

No.DF/Head.I/CEZ/T/81-82/II/3133
Government of Goa, Daman and Diu,
Directorate of Education,
Panaji - Goa.

Dated.- 29 -8-1981.

O R D E R

Sanction is hereby accorded for amending Rules of "Grant-in-Aid Code for Secondary Schools, Colleges and other Educational Institutions, Except the Primary Schools" published in the Govt. Gazette (2nd supplement) Series I, No. 34 dated 2-9-1963, as follows, namely.

Amendment of Rule 90-A:- In sub-rule(2) of rule 90-A of the Grant-in-Aid Code for secondary schools, colleges and other Educational Institutions except the Primary Schools, the following proviso shall be inserted at the end, namely :-

" Provided that where the Director of Education is satisfied that the management of a recognized Non-Government aided schools has failed to pay salaries and allowances to the staff members without bonafide and valid reasons even after the release of the maintenance grant on the salaries and allowances, he may, for reasons to be recorded in writing, arrange to draw and disburse the same in the manner provided in this Rule even before the expiry of the two months' period specified in sub rule (2)"

By order and in the name of the
Administrator of Goa, Daman and Diu.

(J. P. Singh)
Director of Education and

Ex-Officio Additional Secretary to
the Government of Goa, Daman and Diu.

Copy for information to :-

1. The Under Secretary (VET)
2. The Manager,
Government Printing Press,
With a request to publish the same in the earliest issue
of the Government Gazette.
3. P. A. to the Minister for Education.
4. All the Heads of Secondary Schools of Goa, Daman and Diu.
5. All Sections of this Directorate.

/AAH/28.8.

No. DE/Acad. I/471/III/79/ 3273
Government of Goa, Daman and Diu,
Directorate of Education,
Panaji - Goa.

Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, Sri Aurobindo Marg, New Delhi-110016
DOC. No.....O.R.D.E.F
Date.....

Dated:- 25-10-1980.

The Goa, Daman and Diu Board of Secondary Education Act, 1975 has made a provision for the appointment of persons outside the Government Service, to the post of the Chairman, provided he possesses a IIInd Class Master's Degree of a recognised University and teaching or administrative experience of not less than 20 years in the field of Education. The Government can, therefore, requisition the services of a non Government Headmaster or teacher from the aided Secondary Schools fulfilling the qualifications for appointment to the said post. However, there is no provision in the Grant-in-Aid Code enabling the teacher so appointed to rejoin the school after expiry of the period of contract without any break in service and loss of other benefits. The Government, is, therefore, pleased to consider the whole issue in its perspective and to amend " Grant-in-Aid Code for Secondary Schools Colleges, and other Educational Institutions except the Primary Schools" (herein after referred to as the " Said Code)" as follows, namely:-

After Rule 79 of the said code, the following shall be inserted, namely : " Rule 79.A - Requisition by Government of services of an employee from non Government Secondary Schools for Educational purposes -

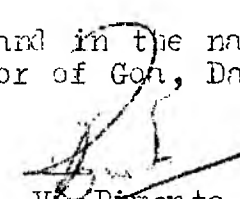
The Government may requisition the services of an employee of any non-Government Secondary School for the purpose of utilising his services in statutory institutions connected with Education, established by the Government. The services of such an employee shall be governed by such terms of and conditions as may be mutually agreed between him and the Government and such service rendered by him in statutory institution will be considered as continuous service in the non-Government Secondary Schools and shall qualify for pension, leave and all

P. T. O.

other benefits that are in existence or that may be made applicable to the non Government Secondary School employees from time to time. Such an employee shall ^{be} entitled to retain lien on his post in his parent institution during the period of his service with the Government. The Management of Non-Government Secondary Schools shall relieve such an employee when the services are so requisitioned by the Government.

This comes into force with immediate effect.

By order and in the name of the
Administrator of Goa, Daman and Diu.


(A. V. Pimenta)
Under Secretary (WET)

Copy for information to:-

1. The Director of Education, Panaji - Goa.
2. The Manager,
Government Printing Press,
with a request to publish the same in the earliest
issue of the Government Gazette.
3. P. A. to the Minister for Education.

