

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 10 dated 7-6-2001 namely Extraordinary dated 11-6-2001 from pages 287 to 288 regarding Notification from Department of Public Health.

This also has the concurrence of Finance Department vide their U.O. No. 1910 dated 14-5-2001.

GOVERNMENT OF GOA

Department of Information Technology

Order

DOIT/Estb/2001/199

Sanction of the Government is hereby conveyed for creation of below mentioned temporary posts in the Department of Information Technology, Goa, initially for a period upto 29-2-2002.

Sr. No.	Designation	No. of Posts	Scale
1.	Director	1	14300-400-18300
2.	Dy. Director (Tech.)	1	10000-325-15200
3.	Dy. Director (Adm. & Acctt.)	1	8000-275-13500
4.	Technical Manager	1	8000-275-13500
5.	Accountant	1	4500-125-7000
6.	Executive Assistants	3	3050-75-3950-80-4590

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The expenditure on this shall be debited to Demand No. 82 M. H. 2852-Industries, 07-Telecommunication and Electronic Industries, 01-Direction and Administration, 01-Direction (Plan).

This has the approval of Cabinet in its XIIth meeting dated 16-4-2001 as conveyed vide letter No. 19/23/99/GAD-(XII) dated 24-4-2001.

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

Jalaj Srivastava, Secretary (IT).

Panaji, 6th June, 2001.

Department of Personnel

Order

6/2/98-PER

Director of Estates, a Senior Scale post included in Schedule I of the Goa Civil Service Rules, 1997, is hereby abolished with immediate effect.

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

G. P. Chimulkar, Joint Secretary (Personnel).
Panaji, 1st June, 2001.

Notification

2/1/2001-PER

The Goa Government Employees
(Redressal of Grievances Forum)
Scheme, 2001

A SCHEME

to provide for the appointment of an Ombudsman for inquiring into petitions/complaints/grievances by/of Government employees in respect of their service and for matters connected therewith.

1. *Short title and commencement.*— (1) This Scheme may be called the Goa Government Employees (Redressal of Grievances Forum) Scheme, 2001.

(2) It shall apply to all Government employees.

(3) It shall come into force at once.

2. *Definitions.*— In this Scheme, unless the context otherwise requires,—

(a) "Government employees" means and includes all employees appointed by the Government of Goa, or paid salary out of the State funds or under the control of the Government and includes the employees of Government Companies, aided schools, Corporations or Government bodies including statutory, local self Government bodies and institutions;

(b) "Government" means the Government of Goa;

(c) "Ombudsman" means a person appointed under clause 3 of this Scheme to hear the grievances or complaints of the Government employees.

3. *Appointment of an Ombudsman.*— (1) For the purpose of hearing the grievances or complaints concerning service matters of the Government employees and for the redressal of such grievances and complaints, the Government shall appoint an Ombudsman in terms of this Scheme, who shall be under the administrative control of the Government.

(2) The Government shall appoint an Ombudsman, any person,—

(a) who holds or has held the office of a District Judge or is eligible to be appointed as a District Judge and who has not attained the age of sixty five years; or

(b) who is a serving or retired member of the Indian Administrative Service or the State Civil Service and who has not attained the age of sixty five years;

(3) A person so appointed as Ombudsman shall, before entering upon office, make and subscribe before the Chief Minister or some person authorised and appointed in that behalf by him oath or affirmation as follows:—

"I, having been appointed as Ombudsman under the Goa Government Employees (Redressal of Grievances Forum) Scheme, 2001, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill-will;" and

"I, do swear in the name of God/solemnly affirm that I will not, directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as an Ombudsman under this Scheme, except as may be required for the due discharge of my duties as such".

4. *Ombudsman not to hold any other office.*— (1) An Ombudsman appointed under this Scheme shall not hold any office of trust, profit or carry on any business, trade, occupation, practice any profession (except as a sitting District Judge, or service of the State in case of serving officer) and shall,—

(a) if he is a Member of Parliament or of the Legislature of any State, resign such membership; or

(b) if he holds any office of trust or profit, resign from such office; or

(c) if he is carrying on any business, resign from the management and conduct of such business (short of divesting himself of ownership); or

(d) if he is practising any profession, suspend practice of such profession.

(2) A person who has been a member of a political party at any time during the period of five years immediately preceding—

(a) the commencement of this Scheme, in the case of the first appointment after such commencement; or

(b) the date on which the vacancy has arisen, in the case of any subsequent appointment;

shall not be eligible to be appointed as Ombudsman.

5. *Term of office and other conditions of service of Ombudsman.*— (1) A person appointed as an Ombudsman shall hold office for a term of one year from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier:

Provided that—

(a) the Ombudsman may, by writing under his hand addressed to the Chief Minister, resign his office;

(b) the Ombudsman may be removed from office in the manner provided hereinafter in this Scheme.

(2) On ceasing to hold office, the Ombudsman shall be ineligible for re-appointment as such or for further employment to any office of profit under the Government or in any Authority, Corporation, Company, Society or University in the State of Goa, for a period of 3 years thereafter.

(3) An Ombudsman shall be paid last drawn salary alongwith fixed travelling allowance of Rs. 3000/- per month.

