

West Bengal Municipal Employees' (Classification, Control, Appeal and Conduct) Rules, 2010

WEST BENGAL

India

West Bengal Municipal Employees' (Classification, Control, Appeal and Conduct) Rules, 2010

Rule

WEST-BENGAL-MUNICIPAL-EMPLOYEES-CLASSIFICATION-CONTROL-APPEAL-AND-CONDUCT-RULES-2010

- Published on 9 March 2010
- Commenced on 9 March 2010
- [This is the version of this document from 9 March 2010.]
- [Note: The original publication document is not available and this content could not be verified.]

West Bengal Municipal Employees' (Classification, Control, Appeal and Conduct) Rules, 2010 Published vide Notification No. 133/MA/O/C-4/3R-12/2003, dated 9th March, 2010 published in the Kolkata Gazette, Extraordinary, Part I, dated March 9, 2010.

029.

With effect from 9th March, 2010 In exercise of the power conferred by sub-section (1) of section 417, read with sub-section (5) of section 61 of the West Bengal Municipal Act, 1993 (West Bengal Act 22 of 1993) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 417 of the said Act, the following rules :

1. Short title, commencement and application and interpretation

. (1) These rules may be called the West Bengal Municipal Employees' (Classification, Control, Appeal and Conduct) Rules, 2010. (2) They shall come into force on the [date] [Date of commencement : 9.3.2010] of their publication in the Official Gazette. (3) These rules shall apply to all the whole-time permanent employees under the employment of the Municipalities, the Notified Area Authorities, but shall not cover an employee engaged for a limited time only under an agreement or engaged under sub-section (5) of section 54 of the West Bengal Municipal Act, 1993 on contract or commission basis or otherwise, by the Municipal Authority or Notified Area Authority which contains no stipulation regarding pension, or an employee on deputation on foreign service. (4) Power of interpreting these rules is reserved to the State Government.

2. Definitions

. (1) in these rules, unless there is anything contrary to the context (a)"The Act" means the West Bengal Municipal Act, 1993;(b)"Appendix" means an appendix appended to these rules;"Appointing authority", in relation to a municipal employee, means the authority empowered to make appointment to the service or post held by him for the time being;(d)"Disciplinary authority" in relation to the imposition of a penalty on an employee means the authority competent under these rules to impose that penalty;(e)"Municipal Services" means the services and posts under the administrative control of the Local Body classified as category 'A', category 'B', category 'C' and category 'V'. Categories shall consist of the services or posts specified respectively against them in the Table below :TableDescription of services and postsCategories of services.

- | | | |
|----|--------------|--|
| 1. | Category 'A' | All employees drawing a pay or a scale of pay with the maximum above Rs. 10,175/- (Unrevised) |
| 2. | Category 'B' | All employees drawing a pay or a scale of pay with the maximum above Rs. 10,175/- or below but above Rs. 7,050/- (Unrevised) |
| 3. | Category 'C' | All employees drawing a pay or a scale of pay with the maximum above Rs. 7,050/- or below but above Rs. 4,400/- (Unrevised) |
| 4. | Category 'D' | All employees drawing a pay of or a scale of pay with a maximum of Rs. 4,400/- or below. (Unrevised) |

(2) Words and expressions used in these rules but not otherwise defined shall have the same meaning as in the Act.

3. Appointing authority

. All appointments in the Municipality or Notified Area Authority, as the case may be, shall be made by the Chairman or by the Executive Officer with delegated authority of the Chairman in accordance with the provision of sub-section (3) of rule 54 of the Act. Dismissal, Removal and Suspension

4. Conditions for placing an employee under suspension

. (1) The appointing authority may place an employee under suspension, (a) Where a disciplinary proceeding or departmental enquiry against him is contemplated or is pending; or (b) Where in the opinion of the appointing authority, he has engaged himself in activities prejudicial to the interest of the Local Body or the State or the country; or (c) Where a case against him in respect of any criminal offence is under investigation or trial. (2) The procedure, which is being followed for criminal charges against a Government employee, may identically be followed in case of a municipal employee. (3) A municipal employee who is placed under suspension or be deemed to be under suspension in the circumstances mentioned in sub rule (1) shall irrespective of the circumstances which lead to, or resulted in, suspension be entitled to subsistence allowance during the period of suspension. (4) An employee against whom a proceeding has been commenced on a criminal charge but who is not actually detained in custody (e.g. a person released on bail) may be placed under suspension under

