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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE

NOTIFICATION

No. H/MA/1623/Z-46/1999.—Dated: Kolkata, the 20th August, 2004.—In exercise of the power conferred by section 21 of the West Bengal State Health Service Act 1990 (West Ben. Act VII of 1990) (as subsequently amended), the Governor is pleased hereby to make the following rules, namely:—

Rules

1. **Short title and commencement.**—(1) These rules may be called the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. **Application.**—These rules shall apply to the following categories of persons:—

(a) Persons who hold posts connected with Public Health-cum-Administration Unit in the former West Bengal Health Service immediately before the coming into force of the West Bengal Health Service (Second Amendment) Act, 2003:

Provided that such persons who are presently prosecuting post-graduate courses directly related to Public Health or Administration being nominated or sponsored by the State Government before coming into force of these rules, and have held posts included in the Public Health-cum-Administration Unit of the former West Bengal Health Service immediately prior to proceeding to prosecute such course, shall also be allowed to exercise options under these rules, and upon exercising such option be absorbed in the Trainee Reserve posts included in the cadre of West Bengal Public Health-cum-Administrative Service.

(b) Persons who hold or have held posts connected with Public Health (meaning such posts that carry Public Health Pay or any additional remuneration equivalent to Public Health Pay or Administrative Pay) in the West Bengal Health Service before the coming into force of the West Bengal State Health Service (Second Amendment) Act, 2003:

Provided that the age of such persons on the date of coming into force of these rules do not exceed fifty years:

Provided further that such persons who hold or have held posts connected with Public Health or Administration (meaning such posts that carry Public Health Pay or any additional remuneration equivalent to Public Health Pay or Administrative Pay) and are presently prosecuting post-graduate courses directly related to Public Health or Administration, being nominated or sponsored by the State Government before coming into force of these rules, shall also be allowed to exercise options under these rules, and upon exercising such option be absorbed in the Trainee Reserve posts included in the cadre of West Bengal Public Health-cum-Administrative Service.

Note: Following shall be the posts relating to Public Health or Administration that would confer eligibility for exercising option under this rules:

1. All posts of Primary Health Centers belonging to the cadre of the West Bengal Health Services.
2. All posts of Block Primary Health Centers and Rural Hospitals belonging to the cadre of the West Bengal Health Services.
3. All Medical Officers under Malaria Control Scheme and BCG Vaccination Schemes.
4. Medical Officers including Pathologists for control of Leprosy in Pilot Projects Clinics, Hospitals, Malaria Units.
5. Medical Officers of School Health Units.
6. Medical Officers of Plague Control Organizations and Mobile TB Units.
7. Medical Officers of the Kolkata Metropolitan Urban Health Organizations.
8. All the posts carrying administrative pay included in the Public Health cum-Administrative Unit of the former West Bengal Health Service as contained in Memorandum Number: H/MA/MES/828/MA/Z/16/99 Dated: Kolkata, the 16th March 2001.

3. Terms and conditions for exercising option.—(1) The option shall be exercised in writing in the proforma (Annexure I or Annexure II or Annexure III or Annexure IV or Annexure V, as may be applicable) within six months of coming into force of these rules or within such longer period, as applicable or as the State Government may by notification, specify from time to time:

Provided that persons, who are on leave or on deputation or on lien on the date of coming into force of these rules, shall be permitted to exercise option under these rules within one month of return from such leave or deputation or lien and be appointed in the cadre of the West Bengal Public Health-cum-Administrative Service in phased manner.

(2) The option, once exercised, shall be final and shall in no circumstances be revoked at any subsequent date.

(3) The eligible persons, as specified in rule 2(a) of these rules, opting for the West Bengal Public Health-cum-Administrative Service from the Public Health cum-Administrative Unit of the West Bengal Health Service, shall ordinarily be absorbed and appointed in the corresponding tier of the cadre of West Bengal Public Health-cum-Administrative Service subject to the provisions of section 8A of the West Bengal Health Service Act, 1990.

