

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act II of 1976

**THE WEST BENGAL MUNICIPAL EMPLOYEES
(COMPULSORY RETIREMENT) ACT, 1976.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 23rd March, 1976.]

[23rd March, 1976.]

An Act to provide for the compulsory retirement of municipal employees under certain circumstances.

WHEREAS it is expedient in the public interest to provide for the compulsory retirement of municipal employees under certain circumstances and for matters connected therewith or incidental thereto;

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

1. (1) This Act may be called the West Bengal Municipal Employees (Compulsory Retirement) Act, 1976.

Short title
and
application.

(2) It applies to all municipal employees serving in any Corporation, municipality, notified area and any other local authority to which the provisions of this Act may be extended by the State Government by notification in the *Official Gazette*.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “basic pay” means the pay sanctioned for a post held by a municipal employee substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre, but does not include special pay granted in consideration of—

- (i) the specially arduous nature of the duties, or
- (ii) a specific addition to the work or responsibility, or
- (iii) the unhealthiness of the locality in which the work is performed,

and any other emoluments which may be specially classed as pay by any Corporation, municipality, notified area or any other local authority to which the provisions of this Act may be extended or pay granted in view of personal considerations or qualifications;

The West Bengal Municipal Employees (Compulsory Retirement) Act, 1976.

[West Ben. Act

(Sections 3, 4.)

- (b) "Corporation" includes the Corporation of Calcutta constituted under the Calcutta Municipal Act, 1951 and the Municipal Corporation of Chandernagore established under the Chandernagore Municipal Act, 1955; West Ben. Act XXXIII of 1951.
West Ben. Act XVIII of 1955.
- (c) "municipality" includes any municipality constituted under the Bengal Municipal Act, 1932, and the Garden Reach Municipal Act, 1932 and the Town Committee constituted under the Cooch Behar Town Committee Act, 1903; Ben. Act XV of 1932.
Ben. Act III of 1932.
Cooch Behar Act IV of 1903.
- (d) "municipal employee" means an officer, servant or any other employee by whatever name called serving in any Corporation, municipality, notified area or any other local authority to which the provisions of this Act are extended by the State Government by notification under sub-section (2) of section 1;
- (e) "notified area" means an area constituted as such by notification under section 93A of the Bengal Municipal Act, 1932;
- (f) "prescribed" means prescribed by rules made under this Act.

Compulsory retirement of any municipal employee.

3. Notwithstanding anything contained in any law for the time being in force or in any contract, express or implied, or in any custom or usage, to the contrary, any municipal employee whose basic pay exceeds two hundred and fifty rupees per month and who has reached the age of fifty years may,—

- (1) by an order, be compulsorily retired by the appointing authority without assigning any reason whatsoever, by serving three months' notice upon him in the prescribed manner or by giving him three months' wages in lieu of such notice:

Provided that no order shall be passed by an appointing authority under this section without obtaining, in such manner as may be prescribed, the prior approval of the State Government;

- (2) by serving three months' notice in writing to the appointing authority and without assigning any reason whatsoever retire from service.

Power to make rules.

4. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

The West Bengal Municipal Employees (Compulsory Retirement) Act, 1976.

II of 1976.]

(Section 5.)

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the matters which may be or has to be prescribed.

West Ben. Ord. XXII of 1975. **5.** (1) The West Bengal Municipal Employees (Compulsory Retirement) Ordinance, 1975, is hereby repealed. Repeal and savings.

(2) Anything done or any action taken under the West Bengal Municipal Employees (Compulsory Retirement) Ordinance, 1975, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 27th day of December, 1975.
