

West Bengal College Service Commission Act, 2012**29 of 2012****CONTENTS****CHAPTER 1 :- Preliminary**

1. Short title, extent and commencement
2. Definitions

CHAPTER 2 :-Reformation of the Commission, its Chairperson, Members and their Qualification, Age, Removal etc.

3. The Commission and its Chairperson and Members
4. Qualification and removal of the Chairperson and other Members of the Commission
5. Employees of the Commission

CHAPTER 3 :-Powers and Functions of the Commission and its Zones

6. Zones of the Commission
7. Appointment of Principals, Assistant Professor and Librarians of Government aided Colleges in West Bengal
8. Manner of selection of Principals, Assistant Professors and Librarians
9. Procedure for conduct of business of the Commission
10. Effect of recommendation of the Commission
11. Protection of service of Principals, Assistant Professors, Librarians etc.
12. Power to call for records etc.

CHAPTER 4 :-Provisions regarding appointment of Non-teaching employees of Government Aided Colleges in West Bengal.

13. Appointment of Non-teaching employees of Government Aided Colleges
14. Manner of selection of Non-teaching employees
15. Effect of recommendation of the Commission

CHAPTER 5 :- Provisions regarding State Eligibility Test

16. State Eligibility Test

CHAPTER 6 :-Funds, Accounts, Audit and Inspection of the Commission

- 17. Funds and budgets of Commission
- 18. Accounts of Commission
- 19. Inspection of Commission

CHAPTER 7 :- Miscellaneous

- 20. Members etc. of the Commission are Public Servants
- 21. Report of Commission
- 22. Validation of proceedings of Commission
- 23. Act not to apply in certain Colleges or Universities
- 24. Power to make rules
- 25. Power to make regulations
- 26. Power to remove difficulties
- 27. Repeal and Savings

West Bengal College Service Commission Act, 2012

29 of 2012

An Act to provide for reformation of functions, management and control of College Service Commission, West Bengal, and for matters connected therewith and incidental thereto.

Whereas it is expedient to provide for reformation of functions, management and control of College Service Commission, West Bengal, and for matters connected therewith and incidental thereto;

It is hereby enacted in the Sixty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:-

CHAPTER 1 Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the West Bengal College Service Commission Act, 2012.

(2) It shall extend to the whole of the State of West Bengal.

(3) This Act shall come into force at once, except the provisions of Chapter IV of this Act which shall come into effect on such date as the State Government may, by notification, in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(1) the "Act" means the West Bengal College Service Commission Act, 2012;

(2) "Administrator" means an Administrator of a College as may be appointed by the State Government;

(3) "Approved Part Time Teacher" means a part time teacher of a college who has been declared as such and whose service has been approved by the State Government, by order;

(4) "Approved Whole Time Contractual Teacher" means a teacher who has been declared as such and whose service has been approved by the State Government as such;

(5) "Chairperson" means the Chairperson of the Commission as may be appointed by the State Government by notification published in the Official Gazette;

(6) "Chancellor" means the Chancellor of the University;

(7) "College" means an educational institution affiliated to a University established under any State Act where Bachelors or Masters Degrees are provided in any branch of study;

(8) "Commission" means the West Bengal College Service Commission established under sub-section (1) of section 3 of the West Bengal College Service Commission Act, 1978; J

(9) "constituent college" means a College recognized as such by a University but does not include a Government College;

- (10) "employee of the commission" means an employee of the commission other than a Member or the Chairperson, as the case may be, appointed by the State Government;
- (11) "Governing Body" means the Governing Body of a College and includes any managing committee or any other committee which is in charge of the administration and functions of the College, as may be approved by the State Government and also includes an Administrator;
- (12) "Government aided College" means a College which is under the pay packet schemes of the State Government and includes such other College which is in receiving either of periodical grants in any form or of land or subsidized lease land or of any other assistance from the State Government in any form and also includes Government Sponsored Colleges and Constituent Colleges;
- (13) "Government College" means a College absolutely administered and maintained by the State Government;
- (14) "Government Sponsored College" means a College, declared by the State Government as such;
- (15) "Governor" means the Governor of the State of West Bengal;
- (16) "Librarian" means a Librarian of a College;
- (17) "Member" means a member of the Commission except the Secretary;
- (18) "Minority College" means a College run and administered by a minority community, whether based on religion or language, as the case may be, as may be declared and approved by Government;
- (19) "National Eligibility Test" means an eligibility test held by