clause (c) of sub-rule (1) by an order made by the appointing authority. If the criminal charge is related to the official position of the employee or involves any moral turpitude on his part, suspension shall be ordered under this sub-rule, unless there are exceptional reasons for not adopting such a course.(5)An employee who is detained in custody for a period exceeding forty eight hours under any law providing for preventive detention or as a result of a proceeding either on a criminal charge or otherwise, shall be deemed to have been suspended, by an order of the appointing authority, with effect from the date of his detention and shall remain under suspension until further orders. An employee who is undergoing a sentence of imprisonment shall also be dealt with in the same manner, pending, a decision on the disciplinary action to be taken against him.(6)(i)Where a penalty of dismissal, removal or compulsory 'retirement from service imposed on an employee under' suspension; or(ii)a disciplinary proceeding pending against an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry or action or with any directions, the order of his suspension shall be deemed to have continued in force, (a)in the case where the penalty of dismissal, removal or compulsory retirement from service had been imposed, on and from the date of the order imposing such penalty, and(b)in the case where the disciplinary action was pending, on and from the date of order placing the employee under suspension, and in either case; the order of suspension shall remain in force until further orders.(7)Where a penalty of dismissal, removal or compulsory retirement from service imposed on an employee under suspension or a disciplinary proceeding pending against an employee under suspension is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against the employee on the allegations on which the penalty was originally imposed or the disciplinary proceeding was originally started, the employee shall be deemed to have been placed under suspension by the appointing authority with effect from the date on which the order imposing the penalty of dismissal, removal or compulsory retirement from service was made or where the disciplinary proceeding was pending, from the date on which the employee was originally placed under suspension.An order of the suspension made or deemed to have been made under this sub-rule shall continue in force until it is modified or revoked by the authority competent to do so.

5. Penalty.

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee namely : (i)censure;(ii)withholding of increment or promotions.Explanation. An increment shall ordinarily be drawn as a matter of course unless it is withheld. When an increment is ordered to be withheld, the authority passing the order shall state the period for which it is to be withheld and whether the postponement shall have the effect of postponing future increment and if so, for how long. Where the order fails to specify clearly for what period the employee is to be deprived of his increments the deprivation shall be held to cease on the expiry of the period during which the employee would have drawn the increment initially withheld. Moreover, unless the order provides otherwise, the employee shall when the deprivation ceases, be restored in all respects to the same position in the time scale as he would have occupied had the order not been passed.(iii)recovery from pay of the whole or part of any pecuniary loss caused to the Local Body by negligence or breach of orders;(iv)reduction to a lower stage in the time-scale of pay

for a specified period;Note : There shall be directions as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay;(v)reduction to a lower time scale of pay, grade, post or service;Note : There shall ordinarily a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of the restoration to the grade, post or service from which the employee of the Local Body was reduced and his seniority and pay on such restoration to that grade, post or service;(vi)compulsory retirement;(vii)removal from service;(viii)dismissal from service, which shall ordinarily be a disqualification for future employment under the Local Body.Explanation : The following shall not amount to a penalty within the meaning of this rule, namely:-(i)non-promotion, whether in a substantive or officiating capacity, of an employee after consideration of his case to a service, grade or post for promotion to which he is eligible;(ii)reversion to a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with his conduct;(iii)reversion to his permanent service, grade or post of an employee, appointed on probation to another service grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing the probation;(iv)compulsory retirement of an employee in accordance with, the provisions relating to his superannuation or retirement;(v)termination of services (a)of an employee appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing such probation, or(b)of an employee having no lien or suspended lien on a permanent post under the Local Body on the expiration of the terms of his appointment or where the appointment is for an unspecified period, after a month's notice or after payment of month's salary or wages in lieu of such notice, or(c)of a seasonal employee at the end of the season for which he is employed, expressly or impliedly, or(d)of an employee employed under an agreement in accordance with the terms of such agreement.Note 1: If as a result of disciplinary proceedings, any of the penalties specified in this rule is imposed on an employee, a record under proper attestation of the same shall invariably be noted in his Service Book.A written warning given without any disciplinary proceedings, admonition, or reprimand for offences of occasional and minor nature (such as delays in submitting cases, irregular attendance, etc.) do not amount to the imposition of the penalty of "Censure".Note 2 : Failure on the part of an employee to intimate to his official superiors the fact of his arrest and the circumstances connected therewith, shall be regarded as suppression of material information and will render him liable to disciplinary action on that ground alone, apart from the action that may be called for on the outcome of the police case against him.