/AAN/25.10.

No. DE/Acad. J/471/III/79/204
Government of Goa, Daman and Diu,
Directorate of Education,
Panaji-Goa.

Dated: 6th May 1980

O R D E R

The question of providing civic rights at all levels to the teachers serving in the Non-Government Aided Secondary Schools, as recommended by the Education Commission was under the consideration of the Government for sometime past. Government is now pleased to amend the "Grant-in-Aid Code for Secondary Schools, Colleges and other Educational Institutions, except the Primary Schools" by introducing Rule 78A, after ~~Rule 78~~ ~~General Provisions & Political~~ ~~Activities~~, as hereunder:-

*Rule 78A - Civic rights:- Teacher shall be free to exercise all the Civic rights enjoyed by citizens and be eligible for public offices at the local, district, State or National levels:

Provided that exercise of such rights be in a purely personal capacity and does not involve the institution which the teacher serves or his students:

Provided also that the teacher shall, if the exigencies of the election campaign or of public office, so require, be free to relinquish temporarily his teaching duties with a lien on his post:

Provided further that he shall be free to resume his teaching duties on his relinquishing his public office, after giving one calendar month's notice to the school management."

This amendment comes into force w.e.f. 1-1-1980.

By order and in the name of the
Administrator of Goa, Daman & Diu.



(W. N. Dandekar)

Director of Education.

~~&~~
Ex-Officio Additional Secretary
Govt. of Goa, Daman and Diu

Copies in duplicate to:

The Under Secretary (W.E.T), Secretariat, Panaji, in duplicate with a request to forward one copy to the Manager, Govt. Printing Press, Panaji with a request to publish the same in the Govt. Gazette in its earliest issue.

No.DE/Acad.I/Adm rule 74(3)(II)
1058/79/30
Government of Goa, Daman and Diu,
Directorate of Education,
Panaji - Goa.
Dated: -4-1980.

O R D E R

The question of amending rule 74 of " the Grant-in-aid code for Secondary Schools, Colleges and other educational institutions except the Primary Schools " was under the consideration of the Government for sometime past.

Government is now pleased to accord sanction for amending the existing rule 74 of the "Grant-in-aid code of Secondary Schools, Colleges and other educational institutions except the Primary Schools" as hereunder. Rule 74 - Resignation and Termination of Employment.

by Managements.

74.1 - RESIGNATION.

(1) No non-permanent employee shall leave the service without giving one Calendar month's notice, or without paying one calendar month's salary (pay and allowances, if any) in lieu of notice, If the employee so desires, he may sign his letter of resignation in the presence of the Zonal Officer of the respective Educational Zone..

(2) No permanent employee shall leave service without giving three calendar months' notice, or without paying three calendar months' salary (pay and allowances, if any) in lieu of notice. If the employee so desires he may sign his letter of resignation in the presence of the Zonal Officer of the respective Educational Zone.

(3) In case of (1) and (2) above and all such other cases below, no notice shall be given during the vacation or so as to cover any part of the vacation or within a month after the vacation.

74.2 - TERMINATION OF EMPLOYMENT BY MANAGEMENT

The services of a temporary employee may be terminated by the management at any time after giving one calendar month's notice or by paying one month's salary (pay and allowances if any) in lieu of notice, subject to Rule 74.1(3) . The expenditure incurred by the management on payment of such compensatory

salary (pay and allowances, if any) shall not be admissible for the purpose of Government grant, except in case where the discharge of the teacher is at the instance of the Government.

(i) The services of an employee appointed to a permanent post shall not be terminated except in accordance with the procedure prescribed hereinunder. No order of termination, dismissal or imposition of any other penalty shall be passed against such employee unless he has been informed in writing of the grounds on which action is proposed to be taken and has been given an adequate opportunity to defend himself. The grounds on which the action is proposed to be taken shall be reduced to a form of a specific charge/charges which shall be communicated to the employee together with statement of allegations on which each charge is based.