University Grants Commission;

(20) "Non-teaching employee" means an employee of a College or University by whatever name called, other than Teacher of a College or of University or Librarian;

(21) "notification" means a notification published in the Official Gazette;

(22) "prescribed" means prescribed by rules made under this Act;

(23) "Principal" means the Principal of a College as may be appointed on recommendation of the Commission and includes a Teacher-in-charge or an Administrator, as the case may be, for the purpose of this Act;

(24) "private college" means the College which is run and administered by a private body and not receiving any grants from the State Government;

(25) "Private University" means a University established, run and administered by a private organization as recognized by the State Government;

(26) "regulation" means a regulation made under this Act by the Commission with prior approval of the State Government;

(27) "rules" means rules framed under this Act by the State Government;

(28) "Secretary" means the Secretary of the Commission as may be appointed by the State Government;

(29) "State Aided University" means a University receiving financial

or other grants from the State Government;

(30) "State Eligibility Test" means a eligibility test for Assistant Professorship and Librarianship conducted by the Commission;

(31) "State Government" means the State Government of West Bengal in the Department of Higher Education;

(32) "Teacher of a College" means an Assistant Professor, Associate Professor or Professor, as may be declared by the State Government and includes a Lecturer or a Reader for the purpose of this Act;

(33) "Teacher of University" means an Assistant Professor, Associate Professor, Professor and such other persons, as the case may be, holding a teaching post in such University as may be determined by the University with prior approval of the State Government;

(34) "University" means an educational institution in which instruction is provided for a course of study leading to a Bachelors, Masters or Doctoral degree in any field of study and duly constituted or established by an Act as under:-

(i) the Bengal Engineering and Science University, Shibpur Act, 2004;

(ii) the Burdwan University Act, 1981;

(iii) the Calcutta University Act, 1979;

(iv) the Gour Banga University Act, 2007;

(v) the Jadavpur University Act, 1981;

(vi) the Kalyani University Act, 1981;

(vii) the Netaji Subhash Open University Act, 1997;

(viii) the North Bengal University Act, 1981;

(ix) the Presidency University Act, 2010;

(x) the Rabindra Bharati University Act, 1981;

(xi) the Sidho Kanho Birsha University Act, 2010;

(xii) the Vidyasagar University Act, 1981;

(xiii) the West Bengal State University (Barasat, North 24-Parganas) Act, 2007;

(xiv) the West Bengal University of Technology Act, 2000; and also includes such other University and such Private University established under any Act by the State Legislature, for the time being in force.

CHAPTER 2 Reformation of the Commission, its Chairperson, Members and their Qualification, Age, Removal etc.

3. The Commission and its Chairperson and Members :-

(1) The Chairman of the Commission appointed under sub-section (1) of section 3 of the West Bengal College Service Commission Act, 1978, shall be redesignated as Chairperson of the Commission under this Act and shall continue to hold his office as Chairperson, subject to provisions of sub-section (6) of this section or till he has been removed from, or has vacated, his office.

(2) Subsequent Chairperson shall be appointed as per provisions of this Act.

(3) The Commission shall be a body corporate and shall be entitled to sue or be sued in its own name.

(4) The Commission shall consist of not more than sixteen Members excluding the Secretary and the Chairperson.

(5) The Chairperson and other Members shall be appointed by the State Government in consultation with the Chancellor of the Universities referred to in clause (34) of section 2 of this Act.

(6) The Chairperson shall be a whole-time officer of the Commission and shall hold office for a period of four years or till he attains the age of sixty-four years, whichever is earlier:

Provided that the Chairperson shall be eligible for reappointment for only the second term or till he attains the age of sixty-four years, whichever is earlier.