Provided that such absorption or appointment shall continue on provisional and in situ basis as a transitory measure for the period up to the date of promulgation of relevant rules for regulation of recruitment in individual tier.

Provided further that in case any junior officer of the West Bengal Health Services holds a higher post in the new cadre by virtue of absorption under this sub-rule, he will not get the benefit of higher scale of the post till he acquires eligibility for enjoying the scale on functional or non-functional basis.

Provided also that such persons who are presently prosecuting post-graduate courses directly related to Public Health or Administration being nominated or sponsored by the State Government before coming into force of these rules, and have held posts included in the Public Health cum-Administrative Unit of the former West Bengal Health Services immediately prior to proceeding to prosecute such course, upon exercising options under these rules, be absorbed and appointed in the Trainee Reserve posts included in the cadre of West Bengal Public Health-cum-Administrative Service and on completion of such course be appointed in any post in the corresponding tier of the West Bengal Public Health-cum-Administrative Service wheretfrom they proceeded to prosecute such course.

(4) The eligible persons as specified, in rule 2(b) of these rules, opting for the West Bengal Public Health-cum-Administrative Service, from the Public Health-cum-Administration Unit of the West Bengal Health Services, shall ordinarily be absorbed and appointed in the tiers "Basic Public Health-cum-Administrative Officer" or "Public Health-cum-Administrative Officer Group B" in the cadre of the West Bengal Public Health-cum-Administrative Service according to their seniority and experience to the posts connected with Public Health or Administration in the former West Bengal Health Services:

Provided that such persons who hold or have held posts connected with Public Health or Administration (meaning such posts that carry Public Health Pay or any additional remuneration equivalent to Public Health Pay or Administrative Pay) and are presently prosecuting post-graduate courses directly related to Public Health or Administration being nominated or sponsored by the State Government before coming into force of these rules, being allowed to exercise options under these rules, shall be absorbed in the Trainee Reserve posts included in the cadre of West Bengal Public Health-cum-Administrative Service and on completion of such course be appointed in the tiers "Basic Public Health-cum-Administrative Officer" or "Public Health-cum-Administrative Officer Group B" in the cadre of the West Bengal Public Health-cum-Administrative Service according to their seniority and experience to the posts connected with Public Health or Administration in the former West Bengal Health Services.

4. Option to West Bengal Health Service.—(1) Notwithstanding anything contrary contained in the foregoing provisions, any person appointed in the tiers of "Basic Public Health-cum-Administrative Officer" or "Public Health-cum-Administrative Officer Group B" of the West Bengal Public Health-cum-Administrative Service, subject to provisions of section 8A of the West Bengal State Health Service Act, 1990 and in terms of these rules, shall be eligible for opting out to a post in the West Bengal Health Service. The option so exercised shall not automatically entitle him to a post in the West Bengal Health Service and actual reversion of such person to the West Bengal Health Service shall be made in phased manner.

(2) The option, under sub-rule (1), once exercised, shall be final and shall in no circumstances, be revoked at any subsequent date:

Provided that, upon such reversion, to the West Bengal Health Service, the concerned person shall have to forego the additional incremental benefits accredited to him consequent to his absorption in the West Bengal Public Health-cum-Administrative Service as per the provisions of West Bengal Public Health-cum-Administrative Service (Pay and Allowances) Rules, 2004, and thereupon his pay would be refixed in such a manner, that he would have been entitled to, had he was all along serving in the West Bengal Health Service or as would be determined by the State Government.

OPTION FORMS

ANNEXURE I

(See rule 3)

Option Form to be filled up by an Officer of Public Health-cum-Administrative Unit of the former West Bengal Health Services who is eligible under rule 2(a) of the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004 and now elects to be absorbed and appointed in the West Bengal Public Health-cum-Administrative Service (to be submitted in triplicate).

