

The Goa Administrative Tribunal Act, 1965 and Rules

The Goa Administrative Tribunal Act, 1965 and Rules

1. The Goa Administrative Tribunal Act, 1965 (Act 6 of 1965) [21-3-1965] published in the Government Gazette, Series I No. 1 dated 1-4-1965, and came into force with effect from 21-4-1965.
2. The Goa, Daman & Diu Administrative Tribunal (Amendment) Act, 1975 (Act 15 of 1975) [26-10-1975] published in the Official Gazette, Series I No. 32 dated 6-11-1975, and came into force at once.
3. The Goa, Daman & Diu Administrative Tribunal (Amendment) Act, 1980 (Act 1 of 1981) [14-1-1981] published in the Official Gazette, Series I No. 44 dated 21-1-1981, and came into force at once.
4. The Goa Administrative Tribunal (Amendment) Act, 1996 (Act 4 of 1997) [12-3-1997] published in the Official Gazette, Series I No. 51[Extraordinary-3] dated 25-3-1997 and came into force with effect from 8-10-1996.
5. The Goa Administrative Tribunal (Amendment) Act, 2001 (Act 54 of 2001) [5-9-2001] published in the Official Gazette, Series I No. 23 dated 12-9-2001 and came into force at once.
6. The Goa Administrative Tribunal (Amendment) Act, 2009 (Goa Act 6 of 2009) [23-3-2009] published in the Official Gazette, Series I No. 1 dated 2-4-2009.
7. The Goa Administrative Tribunal (Amendment) Act, 2010 (Goa Act 5 of 2010) [13-4-2010] published in the Official Gazette, Series I No. 3 (Extraordinary) dated 21-4-2010 and came into force at once.
1. The Goa Administrative Tribunal (Appointment, Conditions of Service of President and Additional President) Rules, 2010.
2. The Goa, Daman and Diu Administrative Tribunal (Powers of Civil Court) Rules, 1976.
3. The Goa, Daman and Diu Administrative Tribunal Regulation, 1971.
4. The Goa, Daman and Diu Administrative Tribunal Fees Rules, 1968.
5. The Goa, Daman and Diu Administrative Tribunal (Affidavits) Rules, 1968.
6. The Goa Judicial Rules, 2005 , published in the Official Gazette, Series I No. 13 (Extraordinary No. 2) dated 30-6-2005.

Arrangement of Sections

1	Short title, extent and commencement	7	Tribunal to have powers of civil court
2	Definitions	8	Government to be heard and Government Pleader to assist in certain cases
3	Constitution of Tribunal	9	Finality of decisions of Tribunal
3A	Tribunal for the North Goa District	10	Power of review
4	Vacancies, etc., not to invalidate acts and proceedings of Tribunal	11	Execution of Orders
5	Sittings and decisions of Tribunal	12	Indemnity
6	Jurisdiction of Tribunal	13	Power to make rules
6A	Transfer of Appeal, Revision, Application, other matters pending before Tribunal	14	Power to make regulations
		15	Transitional
		16	Repeal
		17	Power to remove difficulties

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa

Legislature Department

LA/2107/65

The following Act passed by the Legislative Assembly of Goa, received the assent of the President of India on the 21st March, 1965, and is hereby published for general information.

THE GOA ¹[] ADMINISTRATIVE TRIBUNAL ACT, 1965

(No. 6 of 1965)

An Act to constitute an Administrative Tribunal for the Union Territory of Goa, Daman and Diu, to invest it with jurisdiction in certain matters and to provide for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the Sixteenth Year of the Republic of India, as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa ²[...] Administrative Tribunal Act, 1965.

(2) It extends to the whole of the ³[“State of Goa”].

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

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

a) ⁴[“...] ‘Additional President’ means the Additional President of the Tribunal.”

(b) Official Gazette means the Government Gazette;

(c) prescribed, except where it occurs in the expression prescribed by regulation means prescribed by rules made under this Act;

⁵[“(cc) President means the President of the Tribunal.”]

(d) State Government means ⁶[“the Government of Goa.”]

(e) Tribunal means the Administrative Tribunal constituted by this Act.

¹ The words “Daman and Diu” omitted by (Amendment) Act, 1996 (4 of 1997).