6. Disciplinary authorities

. (1) Chairman in accordance with the provision of section 61 of the Act will act as disciplinary authority, for the municipal employee.(2)Subject to the provisions of rules 7 to 10, any of the penalties specified in rule 5 may be imposed on an employee by the appointing authority :Provided that in a case where two or more employees are concerned, the a authority competent to impose the penalty of dismissal from service on all such employees may make an order directing that disciplinary action against a I of them may be taken in a common proceeding. The order so made

shall specify.-(i)the authority which may function as the disciplinary authority for the purpose of such common proceedings;(ii)the penalties in rule 5 which such disciplinary authority shall be competent to impose; and(iii)whether the procedure prescribed in rule 7 and rule 8 shall be followed in the proceedings.Note 1 : In all cases of fraud, embezzlement, or similar offences, the disciplinary authority shall take steps to institute departmental proceedings against all the employees and conduct them with strict adherence to the rules up to the point at which prosecution of any of them begins. At that stage it must be specifically considered whether further conduct of the departmental proceedings against any of the remaining employees is practicable, and if so, it shall continue as far as possible (which will not, as a rule, include finding and sentence). If the accused is convicted, the departmental proceedings against him shall be resumed and formally completed either by dismissing or removing the person from the service of the Local Body or by reducing him in rank on the ground of his conviction immediately without waiting for the expiry of the time for preferring an appeal against the order of conviction by the first trying Court or the decision on appeal preferred before a higher Court against the conviction, provided there is no prohibitory order of the Court to the contrary. In case, however, there is a prohibitory order of the Court to the contrary, final action to pass orders of dismissal, etc. should proceed in accordance with the orders of the Court. If the accused is not convicted, the departmental proceedings against him should be dropped unless the authority competent to take disciplinary action is of opinion that the facts of the case disclose adequate grounds for taking departmental action against him. In either case the proceedings against the remaining employees shall be resumed and completed as soon as possible after the termination of the proceedings in Court.Explanation. Departmental proceedings shall not as a rule be initiated on the same charges or on charges substantially similar to those of which an employee is acquitted in consequence of or by a decision of a Court of Law.Discharge by the Court on the submission of final report by the Police does not, however, amount to acquittal and there is no bar to departmental proceedings being initiated after such discharge either on the same charges or on charges substantially similar to those leading to the discharge.

7. Procedure for imposing penalties

. (1) No order imposing any of the penalties specified in rule 5 shall be made except after an enquiry held in the manner provided in this rule.(2)The disciplinary authority shall draw up or cause to be drawn up, (i)the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;(ii)a statement of imputations of misconduct or misbehaviour in support of each article of charge which shall contain (a)a statement of relevant facts including any admission or confession made by the employee;(b)a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.(3)The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour prepared under clause (ii) of sub-rule (2) and shall require the employee to submit to the inquiring authority within such time as may be specified a written statement of his defence and to state whether he desires to be heard in person.(4)(i)The disciplinary authority shall in all cases for the purpose of enquiry appoint an inquiring authority and forward to it (a)a copy of articles of charge and the statement of the imputations of misconduct or misbehaviour;(b)a copy of the statement of witnesses, if any;(c)evidence proving the delivery of the document referred to in sub-rule (2) to the

employee.(ii)Where the disciplinary authority appoints an inquiring authority for holding an inquiry into the articles of charge, it may, by an order appoint an employee to be known as "Presenting Officer" to present on its behalf the case in support of the articles of charge.(5)(I)The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statements of imputations of misconduct or misbehaviour as the enquiring authority may, by a notice in writing specify in this behalf or within such further time not exceeding ten days, as the inquiring authority may allow.(ii)The employee, against whom departmental proceedings have been instituted, may take the assistance of any other employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, permits to do so.(6)If the employee who has not admitted any of the articles of charge in his written statement of defence appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record, and obtain the signature of the employee thereon. The inquiring authority shall return a finding of guilty in respect of those articles of charge to which the employee pleads guilty. The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead or claims to be tried, require the disciplinary authority or his representative to produce the evidence by which he proposes to prove the articles of charge and shall adjourn the case to a later date, not exceeding 30 days, after recording an order that the employee may for the purpose of preparing his defence (a)inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (2);(b)submit a list of witnesses to be examined on his behalf;(c)give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow asking for the discovery or production of any documents, which are in the possession of the Local Body but not mentioned in the list mentioned in sub-rule (2).(7)The inquiring authority shall, on receipt of the notice for discovery or production of documents forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition :Provided that the inquiring authority may, for reasons to be recorded by it, in writing, refuse to make requisition for such of the documents as are, in its opinion, not relevant to the case.(8)On receipt of the requisition referred to in sub-rule (7) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority :Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.(9)After the completion of the enquiry, a report shall be prepared and it shall contain, (a)the articles of charge and the statement or imputations of misconduct or misbehaviour;(b)the defence of the employee in respect of each article of charge;(c)an assessment of the evidence in respect of each article of charge;(d)the finding on each article of charge and the reasons therefor.(10)(1) The disciplinary authority shall consider the record of the enquiry and record its findings on each charge.(ii)The disciplinary authority may, for reasons