(7) The other Members of the Commission shall be honorary part-time Members and shall hold office for a period of four years or till they attain the age of seventy years, whichever is earlier:

Provided that the Members shall also be eligible for reappointment for only the second term or till they attain the age of seventy years, whichever is earlier.

4. Qualification and removal of the Chairperson and other Members of the Commission :-

(1) Subject to the provisions of this Act, a person shall be appointed as Chairperson if he is or has,-

- (a) attained the age of forty-five years or above;
- (b) been a person having no infirmity of body or mind;
- (c) not been guilty of misconduct involving moral turpitude;
- (d) not been an undischarged insolvent;
- (e) been a person, in the opinion of State Government, of highest level of competence, integrity, morals and institutional commitment;
- (f) at least been an Associate Professor for five years along with-
- (i) ten years teaching experience in a University; or
- (ii) fifteen years teaching experience in a Government aided College or in a Government College; or
- (iii) fifteen years combined teaching experience in a Government aided College or in a Government College or in a University taken together.

(2) The other Members of the Commission shall be appointed by the State Government from amongst the retired persons who shall also be at least an Associate Professor for five years along with-

- (i) ten years teaching experience in a University; or
- (ii) fifteen years teaching experience in a Government aided College or in a Government College; or

(iii) fifteen years combined teaching experience in a Government aided College or in a Government College or in a University taken together.

(3) Provisions of clauses (a), (b), (c), (d) and (e) of sub-section (1) of this section shall also apply in case of appointment of all other Members of the Commission except as provided under section 5 of this Act.

(4) The Chairperson or any other Members of the Commission may resign from their office by writing under their hands addressed to the State Government, but they shall continue in the office until their resignation is accepted by the State Government.

(5) If the office of the Chairperson falls vacant due to any other reasons, the functions of the Commission shall be conducted by some other person appointed by the State Government in this behalf, from amongst other Members of the Commission, except the Member Secretary, in consultation with the Chancellor, for a period, till the Chairperson resumes his office or some other person is appointed as Chairperson.

(6) The terms and conditions of service including the salary and other allowance of the Chairperson and other Members shall be such as may be prescribed by the State Government.

(7) The Chairperson or any other Member of the Commission shall be removed from his office by the State Government if it satisfies, after due enquiry to be made for this purpose and in such manner as may be prescribed in this behalf, that the incumbent concern,-

(i) has become insane and adjudged by a competent court to be of unsound mind; or

(ii) has become an undischarged insolvent declared by a competent

Court; or

(iii) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or

(iv) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as may be prescribed or has abused or misused the powers vested in him or if the continuance in the office of the Chairperson or other Members is detrimental to the interest of the Commission; or

(v) has failed to attend three consecutive meetings of the Commission without assigning any valid and satisfactory reasons; or

(vi) has been proved to be guilty of criminal breach of trust or gross financial irregularity or impropriety or gross negligence of duty; or

(vii) has shown incompetence to perform or has persistently defaulted in the performance of the duties imposed on him by or under this Act; or

(viii) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973; or

(ix) is a member of, or otherwise associated with, any political party or acts in any partisan manner while in office.

Explanation.-For the purpose of this clause, whether any party is a political party or any association is a political association or any act of the Chairperson or any other Member is partisan, decision of the State Government thereon shall be final:

Provided that the Chairperson or any other Member shall be given a reasonable opportunity of being heard by the Chancellor before his removal under clauses (iv), (v), (vi), (vii), (viii) and (ix).

5. Employees of the Commission :-

(1) There shall be a Secretary of the Commission who shall be appointed by the State Government from amongst the persons holding a post not below the rank of the Deputy Secretary in the Administrative or Legal Service of the State Government.

(2) The Secretary of the Commission shall be an ex officio Member and be designated as the Member Secretary of the Commission. He shall be in charge of the administration of the Commission and shall assist the Chairperson in carrying out the business and function of the Commission.

(3) Other Officers and Employees of the Commission shall be appointed by the State Government in such manner as may be prescribed by the State Government.

