

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Labour

Office of the Commissioner of Labour

Notification

CL/LEO/LLS/MTWA/303/2000/4353

Whereas certain draft rules to further amend the Goa, Daman and Diu Motor Transport Workers' Rules, 1966, were published as required by sub-section (1) of section 40 of the Motor Transport Workers' Act, 1961 (Central Act 27 of 1961), in the Official Gazette (Extraordinary No. 2), Series I No. 7, dated 23-5-2000, under Notification No. CL/LEO/LLS/MTWA/303/2651 dated 23-5-2000 of the Department of Labour, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of two months from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 23-5-2000;

And whereas no objections or suggestions have been received from the public on the said draft Rules by the Government.

Now, therefore in exercise of the powers conferred by sub-sections (1) and (2) of section 40 of the Motor Transport Workers' Act, 1961 (Central Act 27 of 1961), the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Transport Workers Rules, 1966, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Motor Transport Workers (Amendment) Rules, 2000.

(2) They shall come into force at once.

2. *Amendment of rule 5.*— In sub-rule (3) of rule 5 of the Goa, Daman and Diu Motor Transport Workers Rules, 1966 (hereinafter called the "principal Rules"), for the Schedule, the following Schedule shall be substituted, namely,—

"SCHEDULE"

Maximum number of Motor Transport Workers to be employed on any day during the year	Fees
(1)	(2)
1 to 5	Rs. 150-00
6 to 10	Rs. 300-00
11 to 50	Rs. 600-00
51 to 100	Rs. 900-00
101 to 250	Rs. 1200-00
251 to 500	Rs. 2250-00
501 to 750	Rs. 3000-00
751 to 1000	Rs. 4500-00
1001 and above	Rs. 6000-00

3. *Amendment of rule 11.*— In rule 11 of the principal Rules, in sub-rule (1), for the words "rupees five", the words "rupees fifty" shall be substituted.

By order and in the name of the Governor of Goa.

R. S. Mardolker, Ex-Officio Joint Secretary (Labour).

Panaji, 29th August, 2000.

Department of Personnel

Notification

2/6/94-PER (Vol. I)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, namely:—

1. *Short title, application and commencement.*—

(1) These Rules may be called the Goa State Civil Services (Retirement) Rules, 2000.

(2) They shall apply to all employees in Group 'A', 'B', 'C' and 'D' posts under Government of Goa.

(3) They shall come into force from the date of their publication in the Official Gazette. However, they shall be applicable to the Group 'D' staff with effect from 31-12-2000 (AN).

2. *Definitions.*— In these Rules, unless the context otherwise requires,—

(a) "appropriate authority" means the authority which has the powers to make substantive appointments to the post or service from which the Government servant retired or wants to retire.

(b) "Government Servant" means a person who is holding a Group 'A', 'B', 'C' or 'D' post under Government of Goa.

(c) "Government" means Government of Goa.

(d) "F. R. 56" means Rule 56 of Fundamental Rules which are in force with effect from 01-01-1922.

3. *Retirement of Government Servants.*— (1) Except as otherwise provided in these Rules, every Government servant including workman/artisan shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years:

Provided that a Government servant whose date of birth is the first of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight years.

(2) No Government servant shall be granted extension in service beyond the age of retirement of fifty eight years;

Provided that a specialist in medical or scientific fields may be granted extension of service upto the age of sixty years if such extension is in public interest and the grounds for such extension are recorded in writing:

Provided further that the appropriate authority shall have the right to terminate the extension by giving notice in writing of not less than one month or pay and allowances in lieu of such notice.

(3) Notwithstanding anything contained in these rules, the appropriate authority shall, if it is of the opinion that it is in public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice,—

(i) if he is in Group 'A' or Group 'B' service or post in a substantive, or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other case, after he has attained the age of fifty five years.

(4) (i) If on a review of the case, either on a representation from the Government servant retired prematurely or otherwise, it is decided to reinstate the Government servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of any kind due and admissible, including extraordinary leave, or by treating it as *dies-non* depending upon the facts and circumstances of the case:

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of Law.

(ii) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

(5) (i) Any Government servant may, by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has attained the age of fifty years if he is in Group 'A' or Group 'B' service or post (and had entered Government service before attaining the age of thirty five years) and in all other cases, after he has attained the age of fifty five years:

Provided that, it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this sub-rule.

(ii) A Government servant may make a request in writing to the appropriate authority to accept notice of less than three months, giving reasons therefor.

(iii) On receipt of a request under clause (ii) of sub-rule (5) above, the appropriate authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appropriate authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(iv) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appropriate authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

(6) Notwithstanding anything contained in sub-rule (5) above, the appropriate authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire a Government servant in Group 'C' service or post who is not governed by any pension rules, after he has completed thirty years service by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

(7) A Government servant in Group 'C' service or post who is not governed by any pension rules, may, by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has completed thirty years service.

4. *Cessation and Saving.*— (1) On and from the date of coming into force of these Rules, the provisions of F. R. 56 shall cease to apply to all the employees in Group 'A', 'B', 'C' and 'D' posts under Government of Goa.

(2) Notwithstanding such cessation, anything done or any action taken including any order made, direction given or notice issued under the provisions of said F. R. 56, shall in so far as it is not inconsistent with these Rules, be deemed to have been done, taken, made, given or issued as the case may be, within the corresponding provisions of these Rules.

NOTE 1 — The three months notice referred to in sub-rules (3), (5), (6) and (7) of Rule 3, may be given before the Government servant attains the age specified in sub-rules (3) and (5) or has completed 30 years of service in respect of cases specified in sub-rules (6) and (7), provided that the retirement takes place after he has attained the specified age or has completed 30 years service, as the case may be.

NOTE 2 — In computing the notice period of three months referred in these Rules, date of service of the notice and the date of its expiry shall be excluded.

NOTE 3— A Government servant, including a workman/artisan, who is granted extension of service, after he has attained the age of superannuation, shall not be promoted to another post during the period of extension.

NOTE 4 — The date on which a Government servant attains the age of fifty eight years shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence, such as, High School or Higher Secondary or Secondary School Certificate or extracts from birth register. The date of birth so declared by the Government servant and accepted by the appropriate authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Government servant can be made, with the sanction of the appropriate authority if,—

(i) a request in this regard is made within five years of his entry into Government service;

(ii) it is clearly established that genuine bonafide mistake has occurred; and

(iii) the date of birth so altered would not make him ineligible to appear in any School or University or Goa Public Service Commission examination in which he has appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

NOTE 5— A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight years.

By order and in the name of the Governor
of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 29th August, 2000.

Notification

1/49/76-PER (Pt. II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa is pleased to make the following

amendment to Recruitment Rules for Group 'C' and 'D' posts in various Departments under the Government of Goa, as follows:—

In the Schedule annexed to the Recruitment Rules for various Group 'C' and 'D' posts under the Government of Goa, after the existing entry in column number (6), the following shall be added, namely:—

"**Note:** Persons who have crossed the age of 35 years and are on the live register of the Employment Exchange on the date of this notification shall be given relaxation of 5 years for employment in Government service."

By order and in the name of the Governor
of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 29th August, 2000.