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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
BACKWARD CLASSES WELFARE DEPARTMENT
ADMINISTRATIVE BUILDINGS, BIDHANNAGAR, KOLKATA-700 091
Website : www.anagrasarkalyan.gov.in

MEMORANDUM

No. 4977-BCW/MR-33/15

Dated, the 18th December, 2015.

For some time past it has come to the notice of this Department that some of the Departments of Government of West Bengal has issued orders/circulars allowing transfer of employees, from one appointing authority to another appointing authority, where both the organizations and the appointing authority, albeit are different, has identical nature and character. This transfer from one organization to another, under different appointing authority requires adjustment of the vacancies whereby the transferred employee is fitted in appropriate 'Roster Points' of the 'Register of Appointment' (RoA) which are maintained by the different Appointing Authorities as per Rule 3 of WB SC&ST (Reservation of Vacancies in Services and Posts) Rules 1976.

To effectively handle this aspect, the Governor, in exercise of the power conferred by Section 10 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 read with Sec 15 of WBBC(Other than SC&ST) (Reservation of vacancies in services and posts) Act 2012 is pleased to order that-

In specific cases where it is ordered by competent authority that vacancy is also created by transfer and the incumbents so transferred are shifted to other organizations of explicitly same nature and character but are placed under different Appointing Authorities, the 'Register of Appointments' as provided for in Rule 3 WB SC&ST (Reservation of vacancies in services and posts) Rules 1976 will be maintained in the following manner-

1. (a) Vacancies created by transfer can be filled up by either transfer or fresh recruitment.
- (b) For vacancies arising out of transfer, the appointing authority should record the same in the remarks column of the RoA.
- (c) Vacancies created by transfer of Unreserved (UR) category can be filled up by candidates belonging to general category.

- (d) Similarly Vacancies created by transfer of a particular reserved category can be filled up by candidates belonging to that reserved category only.
2. every transferee shall have to be placed in the ROA of the recipient organization in the following manner:-
- (a) If the transferee belongs to unreserved category, his joining shall be adjusted against an available unreserved roster point. If such roster point is not available, but a vacancy in reserved RP is available, then the incumbent will be placed in the available reserved RP and this Reserved RP will be carried forward to the next UR Roster Point as is provided for in the said Act vide Sec 6(2). While executing this 'carry forward method' vertical reservation shall be considered subject to applicability of horizontal reservation in Roster Points. In case transfer is made to an organization beyond the relevant sanctioned posts there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done,
- (b) Implementing repeated "Carry Forward" as per para 2 (a) will not amount to multiple violation of 'Roster Points' in 'Register of Appointment' provided it is marked as per para (a).
- (c) If the transferee belongs to reserved category, his joining shall be adjusted against an available reserved roster point of the same category. If such roster point is not available, but a vacancy in any reserved / unreserved RP is available, then the incumbent will be placed in that RP and this Reserved RP will be carried forward to the next Roster Point of the same category. In case transfer is made to an organization beyond sanctioned post there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done.
3. In implementing para 2(a) "Carried Forward Owing to Transfer" should be recorded by the competent authority in the 'Regularisation Order' and in the 'remarks' column of 'Register of Appointment'.

Explanation- 1) implementation of the order hinges upon an order from the Competent Authority of the concerned Department to the effect that transfer creates a vacancy of the same nature as per Sec- 4(1) of WBSC&ST (Reservation of Vacancies in Services and Posts) Act 1976 and Sec 5(a) of WBBC (Other than SC&ST) (Reservation of Vacancies in Services and Posts) Act, 2012.

Note- 1) The vertical reservation of Roster Points have been considered in this order. The horizontal reservation of Roster Points needs to be dealt by the relevant appropriate authorities.

The memorandum takes immediate effect and will be applicable for the relevant Roster Points reserved for OBC category in the RoA.

By order of the Governor,

S. K. THADE,

Principal Secy. to the Government of West Bengal.