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary,
Department of Health and Family Welfare,
Government of West Bengal.
- (2) The Director of Health Services and *Ex-officio* Secretary,
Department of Health and Family Welfare,
Government of West Bengal.

Sir,

I, Dr now holding the post of in the Public Health-cum-Administrative Unit of the former West Bengal Health Service, do hereby opt for a post in the corresponding tier of the cadre of the West Bengal Public Health-cum-Administrative Service on terms and conditions as prescribed under the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full

Date

Designation

ANNEXURE II*(See rule 3)*

Option Form to be filled up by an Officer who holds or has held a post connected with Public Health in the former West Bengal Health Service who is eligible under rule 2(b) of the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004, and now elects to be absorbed and appointed in the West Bengal Public Health-cum-Administrative Service (to be submitted in triplicate).

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary,
Department of Health and Family Welfare,
Government of West Bengal.
- (2) The Director of Health Services and *Ex-officio* Secretary,
Department of Health and Family Welfare,
Government of West Bengal.

Sir,

I, Dr., now holding the post of and have held the post of in the Public Health-cum-Administrative Unit of the West Bengal Health Service, do hereby opt for a post in the cadre of the Public Health-cum-Administrative Service on terms and conditions as prescribed under the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full

Date

Designation**ANNEXURE III***(See rule 3)*

Option Form to be filled up by an Officer of the Public Health-cum-Administrative Unit of the West Bengal Health Service who is eligible under rule 2(a) and rule 2(b) of the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004, now on Deputation/Lien/Leave, and within one month of return elects to be absorbed and appointed in the West Bengal Public Health-cum-Administrative Service (to be submitted in triplicate).

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary, Department of Health and Family Welfare, Government of West Bengal.
- (2) The Director of Health Services and *Ex-officio* Secretary, Department of Health and Family Welfare, Government of West Bengal.

Sir,

I, Dr., now on Deputation/Lien/Leave and was posted as in the West Bengal Health Services before proceeding for Deputation/Lien/Leave do hereby opt for absorption in the West Bengal Public Health-cum-Administrative Service on terms and conditions as prescribed under the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full

Date

Designation

ANNEXURE IV

(See rule 4)

Option Form to be filled up by an Officer who holds a post of the former Public Health-cum-Administrative Unit of the West Bengal Health Service and now elects to opt out for working as a member of the West Bengal Health Service (to be submitted in triplicate).

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary, Department of Health and Family Welfare, Government of West Bengal.
- (2) The Director of Health Services and *Ex-officio* Secretary, Department of Health and Family Welfare, Government of West Bengal.

Sir,

I, Dr. holding the post of in the former Public Health-cum-Administrative Unit of the West Bengal Health Service, do hereby opt for working in the West Bengal Health Service and not opting for the West Bengal Public Health-cum-Administrative Service on terms and conditions as prescribed under the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full

Date

Designation

ANNEXURE V

(See rule 3)

Option Form to be filled up by an Officer of the Public Health-cum-Administrative Unit of the West Bengal Health Service who is eligible under rule 2(a) and rule 2(b) of the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004, now on Trainee Reserve, and now elects to be absorbed and appointed in the West Bengal Public Health-cum-Administrative Service as Trainee Reserve (to be submitted in triplicate).

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary, Department of Health and Family Welfare, Government of West Bengal.
- (2) The Director of Health Services and *Ex-officio* Secretary, Department of Health and Family Welfare, Government of West Bengal.

Sir,

I, Dr., now on Trainee Reserve and was posted as in the West Bengal Health Service before proceeding for Trainee Reserve, do hereby opt for absorption in the West Bengal Public Health-cum-Administrative Service on terms and conditions as prescribed under the West Bengal Public Health-cum-Administrative Service (Option) Rules, 2004.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full

Date

Designation

By order of the Governor,

DR. K. K. BAGCHI,
*Principal Secy. to the Govt. of West Bengal and
 Secy., Department of Health and Family Welfare.*