to be recorded in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall, thereupon, proceed to hold further inquiry, as far as possible, according to the provision laid down in this rule.(11)If the disciplinary authority, having regard to its findings on the charges, is of opinion that any of the penalties specified in clauses (i) to (iii) of rule 5 should be imposed, it shall pass appropriate orders on the case.(12)If the disciplinary authority, having regard to its finding on the charges, is of opinion that any of the penalties specified in clauses (iv) to (viii) of rule 5 should be imposed it shall (a)furnish to the employee a copy of the report of the inquiring authority and a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority; and(b)give him a notice stating the punishment proposed and the grounds therefor and calling upon him to submit within a specified time such representation as he may wish to make on the punishment proposed but only on the basis of the evidence adduced during the inquiry.(13)Orders passed by the disciplinary authority under sub-rule (11) or sub-rule (12) shall be communicated to the employee who shall also be supplied with a copy of the report of the inquiring authority and, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, unless they have already been supplied to him.

8. Special procedure

. (1) Nothing in rule 7 shall apply in a case where-(i)a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or(ii)the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for reasons to be recorded in writing, it is not reasonably practicable to hold such inquiry, or(iii)it is decided with the approval of the Government that in the interest of the security of the State it is not expedient to hold such inquiry.(2)If any question arises whether it is reasonably practicable to give any person an opportunity of showing cause under clause (ii) of sub-rule (1) the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

9. Provisions regarding Officers whose services are lent to the Government of India, etc

. (1) Where the services of an employee are lent to the Government of India or any other State Government or to an authority sub-ordinate thereto or to a local authority or other authority (hereinafter in 4 this rule referred to as the borrowing authority), the borrowing authority shall have the power of the appointing authority for the purpose of placing the employee under suspension and of the disciplinary authority for the purpose of taking disciplinary. proceedings against him :Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter in this rule and in rule 10 referred to as the lending authority) of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.(2)In the light of the findings in the disciplinary proceedings taken against the employee, (i)if the borrowing authority is of opinion that any of the penalties specified in clause (i), (ii) and (iv) of rule 5 should be imposed on him, it may, consultation with the lending authority, pass such orders in the case as it deems necessary :Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the employee shall be

replaced at the disposal of the lending authority and the borrowing authority shall transmit to it the proceedings of the inquiry and, thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon including an order to commence the proceedings de-novo as it deems necessary, or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders in the case including an order to commence the proceedings de-novo as it deems necessary :Provided further that in passing, any such order the disciplinary authority shall comply with the provisions of rule 7.(ii)If the borrowing authority is of opinion that any of the penalties specified in clauses (iv) to (viii) of rule 5 should be imposed on him, it shall replace the services of the employee at the disposal of the lending authority and transmit to it the proceedings of the inquiry and, thereupon the lending authority, may, if it is the disciplinary authority, pass such orders thereon including an order to commence the proceeding de-novo as it deems necessary, or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders in the case including an order to commence the proceedings de-novo as it deems necessary :Provided that in passing any such order the disciplinary authority shall comply with the provisions of rule 7.Explanation. The disciplinary authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary.The disciplinary proceedings commenced by the borrowing authority shall be taken in accordance with the rules to which the employee proceeded against, is subject.

10. Provisions regarding officers borrowed from other Government

. Subject to the concurrence of the lending authority the provisions of rule 9 shall apply mutates mutandis in case of officers borrowed from the Government of India, other State Governments. or other lending authorities.

11. Appeal against orders imposing suspension

. An employee who is suspended or is deemed to have been suspended under the 4 of these rules may prefer an appeal against such suspension to the authority immediately superior to the authority by which he is suspended or is deemed to have been so suspended.

12. Appeal against orders imposing the penalties specified in rule 5

. If a member of the municipal establishment wants to prefer appeal against the order of imposing penalties he may prefer an appeal to the Board of Councillors of Local Bodies. Every employee, who prefers an appeal, shall do so separately in his own name. A copy of the said appeal shall also be simultaneously being forwarded by the appellant to the authority, which made the order. It shall contain all the materials, statements and arguments on which the appellant relies and shall not contain any disrespectful and improper language and shall be complete in itself. In the case of an appeal, the appellate authority shall consider having regard to the circumstances of the case, whether the order of suspension is justified or not and confirm or revoke the order accordingly. In case of appeal against the order of imposing any penalty the appellate authority shall consider in terms of proviso to sub-rule (2) of rule 16.