(ii) Subject to the provisions of Sub-rule (3) the services of an employee on probation, shall not be terminated by the management without prior approval of the Disputes Settlement Committee consisting of one representative each of

1. the Department of Education, who shall be an Officer not below the rank of Educational Inspector.
2. the management of the school concerned and
3. the Association of the non-Government Secondary Teachers.

(iii) The representative of the Department shall be the Convenor of the Disputes Settlement Committee.

(iv) Management shall refer the case to the Director of Education in writing, stating the date of the effect of the intended termination with a copy endorsed to the employee concerned for his acknowledgement. The letter endorsed to the employee shall enclose a copy of allegation with complete substantiating evidence and other documents relevant to the case. The letter shall be issued to the employee at least one calendar month prior to the date of effect of intended termination. The issue of the letter shall be subject to Rule 74.1(3)

(v) The Director shall refer the case to the Disputes Settlement Committee within seven days of the receipt of the letter in the Directorate of Education. The Disputes Settlement Committee shall give a hearing to both the parties and also consider the written statements, if any, submitted by either or both the parties. and give its decision within fifteen days

from the date of reference. In case any party fails to present the case, the Disputes Settlement Committee shall take ex-parte decision.

(vi) The decision of the Disputes Settlement Committee shall be final and binding on both the parties, provided that it shall be open to either party to prefer an appeal to the Administrative Tribunal established under the Goa, Daman and ~~Diu~~ Administrative Tribunal Act 1965 within thirty days of the date of receipt of the decision of the Disputes Settlement Committee.

(vii) In suitable cases referred to the Disputes Settlement Committee, the Disputes Settlement Committee may ~~recommend to the management action under clause (c) of this~~ sub-rule.

(viii) The services of an untrained teacher on probation may be terminated by the management, after giving him one month's notice, provided that the teacher has completed a total service of five years, on the date of effect of the termination:

Provided also that the teacher has failed to avail himself, without good and sufficient reason, of the opportunity offered to him by the management, to get trained.

In case he is not deputed by the management, in time, for training or after being so deputed, he could not, for good and sufficient reason, proceed with his training his probationary period shall be extended to enable him to get trained.

(ix) This extension of the period of probation shall be done after obtaining the approval of the Director of Education, in case the teacher or the school in which the teacher is serving requests for such as approval. Such extension shall be given for a maximum period of 2 years, but not exceeding a period of one year, at a time.

74. 3 - TERMINATION OF EMPLOYMENT OF PERMANENT EMPLOYEES

(i) The services of a permanent employee shall not be terminated by the management without the prior approval of the Disputes Settlement Committee as constituted under Rule 74.3 (ii).

(ii) The Management shall refer the case to the Director of Education, in writing, stating the date of effect of the intended termination with a copy endorsed to the employee concerned for his acknowledgement. The letter endorsed to the employee shall enclose a copy of allegations with complete substantiating evidence and all other documents, if any, relevant to the case. This letter shall be issued to the employee at least three calendar months prior to the date of effect of the intended termination. The issue of the letter shall be subject to Rule 74.1(3).

(iii) The Director of Education shall refer the case of the Dispute Settlement Committee within seven days of the receipt of the letter from the management.

(iv) Within seven days of the receipt of the above reference from the Director of Education, the Dispute Settlement Committee shall call upon the employee to submit his say in writing.

(v) The employee shall submit his written statement, if any, within fifteen days of the date of receipt of this communication from Dispute Settlement Committee, and also state if he desires to be heard in person. The employee shall be permitted to use or take extracts from the documents on the basis of which allegation are framed.

(vi) The Dispute Settlement Committee shall hold an inquiry after giving ten days notice to the management and the employee. The employee shall have the right to be heard in person and to lead evidence, if any. He shall have the right to cross-examine the witnesses examined on behalf of the management. The management also shall have the right to lead evidence, if any and to cross-examine the witnesses examined on behalf of the employee. The evidence, thus collected, shall be recorded in writing and endorsed by both the parties as well as by the members of the Dispute Settlement Committee, in token of its authenticity.

