

Bengal Medical Education Service on an ad hoc or contractual basis for a period not exceeding one year without consultation with the State Public Service Commission:] [Proviso inserted by W. B. Act 10 of 2000.][Provided further that notwithstanding anything to the contrary contained elsewhere in this Act or the rules made thereunder, the State Government shall have the power to make direct recruitment to any post included in the West Bengal Medical Education Service without consultation with the State Public Service Commission with effect from the date of coming into force of section 2 of the West Bengal State Health Service (Amendment) Act, 2000, and for the period ending on the 24th day of May, 2016.] [Words, figures and letters '24th day of May, 2001' first substituted for the words, words, figures and letters '24th day of May, 2000' by W.B. Act 4 of 2001, then the words, figures and letters '24th day of May, 2005' substituted for the words, figures and letters '24th day of May, 2001' by W.B. Act 22 of 2003, then again the words, figures and letters '24th day of May, 2008' substituted for the words, figures and letters '24th day of May, 2005' by W.B. Act 22 of 2005, thereafter the words, figures and letters '24th day of May, 2010' substituted for the words, figures and letters '24th day of May, 2008' by W.B. Act 14 of 2008, then again the words, figures and letters '24th day of May, 2011' substituted for the words, figures and letters '24th day of May, 2010' by W.B. Act 17 of 2010, and finally, the words figures and letters within third brackets substituted the words, figures and letters '24th day of May, 2011' by W.B. Act 15 of 2011.](3)Notwithstanding anything contained in the forgoing provisions of this section or elsewhere in this Act, promotion of persons holding teaching posts to the next higher rank, due on any date prior to the date of coming into force of this act may, if not made prior to the coming into force of this Act, be made at any time after the coming into force of this Act, other than in accordance with the provisions of this Act or the rules made thereunder.(4)Recruitment to all [teaching administrative posts] [Words substituted for the words 'non-teaching administrative posts' by W.B. Act 14 of 2008.] in the West Bengal Medical Education Service shall be made in such manner as may be prescribed.(5)[Recruitment to all the posts in the West Bengal Public Health-cum-Administrative Service shall be made in such manner as may be prescribed.] [Sub-section (5) inserted by W.B. Act 26 of 2003.]

15. Control and discipline of persons appointed to State Health Service.

- All persons appointed to the State Health Services shall be subject to such control and discipline as may be prescribed :[Provided that any person holding a non-teaching post, appointed in the -(a)West Bengal Health Service referred to in section 3, or(b)West Bengal General Service, or(c)West Bengal Nursing Service, or(d)West Bengal Dental Service,and posted in any institution under the control of any person or persons appointed to the West Bengal Medical Education Service, shall be subject to the control and discipline of the Directorate of Medical Education under the Department of Health and Family Welfare of the State Government, and shall, on transfer to any institution, other than the institution as aforesaid, be subject to the control and discipline of the Directorate of Health Services under the Department of Health and Family Welfare of the State Government.] [Proviso inserted by W.B. Act 10 of 2000.]Explanation. - "West Bengal General Service", "West Bengal Nursing Service", and "West Bengal Dental Service" shall mean respectively the West Bengal General Service, the West Bengal Nursing Service and the West Bengal Dental Service constituted as such under any order of the State Government for the time being in force.

16. Age of retirement of persons appointed to West Bengal Medical Education Service.

- The age of compulsory retirement of persons appointed to the West Bengal Medical Education Service shall be such as may be prescribed;[* * * * *] [[Proviso omitted by W.B. Act 12 of 2007, which was as under:-'Provided that no such person shall be retained in service on his attaining the age of sixty years:'.]]Provided [* * *] [Word 'further' omitted by W.B. Act 12 of 2007.] that any such person may be re-employed on his attaining the age of superannuation or after he has attained such age to a post in the West Bengal Medical Education Service, not inferior to a post held by such person immediately before his attaining the age of superannuation, on such terms and conditions as may be prescribed:Provided [further] [Word substituted for the word 'also' by W.B. Act 12 of 2007.] that no such person shall be retained on such reemployment on his attaining the age of sixty-five years.

17. Scales of pay of persons appointed to teaching posts in the West Bengal Medical Education Service [and administrative posts in the West Bengal Public Health-cum-Administrative Service.] [Words substituted for the words 'and posts included in cadre for Public Health-cum-Administration as a separate unit of West Bengal Health Service.' by W.B. Act 26 of 2003.]

(1)The scales of pay of persons appointed to the teaching posts [, or administrative posts,] [Words inserted by W. B. Act W.B. Act 13 of 1990.] in the West Bengal Medical Education Service shall be such as may be prescribed.(2)The scales of pay of persons [appointed to the administrative posts in the West Bengal Public Health-cum-Administrative Service] [Words substituted for the words 'appointed to the post included in the cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service' by W.B. Act 26 of 2003.] shall be such as may be prescribed.

