Reg. No. G-2/RNP/GOA/32/2018-20

RNI No. GOAENG/2002/6410

Panaji, 12th September, 2019 (Bhadra 21, 1941)

SERIES I No. 24

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

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Notification

7/14/2019-LA

The Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019), which has been passed by the Legislative Assembly of Goa on 09-08-2019 and assented to by the Governor of Goa on 10-09-2019, is hereby published for the general information of the public.

D. S. Raut Dessai, Joint Secretary (Law).

Porvorim, 12th September, 2019.

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The Goa Staff Selection Commission Act, 2019

(Goa Act 11 of 2019) [10-9-2019]

AN

ACT

to provide for the constitution of Goa Staff Selection Commission for the purpose of conducting examinations and selection of candidates for appointments to the subordinate services/posts in the Government Departments, and also to provide the procedure to be followed by the Goa Staff Selection Commission, its functions and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (*1*) This Act may be called the Goa Staff Selection Commission Act, 2019.

(*2*) It shall extend to the whole of the State of Goa.

(*3*) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

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

(*a*) "Commission" means the Goa Staff Selection Commission constituted under section 3;

(*b*) "Chairperson" means the Chairperson of the Commission;

(*c*) "direct recruitment" means the method of recruitment as provided under the rules regulating the recruitment to the sub-ordinate services/posts;

(*d*) "Governor" means the Governor of the State of Goa;

(*e*) "Government" means the Government of Goa;

(*f*) "member" means a member of the Commission;

(*g*) "notification" means a notification published in the Official Gazette of the Government;

(*h*) "Official Gazette" means the Official Gazette of the Government of Goa;

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

(*j*) "regulations" means regulations made by the Commission under section 18 of this Act;

(*k*) "Secretary" means the Secretary of the Commission;

(*l*) "State" means the State of Goa;

(*m*) "sub-ordinate services/posts" means all Group "C" posts in the Government Departments and includes such other services/posts as may be notified by the Government to be sub-ordinate services/ /posts, but shall not include the tenure posts which are created for the Office of the Chief Minister/Minister, Leader of Opposition, Advocate General and all other tenure posts wherein the Government makes appointments.

3. *Constitution of the Commission*.— (*1*) The Government shall, by notification in the Official Gazette, constitute a Commission to be called the Goa Staff Selection Commission to exercise the powers conferred on and to perform the functions assigned to, it under this Act.

(*2*) The Commission shall consist of,–

(*a*) a Chairperson, who shall be either a serving or a retired officer from the Indian Administrative Service drawing the pay scale or has drawn the last pay scale, not below that of Super-time Scale, as the case may be, or a retired Officer from the Goa Civil Service, Government aided institution or Semi-Government Organization who has drawn the last pay scale not below that of Selection Grade officer; and

(*b*) two members, who shall be either serving or retired officers of the Government, Government aided institution or Semi-Government Organization, drawing the pay scale or has drawn the last pay scale, not below that of a Senior Scale officer.

4. *Appointment, term of office and conditions of service of the Chairperson and members*.— (*1*) The Chairperson and other members shall be appointed by the Governor:

Provided that no person who is chargesheeted or against whom criminal proceedings is pending shall be appointed as a Chairperson or a member unless he is free from vigilance angle.

(*2*) The Chairperson and every member shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

(*3*) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(*4*) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the members as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

(*5*) The Chairperson or a member may, at any time, by writing under his hand addressed

to the Governor, resign his office, but he shall continue in office till his resignation is accepted by the Governor.

(*6*) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and the members, shall be such as may be prescribed.

(*7*) Every person appointed as the Chairperson or as member shall, before he enters upon his office, make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation in such form as may be prescribed.

5. *Removal and suspension of Chairperson and member of the Commission*.— (*1*) Notwithstanding anything contained in sub-section (*2*) of section 4, the Governor may by order remove from office the Chairperson or any member, if the Chairperson or such member, as the case may be,—

(*a*) is adjudged as insolvent; or

(*b*) is convicted and sentenced to imprisonment for an offence which in the opinion of the Governor involves moral turpitude; or

(*c*) is unfit to continue in office by reason of infirmity of mind or body; or

(*d*) is of unsound mind and stands so declared by a competent court; or

(*e*) engages during his term of office in any paid employment outside the duties of his office; or

(*f*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Chairperson or a member of the Commission; or

(*g*) has abused his position so as to render his continuance in office detrimental to the public interest:

Provided that, the Chairperson or any member shall not be removed under sub-section (*1*) unless he has been given a reasonable opportunity of being heard in the matter.

(*2*) The Governor may suspend the Chairperson or any other member till such time he passes order under sub-section (*1*).

6. *Officers and other employees of the Commission*.— (*1*) The Government shall provide the Commission with a Secretary, who shall be from the Civil Service not below the rank of Senior Scale Officer and such other officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act. Their appointment shall be treated as on deputation as per the standard terms and conditions envisaged in the deputation guidelines issued by the Government from time to time.

(*2*) The salaries and allowances payable to, and the other terms and conditions of service of, the Secretary, officers and other employees of the Commission, shall be such as may be prescribed.

7. *Duties and functions of the Commission*.— (*1*) Notwithstanding anything contained in any other law for the time being in force the Commission shall conduct examinations and select candidates for appointment to the sub-ordinate services/posts.

(*2*) The Commission shall perform such other functions and duties as the Government may, by notification, specify.

(*3*) The Commission shall conduct departmental examinations and advice the Government on such other matters as may be referred to it by the Government.