(vii) The Dispute Settlement Committee shall give to the employee a summary of the proceedings and allow to make copies of the statements of witnesses, if any, and allow him fifteen days time to offer his further explanation, if any.

(viii) On receipt of the further explanation of the employee or if no explanation is offered within fifteen days, the Dispute Settlement Committee shall complete the enquiry and record the findings and decision thereon in writing, within seven days after the date fixed for the receipt of further explanation and communication. The Dispute Settlement Committee shall communicate within fifteen days, to the Director of Education, the charges levelled against the employee, the explanation given by him thereon, the findings, of the Dispute Settlement Committee and the decision arrived at by the Dispute Settlement Committee. If any party does not take part in the inquiry deliberately or remains absent at the inquiry, ex-parte findings may be arrived at and recorded by the Dispute Settlement Committee.

(ix) With prior approval of the Dispute Settlement Committee, the management may suspend an employee during the course of the inquiry. If this is done the employee shall be given his salary (pay and allowances, if any) during the period of suspension.

(x) The decision of the Dispute Settlement Committee shall be communicated by the Director of Education to the parties without loss of time and shall be final and binding on both the parties:

Provided that it shall be open to either party to prefer an appeal, within thirty days of the receipt of the decision from the Director of Education, to the Administrative Tribunal established under the Goa, Daman and Diu Administrative Tribunal Act, 1965.

Rule 74.4 - RELIEVING THE TEACHER ON MEDICAL GROUNDS.

If a permanent employee is to be relieved from service in the school on medical grounds, the management shall refer the case to the Director of Education who in turn shall get the employee examined by the Medical Board of the Goa Medical College, Panaji. It shall be left to the Medical Board to decide whether the employee is to continue in the service or is to be relieved, temporarily or permanently.

The decision of the Board shall be final and binding on both the parties and shall be communicated by the Director of Education to the Management with a copy endorsed to the employee for his acknowledgement.

Rule 74.5 - REDUCTION IN ESTABLISHMENT.

(i) In cases of reduction in establishment permitted by the Director of Education owing to the reduction in number of classes, or a fall in the number of pupils affecting certain category of teachers, or closure of a course of studies, the management may terminate the services of employees after giving due notice which shall be one calendar month in case of non-permanent employees and three calendar months in case of permanent employees; or after paying the salary (pay and allowances, if any) for the respective notice period, in lieu of the notice; subject to Rule 74.1(3).

The salary, in lieu of notice, paid to the employees under this Sub-Rule shall not be admissible for grants.

(ii) In case of termination of employment under Rule 74.5 (i) above, the juniormost employee shall be retrenched.

(iii) If for any special, bonafide reason, a senior member of the staff is proposed to be retrenched when a junior member ought to have been retrenched, the management shall refer the case to the Director of Education with a copy endorsed to the employee concerned for his acknowledgement and as a notice under Rule 74.5(i)

The Director of Education shall refer the case to the Dispute Settlement Committee as constituted under Rule 74.2(ii) above for its decision.

(iv) The Disputes Settlement Committee shall consider the written statements, if any, submitted by either or both the parties and give its decision within fifteen days of the date of the receipt of reference of the case to it.

(v) The decision of the Dispute Settlement Committee communicated through the Director of Education, shall be final and binding on both the parties.

(vi) If the posts so rendered vacant are revived or additional posts are created or vacancy arises within a period of one year, the employee/employees retrenched shall be given an opportunity first to rejoin the service in school and he/they shall be restored to his/their original position in pay and seniority.

(vii) If no written reply is received from the employee within a fortnight from the date of the acknowledgement of the offer made by the management in terms of Rule 74.5(vi) or in case of refusal to receive such an offer made by the management under the registered letter (AD), the management shall be free to fill otherwise the post/posts. For this purpose the addresses of the retrenched employees shall be registered by the management in the school before they are relieved.

Rule 74.6 - OTHER PENALTIES

(i) For good and sufficient reasons add as herein provided, management may impose the following penalties upon an employee, after giving him full opportunity to represent his case:

- (a) Censure
- (b) Temporary withholding of increments for a specified period, not exceeding twelve months, with prior approval of the Director of Education.
- (c) Recovery from pay of the whole or part of any pecuniary loss caused to the school by negligence or breach of orders, on the part of the employee concerned.