(4) The expenditure in respect of the salary and allowances of the Ombudsman, in accordance with this Scheme, shall be provided for by the General Administration Department of the Government, Secretariat, Panaji.

6. *Removal of Ombudsman.*— The Ombudsman shall be liable to be removed from his office by the Council of Ministers on the advice of the Chief Minister, for grounds which, in the opinion of the Chief Minister, are fit enough to discontinue the services of such person as Ombudsman.

7. *Staff.*— The staff of the Ombudsman shall be provided by the General Administration Department, with the prior approval of the Government.

8. *Matters to be dealt with by the Ombudsman.*— (1) Subject to the directions of the Government, the Ombudsman may entertain, hear and dispose of with recommendations any grievances, petitions, or complaints pertaining to any service matters of a Government employee or Government employees, including pay anomaly or promotion:

Provided that the Ombudsman shall not deal with matter of implementation or non-implementation of any part of the State or Central Pay Commission's reports.

9. Notwithstanding anything contained in this Scheme, where any allegation of corruption or misconduct under the Central Civil Services (Conduct) Rules, 1964, against any Government employee covered by this Scheme, comes to the knowledge of or is brought to the notice of the Government, the Government may, refer such matter by order in writing; to the Ombudsman for inquiry and for suitable recommendation as to whether the matter needs to be investigated and proceeded further.

10. *Matters not subject to investigation by Ombudsman.*— Except as hereinafter provided, the Ombudsman shall not investigate,

(a) any matter in respect of which a formal and public inquiry has been ordered with the prior concurrence of the Government;

(b) any matter which has been referred for inquiry, under the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952);

(c) any grievance or complaint made after the expiry of three years from the date on which the matter complained against is alleged to have taken place;

(d) any matter which the Government by an order has kept or may keep out of purview of the Ombudsman.

11. *Evidence.*— (1) Subject to the provisions of this Scheme, for the purpose of any inquiry or investigation (including preliminary hearing) under this Scheme, the Ombudsman may require any public servant or any other person, who in his opinion, is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such document.

(2) For the purpose of any such investigation, the Ombudsman shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters only, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) subject to any Orders of the Government, requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matters as may be specified by the Government.

(3) Any proceeding before the Ombudsman shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code, 1860 (Central Act 45 of 1860);

(4) No person shall be required or authorized by virtue of this Scheme to furnish any such information or answer any such question or produce so much of any document,—

(a) as might prejudice the interests of the State of Goa or the security or defence or internal relations of India (including India's relations with the Government of any other Country or with any international organization);

(b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet;

(c) as might form a confidential document.

For the purpose of this sub-clause, a certificate issued by the Chief Secretary of the State certifying that any information, answer, portion of a document is of the nature specified in clause (a) or clause (b) or clause (c), shall be binding and conclusive.

(5) For the purpose of investigation under this Scheme, no person shall be compelled to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

12. *Recommendations of Ombudsman how far binding.*— The recommendations made by the Ombudsman shall ordinarily bind the Government unless otherwise directed by the Chief Minister, on the advice tendered by the Council of Ministers, supported by reasons for not giving effect to such recommendations.

13. *Costs.*— (1) The Ombudsman may, in case the complaint/petition is found to be false or vexatious to the knowledge of the Petitioner, order the Petitioner to pay cost/compensation of not more than Rupees ten thousand, to the Government or to any Respondent against whom the allegation has been made.

(2) The Ombudsman may, if he is satisfied that all or any of the allegations, made in the petition against the Government have not or has not been substantiated, either wholly or partly, order the Petitioner to pay such amount of costs, as may be specified in the order, to the Government and issue a certificate of recovery in respect of the amount so specified, and such amount may be recovered through the concerned Administrative Department from the salary of such Petitioner or Petitioners.

14. *Powers to make rules.*— (1) The Government may, by notification in the Government Gazette, make rules for carrying out the objectives of this Scheme.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the form in which petitions may be made under this Scheme;

(b) the conditions of service of the Ombudsman;

(c) the powers of Civil Court which may be vested in the Ombudsman;

(d) the deposit, forfeiture, refund or disposal of sums referred to in this Scheme;

(e) any other matter which has to be, or may be, prescribed under this Scheme.

15. *Power to add, modify, vary this Scheme.*— If any difficulty arises in giving effect to the provisions of this Scheme, the Government may, by order, add, modify, vary the provisions of this Scheme for the purpose of removing the difficulty.

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

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

Panaji, 4th June, 2001.

Notification

1-49-76-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in consultation with the Goa Public Service Commission conveyed vide their letter No. COM/II/13/89 dated 23-4-2001, the Governor of Goa is hereby pleased to make the following amendment to the Recruitment Rules for Group 'A' and 'B' posts in various Departments under the Government of Goa, as follows:—

In the Schedule annexed to the Recruitment Rules for various Groups 'A' and 'B' posts under the Government of Goa, for the existing entry

in column (6), the following entry shall be substituted, namely:—

"Not exceeding 40 years (relaxable for Government servants by five years in accordance with the instructions or orders issued by the Government)."

Note:— This shall not be applicable to Group 'A' and 'B' posts wherever the present age limit is above 35 years.

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

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

Panaji, 6th June, 2001.