13. Period of limitation of appeals

. No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against :Provided that the appellate authority may entertain within further one month the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

14. Form and contents of appeal.

(1)Every person preferring an appeal shall do so separately and in his own name.(2)The appeal shall be addressed to the Board of Councillors, a copy being simultaneously forwarded by the appellant to the authority, which made the order appealed against. It shall contain all material statements. and arguments of which the appellant relies. But it shall not contain any disrespectful or improper language, and shall be complete in itself.(3)Authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

15. Consideration of appeals

. (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provision of rule 4 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm and revoke the order accordingly imposing any of the penalties specified in rule 7. the appellate authority shall consider.(2)In the case of an appeal against an order imposing any of the penalties specified in rule 5, the appellate authority shall consider --(a)Whether the procedure prescribed in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any of the provisions of the Constitution of India or in the failure of justice;(b)Whether the findings are justified; and(c)Whether the penalty imposed is excessive, adequate or inadequate, and after consultation pass orders(i)setting aside, reducing, confirming or enhancing the penalty; or(ii)remitting the case to the authority, which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :Provided that no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty.(3)In the case of an appeal against any order specified in rule 13, the Board of Councillor shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

16. Implementation of orders in appeal.

- The authority which made the order appealed against shall give effect to the orders passed by the Director of Local Bodies and in doing so, it shall furnish to the employee concerned, a copy of the order passed by the appellate authority in the case.

17. Miscellaneous provisions.

(1)The appointing authority will maintain a confidential character role of all the municipal employees, which will be en-routed through the departmental heads in a proforma specified for the purpose. This confidential role will be taken into consideration at the time of confirmation, promotion, and transfer etc. The promotion in the senior post from the feeder post will be made on the seniority and suitability of municipal employees and not only on seniority. The municipal authority for providing promotion in the higher post may also hold examination, if felt necessary. (2)Save in case of loss in pay no employee on a time scale of pay may be granted with the prior approval at a meeting by the Local Body, a premature increment in that time-scale. In the cases of loss of pay of any employee the Board of Councillors of the concerned Municipality, with the prior approval of the State Government. shall take all the decisions regarding premature increments.

18. Review.

(1)Notwithstanding anything contained in these rules the Board of Councillors, may, either on its own motion or otherwise, call for the records of any case and review any order which is made or is appealable under the rules and. may-(a)confirm, modify or set aside, the order:(b)confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed:(c)remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or(d)pass such other orders as it deems fit :Provided that no order imposing or enhancing a penalty shall be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such penalty or enhanced penalty.(2)Orders passed under sub-rule (1) shall be given effect to by the authority which passed the original order and in doing so, it shall furnish to the employee concerned. a copy of the order passed by the Director of Local Bodies, Government of West Bengal. Standard Form of Charge SheetThe undersigned proposes to hold an inquiry under rule..... of the..... against Shri..... The substance of imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the articles of charge (Annexure I).

1. A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri..... is directed to submit within 7 days of the receipt of this Memorandum a written statement of his defence to inquiring authority and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri..... is further informed that if he does not submit his written statement of defence on or before the date specified in paragraph 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of the rules/orders/directions issued, the inquiring authority may hold the inquiry against him ex parte.

The receipt of this Memorandum shall be acknowledged. By orderName and designation of Competent Authority. Annexure I Statement of articles of charge framed against Shri..... (name and designation of employee) Article of Charge I That the said Shri..... while functioning as..... during the period..... Article of Charge II That during the aforesaid period and while functioning in the aforesaid office the said Shri..... Article of Charge III That during the aforesaid period and while functioning in the aforesaid office the said Shri..... Annexure II Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri..... (name and designation of the employee). Article of Charge I Article of Charge II Article of Charge III Annexure III List of documents by which the articles of charge framed against Shri..... (name and designation of the employee) are proposed to be sustained. Annexure IV List of witnesses by whom the articles of charge framed against Shri..... (name and designation of the employee) are proposed to be sustained. Order In exercise of the power conferred by sub-rule (4) of rule 7 the undersigned hereby appoints Shri..... (name and designation of the employee) as inquiring authority to enquire into charge framed against the said Shri..... By order of the Governor, Sd/- K.C. Mondal, Special Secretary to the Govt. of West Bengal.