² The words “Daman and Diu” omitted by (Amendment) Act, 1996 (4 of 1997).

³ These words have been substituted for the words “Union Territory of Goa, Daman and Diu” by (Amendment) Act, 1996 (4 of 1997).

⁴ Clause (a) of sub-section 2, omitted, (Amendment) Act, 1996 thereafter present clause is inserted by the Goa Administration Tribunal (Amendment) Act, 2001 (54 of 2001).

⁵ ‘Clause “cc” has been inserted by (Amendment) Act, 1996 (4 of 1997).

⁶ These words have been inserted by the Amendment Act 1996 (4 of 1997).

3. Constitution of Tribunal.— ⁷[(1) The State Government shall, by Notification in the Official Gazette, constitute for each district of the State, a Tribunal to exercise the jurisdiction, perform the functions and discharge the duties entrusted to it by or under this Act or any other law for the time being in force.

(2) Each Tribunal shall consist of a President and an Additional President, as the State Government may deem fit. Both, the President as well as the Additional President, shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Tribunals. The Additional President shall decide such cases as are made over to him by the President]

(3) The qualifications for a person to be appointed as ⁸["President or Additional President "] shall be such as may be prescribed.

⁹ [Provided that the President and the Additional President shall be persons who have such legal qualifications or experience as may be prescribed].

¹⁰ [(4) The President and the Additional President shall hold office until they attain the age of sixty five years.].

113A – Tribunal for the North Goa District.— On and from the date of commencement of the Goa Administrative Tribunal (Amendment) Act, 2009, the Tribunal constituted and functioning for the State of Goa, shall be deemed to be the Administrative Tribunal for the North Goa District and the President and the Additional President appointed under the Act shall continue to function as the President and Additional President, respectively, for the Tribunal for the North Goa District”.

4. Vacancies, etc., not to invalidate acts and proceedings of Tribunal.— (1) No Act done by the Tribunal and no proceedings before it shall be questioned on the ground merely ¹²[...] any defect in the constitution of the Tribunal.

¹³ [...]

5. Sittings and decisions of Tribunal.— (1) ¹⁴[The Tribunal shall ordinarily sit at District Head Quarters in North Goa and in South Goa District, respectively] but, may sit at any other place convenient for the transaction of the business, which the ¹⁵["President"] with the approval of the State Government, may, by general or special order, notify in the Official Gazette.

¹⁶ [(2) The Tribunal shall sit in such manner as may be prescribed by regulations”].

⁷ Present sub-section (1) and (2) of section 3, substituted by the (Amendment) Act 6 of 2009, before that by the Amendment Act, 2001 (Act 54 of 2001) sub-section (2) was substituted. In the year 1996 by (Amendment) Act, 1996 (Goa Act No. 4 of 1997) sub-section (2) was substituted as below: The Tribunal shall consist of a President who shall be appointed by the State Government. The original sub-section (2) reads as follows: “The Tribunal shall consist of a Chairman and such number of other Members as may be determined by the State Government.”

⁸ The words “Chairman or a Member” have been substituted by the word “President”, by the Amendment Act 1996 (4 of 1997). Thereafter the word “President or Additional President” was substituted by the Goa Administration Tribunal (Amendment) Act, 2001.

⁹ Proviso is substituted by the Goa Administration Tribunal (Amendment) Act 2001.

¹⁰ Inserted vide the Goa Administrative Tribunal (Amendment) Act, 2010

¹¹ Inserted by the Amendment Act 6 of 2009.

¹² The words and figure “of the existence of any vacancy in, or” have been omitted, by the Amendment Act (4 of 1997).

¹³ Sub-section (2) of section 4 omitted, by the Amendment Act, 1996 (4 of 1997).

¹⁴ Substituted by the amendment Act (Act 6 of 2009).

¹⁵ The words “Chairman” have been substituted by the word “President”, by the Amendment Act, 1996 (4 of 1997)

¹⁶ Sub-section (2) of section 5 has been substituted by (Amendment) Act, 1996.

¹⁷ [...]