CHAPTER 3 Powers and Functions of the Commission and its Zones

6. Zones of the Commission :-

(1) There shall be eight zones of the Commission consisting of following:

(i) Burdwan University zone,

(ii) Calcutta University zone,

(iii) Gour Banga University zone,

(iv) Kalyani University zone,

(v) North Bengal University zone,

(vi) Sidho Kanho Birsha University zone,

(vii) Vidyasagar University zone,

(viii) West Bengal State University (Barasat, North 24-Parganas) zone:

Provided that there may be further zone or zones of the Commission as may be notified by the State Government from time to time.

(2) The jurisdictional limit of every zone of the Commission may be determined by the State Government in consultation with the Commission, by order.

7. Appointment of Principals, Assistant Professor and Librarians of Government aided Colleges in West Bengal :-

(1) Notwithstanding anything contained in any other law for the time being in force or any contract, customs or usage to the contrary, it shall be the duty of the Commission to select persons and to recommend for appointment to the post of Principals, Assistant Professors and Librarians of Government aided Colleges in West Bengal.

(2) The Members of the Commission shall render necessary advice to the Chairperson in preparing a panel of eligible candidates seeking appointments to the post of Principals in various Government aided Colleges in the State, in such manner as may be provided by regulations.

(3) The Members of the Commission shall assist the Chairperson in

the selection process of candidates for State wide empanelment of Assistant Professors and Librarians in various Governments aided Colleges in the State, in such manner as may be provided for by regulations.

(4) For the purpose of recommendation of eligible candidates in each post under this Act, the Commission shall follow a counselling process as may be provided by regulations.

8. Manner of selection of Principals, Assistant Professors and Librarians :-

(1) The manner of selection of persons for appointment to the post of Principals, Assistant Professors and Librarians in various Government aided Colleges shall be such as may be provided for by regulations.

(2) The conditions regarding eligibility for selection of persons to the post of Principals, Assistant Professors and Librarians in various Government aided Colleges shall be such as may be prescribed by the State Government.

(3) For selection of persons for appointment to the post of principals in various Government aided Colleges in West Bengal, the Commission shall be aided by the following experts,-

(i) the Chancellors nominee, not below the rank of a Professor of a University; and

(ii) not less than two Vice-Chancellors of different Universities or their nominees, not below the rank of a Professor of a University:

Provided that where all the posts of Principals in Government aided Colleges intended for appointment fall under the jurisdiction of a single University, the Commission shall be aided by the Vice-Chancellor or his nominee not below the rank of a Professor, of that

University and any other Vice-Chancellor or his nominee not below the rank of a Professor of any other University as may be provided for by regulations.

(4) For selection of persons for appointment to the post of Assistant Professors and Librarians in various Government aided Colleges, the Commission shall constitute a panel of experts having special knowledge on the subject for which such selection is to be made.

(5) In the panel constituted under sub-section (4), there shall be one nominee, not below the rank of a Professor from each University to which such Colleges are affiliated and shall include one expert not below the rank of a Professor representing all the Universities as the nominee of the Chancellor. The Commission may, in its discretion, appoint one expert not below the rank of a University Professor as its nominee in the said panel.

(6) The quorum for a panel shall be such as provided for by regulations.

(7) In every selection of candidates in any post, the Commission should satisfy itself before advertising such post that relevant reservation policy and rules of the State Government in this respect have been duly complied with.

(8) The State Government may, by notification in the Official Gazette, provide suitable provisions for relaxation of age for certain categories of candidates for the purpose of appearing in the selection process of Assistant Professors and Librarians.

9. Procedure for conduct of business of the Commission :-

(1) Procedure for conduct of business of the Commission shall be such as may be provided by regulations.

(2) The State Government may give directions to the Commission

in conducting their business not repugnant with the provisions of this Act.

10. Effect of recommendation of the Commission :-

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, customs or usages to the contrary, appointments to the posts of Principals, Assistant Professors and Librarians of the Government aided Colleges in West Bengal shall be made on recommendation of the Commission:

Provided that if in a College referred to in this section, no student is admitted in a particular subject for two consecutive academic sessions, the Commission may, with prior approval of the State Government, re-recommend such Assistant Professor of such subject to another College having such post in same subject where such students are available.

