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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**  
**LAW DEPARTMENT**  
**Legislative**  
**NOTIFICATION**

No. 2135-L.—19th December, 2003.—The following Act of the West Bengal Legislature, having been assented to by the Governor is hereby published for general information:—

### West Bengal Act XXVI of 2003

#### THE WEST BENGAL STATE HEALTH SERVICE (SECOND AMENDMENT) ACT, 2003.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 19th December, 2003.]

*An Act to amend the West Bengal State Health Service Act, 1990.*

WHEREAS it is expedient to amend the West Bengal State Health Service Act, 1990, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
VII of 1990.

It is hereby enacted in the Fifty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal State Health Service (Second Amendment) Act, 2003.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of  
section 2 of  
West Ben. Act  
VII of 1990.

2. In section 2 of the West Bengal State Health Service Act, 1990 (hereinafter referred to as the principal Act), in clause (f), after the words "or the West Bengal Health Service," the words "or the West Bengal Public Health-cum-Administrative Service," shall be inserted.

Substitution of  
new section for  
section 3.

3. For section 3 of the principal Act, the following section shall be substituted:—

"Constitution  
of State Health  
Service.

3. 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.".

*The West Bengal State Health Service (Second Amendment) Act, 2003.*  
(Sections 4-9.)

Amendment of  
section 4.

4. In section 4 of the principal Act,—

(a) For sub-section (1), the following sub-section shall be substituted :—

“(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 post 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.

*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.”;

(b) in sub-section (2), after the words “West Bengal Health Service”, the words “or the West Bengal Public Health-cum-Administrative Service” shall be inserted;

(c) sub-section (3) shall be omitted.

Amendment of  
section 8.

5. In section 8 of the principal Act, the words “shall include such other posts to form a cadre for Public Health-cum-Administration as a separate unit as may be” shall be omitted.

6. After section 8 of the principal Act, the following section shall be inserted :—

“*Cadre of the West Bengal Public Health-cum-Administrative Service.* 8A. 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.”.

Substitution of  
new section for  
section 10.

7. For section 10 of the principal Act, the following section shall be substituted :—

“*Posts in the cadre of West Bengal Public Health-cum-Administrative Service to be non-practising.* 10. (1) 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.”.

Substitution of  
new section for  
section 11.

8. For section 11 of the principal Act, the following section shall be substituted :—

“*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.*

11. 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.”.

Amendment of  
section 12.

9. In section 12 of the principal Act,—

(i) in the marginal note, after the words “Public Health or Administration, in former West Bengal Health Service”, the words “or the West Bengal Public Health-cum-Administrative Service” shall be inserted;

(ii) in the third proviso, for the words “cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service”, the words “West Bengal Public Health-cum-Administrative Service” shall be substituted; and

*The West Bengal State Health Service (Second Amendment) Act, 2003.*  
(Sections 10-15.)

(iii) in the fifth proviso, for the words "cadre for Public Health-cum-Administration as a separate unit of the West Bengal Health Service.", the words "West Bengal Public Health-cum-Administrative Service." shall be substituted.

**10.** After section 13 of the principal Act, the following section shall be inserted :—

"Transfer of persons holding administrative posts but not opting for the West Bengal Public Health-cum-Administrative Service. 13A. 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."

**11.** In section 14 of the principal Act, after sub-section (4), the following sub-section shall be inserted:—

"(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.”

**12.** In section 17 of the principal Act,—

(i) in the marginal note, for the words "and posts included in cadre for Public Health-cum-Administration as a separate unit of West Bengal Health Service.", the words "and administrative posts in the West Bengal Public Health-cum-Administrative Service." shall be substituted; and  
(ii) in sub-section (2), for the words "appointed to the posts included in the cadre for Public Health-cum-Administrastion as a separate unit of the West Bengal Health Service", the words "appointed to the administrative posts in the West Bengal Public Health-cum-Administrative Service" shall be substituted.

**13.** After section 17A of the principal Act, the following section shall be inserted :—

"Seniority of persons 17B. The seniority of persons appointed to any post in the appointed to the posts West Bengal Public Health-cum-Administrative Service and Public Health-cum- the *inter se* seniority between such persons shall be Administrative Service. determined in such manner as may be prescribed.”

**14.** For section 19A of the principal Act, the following section shall be substituted:—

"Transitory 19A. Notwithstanding anything contained elsewhere in this Act, provisions. 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 fifteen 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, 2005.”

**15.** Anything done or any action taken under the principal Act as amended by this Act before the publication of this Act in the *Official Gazette* shall be deemed to have been validly done or taken under the principal Act as amended by this Act, as if this Act were in force when such thing was done or such action was taken.

Insertion of new section 13A.

Amendment of section 14.

Amendment of section 17.

Insertion of new section 17B.

Substitution of new section for section 19A.

Saving and validation.

By order of the Governor,

A. K. BHATTACHARYA,  
Principal Secy. to the Govt. of West Bengal &  
Secy., Law Department.