

Panaji, 30th January, 2003 (Magha 10, 1924)

SERIES I No. 44

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are three Extraordinary issues to the Official Gazette Series I No. 43 dated 23-1-2003 as follows:

- (1) Extraordinary dated 23-1-2003 from pages 981 to 1146 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).
- (2) Extraordinary (No. 2) dated 24-1-2003 from pages 1147 to 1148 regarding Notifications from Department of Civil Supplies and Consumer Affairs and Department of Public Health.
- (3) Extraordinary (No. 3) dated 29-1-2003 from pages 1149 to 1156 regarding Notifications from Department of Finance (Rev. & Exp. Division) and Department of Transport.

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Education

Notification

25/5/5/82/Adm.I/Vol.II/3572

Notification No. 2/5/95-PER dated 2-1-2003 received from Department of Personnel, Secretariat, Panaji is transcribed below for information and necessary action.

V. P. Bodnekar, Director (Administration).

Panaji, 22nd January, 2003.

Department of Personnel

Notification

2/5/95-PER

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, commencement and application.*— (1) These rules may be called the Goa

State Civil Service (Grant of leave to seek employment in India or abroad) Rules, 2002.

(2) They shall come into force at once.

(3) They shall apply to all Group 'A', Group 'B', Group 'C' and Group 'D' employees of the Government of Goa.

2. *Leave to seek employment.*— A Government employee shall be entitled to apply for leave without pay and allowances for taking up employment in India or abroad to the extent of two years, subject to the following conditions, namely:—

(a) All applications for the grant of extraordinary leave shall be submitted to the Government for approval through the Administrative Secretary/Secretary of the Department for endorsing or otherwise the recommendation of the Department;

Heads of Departments shall issue orders sanctioning leave only with the prior approval of the Government;

(b) Initially, extraordinary leave may be sanctioned for a period of two years. However, the same can be extended for a further period of two years at a time, so that the total maximum period of extraordinary leave shall not exceed six years;

(c) Request for extension of extraordinary leave should reach the Department at least 3 months in advance in order to enable it to take necessary decision and communicate it to the employee before expiry of extraordinary leave already granted;

(d) The employee shall be informed in clear-cut terms at the beginning itself that grant of any extension will be subject to the Government's decision. This condition shall be incorporated in the order sanctioning leave;

(e) The Department shall proceed against the employee if he fails to resume duty on expiry of the leave granted or after the rejection of his application for extension is communicated to him/her. This condition shall also be incorporated in every order sanctioning leave;

(f) Government will be very selective in granting leave without pay and allowances to employees belonging to professional categories, like highly qualified doctors, engineers, scientists, etc. for taking up employment in India or abroad. In scarce categories like Veterinary Surgeons, Livestock Assistants and any other category where there is shortage of personnel, officers will not be allowed to take up such employment unless they resign their jobs under the Government before hand;

(g) No officer going for employment under these rules will be treated as on deputation. An officer taking up employment in India or abroad on his own accord will have to go on leave without allowances to avail himself of the facility;

(h) No other kind of leave will be sanctioned in combination with or in continuation of the leave under these rules;

(i) Permanent officers and non-permanent officers who have completed probation in their entry cadre in the regular service of the Government may be granted leave without allowances under these rules. In such cases, for and during the currency of the period of leave, the officers shall lose all service benefits such as the earning of leave including half pay leave, pension, gratuity, increment, etc. and also promotion chances as may arise with reference to their seniority in the posts from which they proceeded on leave. They shall also lose seniority in the higher grade/grades with reference to their juniors who might get promoted to such grade/grades before they rejoin duty;

(j) In the case of non-permanent officers in regular service who have not completed probation in the entry grade, leave without allowances may be granted subject to the condition that they will have to start afresh and complete their probation on return from the leave without allowances. In other words, the officers will forfeit the service benefits that had accrued to them prior to their proceedings on leave and they will be deemed as new entrants to Government service on return from leave. What is protected is only their right to rejoin Government service in the same entry grade as if they were new entrants;

(k) Those who are under bonded obligation to serve the Government for a prescribed period will not be granted leave under these rules till the period covered by the bond is over, unless they settle the bonded obligations before the grant of leave. The amount remitted on that account will not be refunded under any circumstances. Similarly, officers against whom disciplinary action or vigilance enquiry is pending will not be eligible for leave under these rules;

(l) Those who had availed themselves of any loans such as House Building Advance, Conveyance Advance, etc. shall clear the dues before the grant of leave.

(m) Those officers who absent themselves unauthorisedly without getting the leave sanctioned under these rules shall be proceeded against and his service terminated after following the procedure laid down in the Central Civil Services (Classification, Control and Appeal), Rules, 1965. Requests for re-entry in Government service in such cases as well as in cases covered by condition(e) above, will be summarily rejected;

(n) These rules shall apply to all cases of grant of leave without allowances on or after their coming into force;

(o) Any permanent employee, who has not completed 20 years in service shall be eligible for grant of Extraordinary Leave, on request, under these Rules. Promotions, if any, made against the posts shall only be on ad hoc basis;

(p) Any vacancy created shall be filled up only on a temporary/contract basis. All such persons who have been appointed on temporary/contract basis and whose registration in Employment Exchange continues will be eligible for age relaxation for 5 years upto 45 years of age. No new registration with Employment Exchange would be allowed in all such cases;

(q) No relaxation of any of the above conditions will be allowed.

(3) *Repeal and savings.*— (1) The Goa State Civil Service (Grant of leave to seek employment in India or aboard) Rules, 1999 (hereinafter called the "said Rules"), notified vide Government Notification of even number dated 31-1-2000, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken including any order made, direction given on notice issued under the said Rules, shall, in so far as it is not inconsistent

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with the provisions of 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.

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

Sd/- (Vikas Mardolkar), Under Secretary
(Personnel).

Panaji, 2nd January, 2003.