(2) Recommendation of the Commission shall not be required in respect to any appointment on part-time basis or contractual basis unless otherwise provided under this Act.

11. Protection of service of Principals, Assistant Professors, Librarians etc. :-

Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Principals, Assistant Professors or Librarians of a College immediately before the commencement of this Act, shall not be varied to the extent of disadvantage of such Principals, Assistant Professors or Librarians, as the case may be, in so far as such terms and conditions are related to the appointment to such posts held by them immediately before the commencement of this Act.

12. Power to call for records etc. :-

The Commission may call for any records, reports or other information from any college, Government College or from any

University, if in its opinion, such records, reports or other information is necessary for efficient discharge of its functions and in such cases, the College or the University shall furnish such records, reports or other information to the Commission, as the case may be.

CHAPTER 4 Provisions regarding appointment of Non-teaching employees of Government Aided Colleges in West Bengal.

13. Appointment of Non-teaching employees of Government Aided Colleges :-

(1) Notwithstanding anything contained in any other law for the time being in force or any contract, customs or usage to the contrary, it shall be the duty of the Commission to select persons and to recommend for appointment to the post of Non-teaching employees of Government aided Colleges in West Bengal.

(2) The members of the Commission shall render necessary advice to the Chairperson in preparing panels of selected candidates for appointment to the post of Non-teaching employees in various Government aided Colleges in such a manner as may be provided by regulations.

(3) There shall be a separate panel of selected candidates for each category of post for each zone.

(4) For selection of persons for appointment to the post of Non-teaching employees in various Government aided Colleges, the Commission shall prepare separate panel of experts which may include the Chairperson himself and such other Members of the Commission as may be provided for by regulations.

14. Manner of selection of Non-teaching employees :-

(1) The manner of selection of persons for appointment to the post of Non-teaching employees in various Government aided Colleges shall be such as may be provided by regulations.

(2) The conditions regarding eligibility for selection of persons to the post of Non-teaching employees in various Government aided Colleges shall be such as may be prescribed by rules.

(3) In selection of persons for appointment to the post of Non-teaching employees, the Commission shall take steps requisitioning names of eligible candidates from each and respective District Employment Exchange along with wide publication of advertisement in the newspapers having circulation throughout the State of West Bengal.

15. Effect of recommendation of the Commission :-

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, customs or usages to the contrary, appointments to all non-teaching employees of the Government aided Colleges in West Bengal shall be made on recommendation of the Commission.

(2) Notwithstanding further anything contained elsewhere in this Act, the terms and conditions of service of Non-teaching employees of a Government aided College immediately before the commencement of this Act, shall not be varied to the extent of disadvantage of such employees, in so far as such terms and conditions are related to the appointment to such posts held by them immediately before the commencement of this Act.

CHAPTER 5 Provisions regarding State Eligibility Test

16. State Eligibility Test :-

(1) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, or in any contract, customs or usages to the contrary, it shall be the duty of the Commission to hold and conduct an Eligibility test at the State level in Arts, Sciences, Social Sciences, Commerce, Education, Physical Education, Foreign Languages, Law, Journalism and Mass

Communications and Music and such other subject or subjects as may be prescribed in consultation with the Commission.

(2) Necessary qualification for participating in State Eligibility Test shall be provided, with prior approval of the State Government, by regulations. The standard of such eligibility test shall be at par with the standard of Eligibility test at National level held by the University Grants Commission.

(3) The manner and procedure of such Eligibility test shall be provided for by the Commission by regulations.

(4) The successful completion of State Eligibility Test shall be an equal qualification of National Eligibility Test as prescribed by the University Grants Commission.

Explanation.-"University Grants Commission" shall mean for the purpose of this Act, the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER 6 Funds, Accounts, Audit and Inspection of the Commission

17. Funds and budgets of Commission :-

(1) There shall be funds of the Commission to be maintained by the Commission to which shall be credited all its income from fees, fines, grants from State Government and from any other sources and any other income whatsoever approved by the State Government.