6. Jurisdiction of Tribunal.— The Tribunal shall have all such jurisdiction as was exercisable by the Tribunal Administrative in relation to appeals against decisions and orders—

- (a) of the administrators of concelhos;
- (b) of the administrators of Comunidades;
- (c) of the administrators of Municipalities or other autonomous bodies; and
- (d) in election matters pertaining to Municipalities or other local authorities

in respect of which appeals to the said Tribunal were allowed under any law in force immediately before the 19th December, 1961:

Provided that if the jurisdiction in relation to any matter specified above is conferred upon any other tribunal court or other authority by or under any other law for the time being in force, the Tribunal shall not exercise such jurisdiction.

Explanation.— The reference to the administrator in this section shall be construed as a reference also to any other authority with a different designation which exercises functions of, or corresponding to, those of the administrator under the relevant law.

(2) The Tribunal shall also have jurisdiction in relation to any other matter if such jurisdiction is conferred by or under any Act of the Legislature of the State of Goa.

(3) The Tribunal shall have no jurisdiction in any matter which is pending in a court of law or which, in its opinion, involves a question as to the validity of any enactment for the time being in force.

¹⁸ [6A – **Transfer of Appeal, Revision, Application, other matters pending before Tribunal.**— Notwithstanding anything contained in this Act or any other law for time being in force all appeals, revisions, applications, other matters etc. relating to South Goa District, received and registered under section 6 of the Act and pending before the Tribunal at Panaji, immediately before the commencement of the Goa Administrative Tribunal (Amendment) Act, 2009, shall, on such commencement stand transferred to the Tribunal for the South Goa District and the President of the Tribunal for the South Goa District shall proceed to deal with such appeals, revisions, applications etc, from the stage which was reached before such transfer or from any earlier stage or de-novo, as the President may deem fit].

7. Tribunal to have powers of civil court.— (1) ¹⁹[The Tribunal shall, while exercising its jurisdiction, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matter, namely:-”]

- i) taking evidence on oath, affirmation or affidavit;

¹⁷ A new sub-section (6) was inserted by the Amendment Act (Act 1 of 1981) thereafter sub-sections (3), (4), (5) and (6) omitted by the Amendment Act, 1996 (Act 4 of 1997).

¹⁸ Inserted by the Amendment Act (Act 6 of 2009).

¹⁹ Sub-section (1) of section 7 substituted by (Amendment) Act, 1980 (Act 1 of 1981).

- (ii) summoning and enforcing the attendance of witnesses;
 - (iii) compelling the discovery and production of documents and material objects;
 - (iv) requisitioning any public record or any copy thereof from any court or office;
 - (v) issuing summons for examination of witnesses or production of documents; and
- ²⁰["(vi) any other matter which may be prescribed."]

²¹ [(1A) In any proceeding, other than an original proceeding, which is pending before it, the Tribunal may, if it thinks necessary direct that such further investigation be made, or such additional evidence be taken; or may itself take such additional evidence; or may remand the case for disposal with such direction as it deems fit.]

(2) The Tribunal shall be deemed to be a civil court for all the purposes of ²²["sections 195, 345(I) and 346 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974)"] and, its proceedings shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(3) In the case of any affidavit to be filed, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

8. Government to be heard and Government Pleader to assist in certain cases.—

(1) If at any stage of any proceedings before the Tribunal, it appears to the Tribunal that the proceedings raise a question as to the interpretation of a law which is of such a nature and of such public importance that it is expedient to issue notice to the State Government, the Tribunal shall issue notice to the State Government and that Government may, if it thinks fit, appear; the Tribunal shall then hear the State Government before deciding the question.

(2) If it appears to the State Government that the interpretation of a provision of a law in any proceedings before a Tribunal is of such a nature and of such public importance that it is expedient that the State Government should be heard before decision of the question, it may apply to the Tribunal to be heard in the proceedings and the Tribunal shall not decide the question without hearing the State Government.

(3) The Tribunal may, whenever it considers it necessary, require the assistance of the Government Pleader on any matter or in any case or class of cases pending before it and, in such cases may direct the payment of such fees or honoraria as may be prescribed.

9. Finality of decisions of Tribunal.— Subject to the other provisions of this Act, every order of decision of the Tribunal shall be final and conclusive.

10. Power of review.— The Tribunal may, either on its own motion or on the application of any party interested and where the State Government it heard under section

²⁰ Clause (vi) has been substituted by Amendment Act (Act 1 of 1981).