(ii) The authority which may impose the above penalties shall be the management who shall communicate the decision to the employee, in writing, for his acknowledgement and the employee, if aggrieved may appeal to the Director of Education within seven days of the imposition of the penalty. The decision of the Director of Education shall be final and binding on both the parties.

Rule 74.7 - CLOSURE OF SCHOOLS;

(i) Management shall not close down a school or transfer the same to another management without giving six months' notice to the Government and Goa, Daman and Diu Board of Secondary and Higher Secondary, as well as to the employees, clear of May Vacation.

(ii) If no notice as per Rule 74.7(i) above, is given to the employees, they shall be given, in lieu of notice, one month's salary (pay and allowances, if any) for each completed year of service, subject to a minimum of three months' salary (pay and allowances, if any) in case of permanent employees; and a minimum of one month's salary (pay and allowances, if any) in case of non-permanent employees.

(iii) If posts so rendered vacant due to the closure of the school are revived, either through the re-opening of the school or through the opening of a new school by the same management, than the provisions of Rule 74.5(vi) and (vii) shall be complied with.

(iv) In case of transfer of a school to a new management the service conditions of the existing employees shall not be altered to their disadvantage and the existing employees shall be deemed to be in the employ of the new management under the same terms and conditions on which they were appointed by the outgoing management. Seniority and the pay of such employees shall be protected and their scales of pay shall not be altered to their disadvantage.

Rule 74.8 - POWER TO REINSTATE.

Where resignation/suspension/termination of employment of an employee is in violation of foregoing provisions of rules 74.1 and 74.2, the Director of Education or any other Officer of the Department of Education empowered to that effect may direct the manager of the school concerned to reinstate the employee with effect from the date of the said resignation/suspension/termination, and thereupon the employee shall forthwith be reinstated by the manager. If the employee is not actually reinstated, the employee shall be deemed to have been on duty. It shall be open to the Department of Education to disburse the salary (pay and allowances, if any) to the employee as if he/she were on duty from the date of effect of the above illegal act of the manager; and recover the amount so disbursed from the manager, and/or adjust the same against the grant-in-aid payable to the school, other than the salary grant.

Rule 74.9 - DISBURSEMENT OF SALARIES TO THE EMPLOYEES REINSTATED BY THE ORDERS OF THE GOVERNMENT

(i) In the case of termination of services of an employee, where the competent authority of the Department has decided the case in favour of the employee and has ordered his/her reinstatement the employee should be paid his due salary and allowances as per the scheme provided under Rule 90-A if the Management refuses to reinstate him/her and takes recourse to the Administrative Tribunal against the decision of the competent authority.

(ii) Before the payment as stated in (i) above is made, the employee concerned should execute an Indemnity Bond to the effect that the salary and allowances so paid to him/her shall be liable to be recovered from him/her and that he/she shall pay them back if the decision of the Court ultimately goes against him/her.

(iii) This procedure should be continued till the matter is finally decided by the Administrative Tribunal, or till the tribunal issues specific orders in that behalf. The position should be reviewed, in the light of the Tribunal's orders.

(iv) So long as the salary and allowances of the employee who is finally ordered to be reinstated by the competent authority are being paid as per the scheme provided under Rule 90-A, the grant paid on salary and allowances of the substitute, if any, appointed by the management by disregarding the decision of the Department shall not be paid by the Department under the said Rule.

(v) If the Tribunal decides the case in favour of the management and sets aside the decision of the Department the payment of salary and allowances to the employee (in whose favour the competent authority had originally given his decision) will be stopped from the date of the Tribunal's decision.

(vi) The salary and allowances of the substitute if already appointed by the Management or appointed after the Tribunal's decision, will be paid by the Department from the date of the Tribunal's decision or from the subsequent date of his/her actual appointment.

By order and in the names of the Lt.
Government of Goa, Daman and Diu.

Sd/-

(F. A. Figueiredo)
Under Secretary (works, Education &
Tourism).