

Rules under:—

Article 320 of the Constitution of India

The Union Public Service Commission (Consultation by Government of Goa) Regulations, 1988; (Published in the Government Gazette, Series I No. 9 dated 2-6-1988).

Department of Personnel

Notification

18/11/87-PER

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution, the Governor of Goa hereby makes the following regulations, namely:—

1. These regulations may be called the Union Public Service Commission (Consultation by Government of Goa) Regulations, 1988.

2. These regulations shall be deemed to have come into force with effect from 1st March, 1988 and shall be operative for a period of three months with effect from 1-3-1988 or till a separate or joint Public Service Commission for the State of Goa is set up, whichever is earlier.

3. In these regulations, the term “Commission” means “Union Public Service Commission”.

4. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution in the case of the services and posts specified in the Schedule to these Regulations.

5. Save as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment:—

(a) to a post included in All India Service, of any Officer who is already a member of an All India Service;

(b) to a post included in a State Service Group ‘A’ of any Officer who is already a member of an All India Service or a State Service, Group ‘A’; and

(c) to a State Service, Group ‘B’, or to a post included in a State Service, Group ‘B’, of any officer who is already a member of a State Service, Group ‘B’, or State Service, Group ‘C’.

Note: In this regulation, the terms “State Service” means Goa State Service, “Officer” means a person holding the post in the concerned service in accordance with the relevant Recruitment Rules;

6. (1) It shall not be necessary to consult the Commission in regard to the Selection for a temporary or officiating appointment to a post, if:—

(a) the person appointed is not likely to hold the post for a period of more than one year; and

(b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay;

Provided that —

(i) such appointment shall be reported to the Commission as soon as it is made;

(ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and

(iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to the filling of the post.

7. (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than:—

(a) an original order by the Governor imposing any of the following penalties:—

(i) censure;

(ii) withholding of increments or promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;

(iv) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(v) reduction to a lower time-scale of pay, grade, post or service with or without further directions regarding conditions of restoration to the grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that Grade, post or Service;

(vi) compulsory retirement;

(vii) removal from service;

(viii) dismissal from service;

(b) an order by the Governor on an appeal against an order imposing any of the said penalties made by a subordinate authority;

(c) an order by the Governor over-ruling or modifying, after consideration of any petition or memorial, or otherwise, an order imposing any of the said penalties made by the Governor or by a subordinate authority;

(d) an order by the Governor imposing any of the said penalties in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed.

(2) It shall not be necessary for the Governor to consult the Commission in any case where the Governor proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the Security of the State.

8. It shall not be necessary to consult the Commission in regard to any matter mentioned in sub-clause (d) of clause (3) of Article 320 of the Constitution:—

(a) in the case of a person belonging to State Service Group 'C' or State Service Group 'D';

(b) in any other case, where the Government has accepted the claim of the Government servant.

9. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (e) of clause (3) of Article 320 of the Constitution in the case of a person belonging to a State Service Group 'C' or State Service Group 'D'.

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

A. V. Pimenta, Under Secretary (Personnel).

Panaji, 27th April, 1988.

SCHEDULE

(1) Posts in respect of which the authority to appoint is specifically conferred on the Governor by the Constitution.

(2) Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a Statute.

(3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of the State Legislature or by a resolution of the Government for the purpose of conducting any investigation or enquiry into or for advising the Government on specified matters.

(4) Posts on the personal staff attached to holders of posts mentioned in items (1) to (3) above.

(5) Posts of Private Secretary to the Speaker and Private Secretary to the Deputy Speaker of the State Legislature.

(6) District Judges, Sessions Judges, Additional District Judges and Additional Sessions Judges in the State.

- (7) All Civil and Criminal Judicial posts in the State under the control of the High Court.
- (8) All Class Group 'C' and Class Group 'D' service and posts save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.
- (9) Personal staff of the Governor.
- (10) Any Service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

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