(2) The budget of the Commission showing the income and expenditure of the Commission on various heads of account for a financial year shall be submitted to the State Government for approval at least two months from the beginning of every financial year in such form as may be prescribed.

(3) The State Government shall, within fifteen days of commencement of every financial year to which the budget is related, communicate its approval or otherwise of the budget to the Commission.

(4) The State Government shall release grants to the Commission to incur its capital and revenue expenditure.

(5) The rules regarding utilization of funds shall be such as may be prescribed by the State Government.

(6) Other financial transactions of the Commission shall be such as may be provided for by regulations.

18. Accounts of Commission :-

(1) The Commission shall maintain proper records of accounts which shall be duly audited internally by a qualified State Government empanelled Chartered Accountant as defined under clause (b) of section 2 of the Chartered Accountant Act, 1949, in the manner as may be provided for by regulations and shall submit such accounts before the State Government annually within six months of the following Financial Year.

(2) The State Government may cause audit of the transactions, books and accounts of the Commission as and when necessary, in such manner as may be prescribed.

19. Inspection of Commission :-

The State Government may cause inspection as to the affairs of the Commission including its administrative and financial activities as and when the State Government consider it necessary.

CHAPTER 7 Miscellaneous

20. Members etc. of the Commission are Public Servants :-

The Chairperson, the other Members and such other persons as may be appointed under this Act, shall, while acting or purporting to act under this Act, be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

21. Report of Commission :-

It shall be the duty of the Commission to present annually to the State Government, within 31st August of every year a report on the work done by the Commission and on receipt of such report the State Government shall cause a copy thereof to be laid down before the State Legislature.

22. Validation of proceedings of Commission :-

The proceedings of the Commission shall not be invalidated by reasons of any vacancy in the office of the Chairperson or other Members.

23. Act not to apply in certain Colleges or Universities :-

The provisions of this Act shall not apply in relation to any College or University not receiving any aid from the State Government or any College or University established and administered by a minority, whether based on religion or language:

Provided that any such Colleges or Universities referred to in this section may apply to the State Government to come under the provisions of this Act voluntarily and in such cases such College or University shall not be permitted to withdraw therefrom.

24. Power to make rules :-

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

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be provided for all or any of the following matters, namely,-

(i) the manner in which an inquiry is to be made for removal of the Chairperson or any other Member of the Commission;

(ii) the terms and conditions of service of the Secretary of the Commission;

(iii) the manner of regulating service conditions of the employees of the Commission;

(iv) any other matter, which may be, or is required to be, for the purpose of this Act, as may be prescribed.

(3) All rules made under this Act shall be laid before the State Legislature for not less than fourteen days as soon as they are made and shall be subject to such modification, if any, whether by way of repeal or amendment, as the State Legislature may make during the session in which they are laid or the session immediately following.

25. Power to make regulations :-

(1) The Commission may, with prior approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder in discharging its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(i) the manner of selection of persons for appointment to the post of Principals, Assistant Professors, Librarians and Non-teaching employees of Government aided Colleges;

(ii) the procedure for conduct of business of the Commission;

(iii) the manner of holding State Eligibility Test.

26. Power to remove difficulties :-

If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may as occasion so arises, by order, do anything which appears to be necessary for the purpose of removing the difficulty.

27. Repeal and Savings :-

(1) The West Bengal College Service Commission Act, 1978 is hereby repealed.

(2) Subject to such repeal, the Commission, its Chairman and all other Members as constituted and appointed under the West Bengal College Service Commission Act, 1978 shall continue to act unless otherwise provided under this Act.

(3) Anything done or intended to be done by the Commission immediately before coming into operation of this Act, and in pursuance of the West Bengal College Service Commission Act, 1978 and any rules, regulations or Orders made thereunder, shall unless repugnant to the provisions of this Act, continue to be valid unless otherwise provided under this Act.

(4) All moneys and other properties and all rights and interests of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Commission constituted under the West Bengal College Service Commission Act, 1978, and as well as all liabilities legally subsisting against the Commission under the said Act shall continue with the Commission unless otherwise provided under this Act.