(*4*) Notwithstanding anything contained in any law and rules, regulations or, bye-laws framed thereunder and the condition of service, relating to the sub-ordinate services/ /posts, the Commission shall be the authority competent to conduct examinations for appointments to such sub-ordinate services/ /posts.

(*5*) On all matters relating to methods of recruitment to, or any other matter relating to, the sub-ordinate services/posts it shall be the duty of the Commission to advise on any matters so referred to by the Government Department.

(*6*) The Government may, however, make orders specifying the matters in which either generally or in any particular class of cases or in any particular circumstances, it shall not be necessary for the Commission to be consulted.

(*7*) In the case of any difference of opinion between the Commission and the Government Department, on any matter, the concerned Government Department shall refer such matter to the Government and the decision of the Government thereon shall be final.

8. *Manner of selection of candidates, procedure for conduct of business of the Commission, certain special provisions relating to intimation of vacancies to Commission and their advertisement*.— (*1*) The manner of conducting examinations and selection of candidates for appointment to the sub-ordinate services/posts shall be such as may be provided for by the regulations.

(*2*) The procedure for conduct of business of the Commission shall be such as may be provided for by the regulations.

(*3*) Every Head of the Government Department shall, every year, intimate the Commission about the number of vacancies for the sub-ordinate services/posts, including those anticipated in course of the year, within such time and in such manner as may be provided for by regulations.

(*4*) In matters for which no provision is made in this section, the Government may make rules in consultation with the Commission; and subject to the provisions of such rules, the Commission may regulate its proceedings.

9. *Effect of recommendation of the Commission*.— Notwithstanding anything contained in any other law for the time being in force, the recruitment to the sub-ordinate services/posts, shall be made on the recommendation of the Commission.

10. *Furnishing of returns, etc.*— (*1*) The Commission shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to conduct of it's affairs or activities as may be required by the Government from time to time.

(*2*) The Commission shall furnish to the Government an annual report on it's working as soon as may be after the end of each financial year in such form and detail as may be prescribed.

11. *Fees*.— The Commission shall, for the purpose of discharging it's functions of conducting examinations and selecting candidates for appointments to the sub-ordinate services/posts, levy such fees as may be prescribed:

Provided that the candidates belonging to scheduled castes and scheduled tribes shall be levied 25% of such fees and the candidate belonging to other backward class shall be levied 50% of such fees.

12. *Commission may call for records*.— The Commission may call for any record, report or information from any appointing authority or the Government which in it's opinion, is necessary for efficient discharge of it's functions and the concerned authorities shall be bound to furnish such records, reports or information to the Commission.

13. *Chairperson and members deemed to be the Public Servants*.— The Chairperson and the other members while acting or purporting to act under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

14. *Vacancies, etc. not to invalidate proceedings of the Commission.*— No act or proceedings of the Commission shall be questioned or shall become invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of the Commission.

15. *General powers of the Commission*.— Subject to the provisions of this Act, the Commission shall have powers,—

(*a*) to constitute advisory committee to advise the Commission;

(*b*) to engage suitable consultants/ /experts or persons having special knowledge or skills to assist the Commission in the performance of its functions;

(*c*) subject to the previous permission of the Government, to delegate any of it's powers generally or specially to any of its committees or Officers;

(*d*) to enter into and perform all such contracts, as it may consider necessary or expedient, for carrying out any of its functions;

(*e*) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and carrying into effect the purposes of this Act.

16. *Authentication of orders and documents of Commission*.— All permissions, orders, decisions, notices and other documents of the Commission shall be authenticated by the signature of officer authorized by the Commission in this behalf.

17. *Power to make rules*.— (*1*) The Government may, by notification, make rules for carrying out the provisions of this Act.

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

(*a*) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and members, under sub-section (*6*) of section 4;

(*b*) form of oath or affirmation, under sub-section (*7*) of section 4;

(*c*) the salaries and allowances payable to, and the other terms and conditions of service of, the Secretary, officers and other employees of the Commission, under sub-section (*2*) of section 6;

(*d*) matter for which no provision is made in section 8 to make Regulations, under sub-section (*4*) of section 8;

(*e*) form and the details of the annual report to be furnished by the Commission to the Government, under sub-section (*2*) of section 10;

(*f*) fees to be levied under section 11.

(*3*) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

18. *Power to make regulations*.— (*1*) The Commission may, with prior approval of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for carrying out the provisions of 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:—

(*a*) manner of conducting examinations and selection of candidates for appointment to the sub-ordinate services/posts, under sub-section (*1*) of section 8;

(*b*) procedure for conduct of business of the Commission, under sub-section (*2*) of section 8;

(*c*) time limit and the manner in which the Government Departments, shall intimate the number of vacancies to the Commission, under sub-section (*3*) of section 8;

(*d*) specifying the mode of selection and fixing criteria for selection of candidates to sub-ordinate services/posts in consultation with the concerned Government Department;

(*e*) specifying the mode of arranging the selected candidates in the order of merit keeping in view the number of vacancies reported for being filled;

(*f*) specifying the manner of forwarding the list of selected candidates arranged as per their merits to the appointing Authority;

(*g*) specifying the manner in which an advertisement to be issued for inviting applications;

(*h*) specifying the mode for publication of advertisement inviting applications.

(*3*) No regulation or its amendment shall have effect until the same is approved by the Government.

19. *Power to remove difficulties*.— (*1*) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Goa.

Secretariat,
Porvorim, Goa.
Dated: 12-09-2019

CHOKHA RAM GARG
Secretary to the
Government of Goa.
Law Department
(Legal Affairs).

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 6.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—207/220—9/2019.