17A. [Seniority of persons appointed to teaching posts in West Bengal Medical Education Service. [Section 17A inserted by W.B. Act 13 of 1990.]

- The seniority of persons appointed to the teaching posts in the West Bengal Medical Education Service and the inter se seniority between such person shall be determined in such manner as may be prescribed.]

17B. [Seniority of persons appointed to the posts in the West Bengal Public Health-cum-Administrative Service. [Section 17B inserted by W.B. Act 26 of 2003.]

- The seniority of persons appointed to any post in the West Bengal Public Health-cum-Administrative Service and the inter se seniority between such persons shall be determined in such manner as may be prescribed.]

18. Act not to apply in certain cases.

- The provisions of this Act shall not apply to any person not belonging to the former West Bengal Health Service but holding a leaching post in any undergraduate or post-graduate Medical College or other teaching institution or in any Hospital attached to such Medical College or institution on terms and conditions as might be agreed upon by that Government, prior to the coming into force of this Act, and such persons shall continue in such post on the same terms and conditions after the coming, into force of this Act.

19. Saving.

- All rules, orders, and notifications made or issued by the State Government from time to time under the proviso to article 309 of the Constitution of India or under any other law for the time being in force, applicable to the persons appointed to the former West Bengal Health Service and continuing in force immediately before the coming into force of this Act, shall, after the coming into of this Act, continue in force in so far as such rules, orders or notifications are not inconsistent with the provisions of this Act until they are repealed or amended.

19A. [Transitory provisions. [[Section 19A first inserted by W.B. Act 13 of 1990, then amended by W.B. Act 6/94, 10/2000, 4/2001 and 22/2003, then again substituted by W.B. Act 26/2003 and amended by W.B. Act 22 of 2005, and finally, the same substituted by W.B. Act 12 of 2007 and again amended by W.B. Act 14 of 2008. Just previous section 19A was as under:-

'19A. Transitory provisions. - Notwithstanding anything contained elsewhere in this Act, if the State Government is of opinion that it is necessary so to do in the public interest, it may, by order, - (1) elevate or promote any person holding a teaching post in the West Bengal Medical Education Service to a higher rank or make recruitment to any teaching post in the West Bengal Medical Education Service, in such manner, and subject to such terms and conditions, as may be prescribed: Provided that no such order shall be made after the expiry of eighteen years from the date of coming into force of this Act; (2) elevate or promote any person holding a post in the West Bengal Public health-cum-Administrative Service to a higher rank or make recruitment to the post of Basic Public Health-cum-Administrative Officer in the West Bengal Public Health-cum-Administrative Service, in such manner, and subject to such terms and conditions, as may be prescribed: Provided that all such orders shall be made from the date of coming into force of section 19A of the West Bengal State Health Service (Second Amendment) Act, 2003, and have effect for the period ending on the 24th day of May, 2007.]]- Notwithstanding anything contained elsewhere in this Act, if the State Government is of opinion that it is necessary so to do in the public interest, it may, by order, - (a) elevate or promote any person holding a teaching post in the West Bengal Medical Education Service to a higher rank, in such manner, and subject to such terms and conditions as contained in the Minimum Qualifications for Teachers in the Medical Institutions Regulations, 1998, made by the Medical Council of India, with the previous sanction of the Central Government (published in Part III, Section 4 of the Gazette of India, dated the 5th December,

1998): Provided that no such order shall be made after the expiry of [twenty-six years] from the date of coming into force of this Act;](b) elevate or promote any person in the West Bengal Public Health-cum-Administrative Service to a higher rank or make recruitment to the post of Basic Public Health-cum-Administrative Officer in the West Bengal Public Health-cum-Administrative Service, in such manner, and subject to such terms and conditions, as may be prescribed: Provided that all such orders shall be made from the date of coming into force of section 19A of the West Bengal State Health Service (Second Amendment) Act, 2003 and have effect for the period ending on the [24th day of May, 2010.] [Words, figures and letters substituted for the words, figures and letters '24th day of May, 2008.' by W.B. Act 14 of 2008.]

20. Act to have overriding effect.

- The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or in any judgement, decree or order of any Court, Tribunal or other authority or in any instrument having effect by virtue of any law other than this Act or in any contract, custom or usage to the contrary.

21. Power to make rules.

- The State Government may, by notification, make rules for carrying out the purposes of this Act.(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with the provisions of this Act as may appear necessary or expedient for the purpose of removing the difficulty: Provided that no such order shall be made after the expiry of a period of [fifteen years] [Words 'three years' first substituted for the words 'two years' by W.B. Act 13 of 1990, then the words 'ten years' substituted for the words 'three years' W.B. Act 10 of 2000, then again the words 'eleven years' substituted for the words 'ten years' by W.B. Act 4 of 2001, and finally, the words within the third brackets substituted for the words 'eleven years' by W.B. Act 22 of 2003.] from the date of coming into force of this Act.

23. Repeal.

- The West Bengal State Health Service Ordinance, 1990, is hereby repealed.