²¹ Sub-section (1A) inserted by (Amendment) Act, 1975 (Act 15 of 1975).

²² These words and figures have been substituted for the words and figures "sections 195, 480 and 482 of the Code of Criminal Procedure, 1898" vide (Amendment) Act, 1996 (Act 4 of 1997) [O. G., Series I No. 51 (Extraordinary No. 3) dated 25-3-1997].

8, on the application of the State Government, review its own order or decision in any case and pass in reference thereto such order as it think just and proper:

Provided that no such application made by any party shall be entertained unless the Tribunal is satisfied that there has been discovery or new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by the party at the time when its order or decision was made, or that there has been some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided further that no such order or decision shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party or by the State Government shall be made within ninety days from the date of the order or decision of the Tribunal:

Provided that in computing the period of limitation, the provisions of the Limitation Act, 1963, applicable to application for review of a judgment or order of a civil court shall, as far as may be, apply to application for review under this section.

11. Execution of Orders.— (1) All final orders of the Tribunal shall be executed, as far as may be, in the same manner as a decree of a civil court.

12. Indemnity.— (1) ²³["The President or the Additional President of the Tribunal" shall not be liable to be sued or proceeded against in any court for any act done or ordered to be done by him or by the Tribunal in the discharge of his or its duty whether or not within the limits of his or its jurisdiction:

Provided that he, at the time, in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer or other person bound to execute the lawful orders of the Tribunal shall be liable to be sued or proceeded against in any court, in respect of the execution of such orders.

13. Power to make rules.— (1) The State Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the process and other fees to be paid and the deposits to be made by the parties to the proceedings before the Tribunal and the manner of accounting of all moneys received by the Tribunal;

²⁴["(b) the matter in respect of which powers may be vested in the Tribunal."]

²³ These words have been substituted for the words "Chairman or any other member" vide (Amendment) Act, 1996 (Act 4 of 1997). Thereafter by the (Amendment) Act, 2001 (Act 54 of 2001) in place of word "President" the word "President or the Additional President" was substituted.

²⁴ Clause (b) of sub-section (2) of section 13 has been substituted vide (Amendment) Act, 1980 (Act 1 of 1981).

(c) the fee or honoraria to be paid to the ²⁵["President or the Additional President"] or the Government Pleader;

(d) any other matter which has to be, or may be prescribed or provided for by rules.

(3) All rules made under this Act shall be published in the Official Gazette and shall be laid on the table of Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid.

14. Power to make regulations.— (1) Subject to the provisions of this Act and the rules made thereunder and to the previous approval of the State Government, the ²⁶["President"] may make regulations for regulating the practice and procedure before the Tribunal.

(2) In particular and without prejudice to the generality of the foregoing power, the ²⁷["President"] may make regulations for the following matters, namely:

- (a) the award of costs by the Tribunal;
- (b) the right of audience before the Tribunal;
- (c) ²⁸[...] Omitted.

(3) The regulations made in this Section shall be published in the Official Gazette.

15. Transitional.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force the Administrative Tribunal constituted by order of the State Government No. L. D. 45/64 dated the 26th June, 1964, shall be deemed to have been validly constituted in accordance with law and the President and Members thereof appointed by the same order shall be deemed to have been duly appointed in accordance with law and the said President and Members shall be the Chairman and Members respectively of the Tribunal under this Act, until appointments are made in their places.

(2) Any proceeding pending immediately before the commencement of this Act before the Tribunal constituted under the order referred to in sub-section (1) shall be dealt with and disposed of by the Tribunal under this Act as if instituted before it.

16. Repeal.— (1) On the commencement of this Act, the provisions of the Reforma Administrativa Ultramarina dealing with the constitution, organisation and powers of the Tribunal Administrativa shall stand repealed.

(2) The provisions of the General Clauses Act, 1897, shall apply to such repeal as if the said Reforma Administrativa Ultramarina and this Act were Central Acts.

²⁵ The word "Chairman, or any other member" has been substituted by the word "President" vide (Amendment) Act, 1996 (Act 4 of 1997). Thereafter by the (Amendment) Act, 2001 (Act 54 of 2001) in place of word "President" the word "President or the Additional President" was substituted.

²⁶ The word "Chairman, a member" has been substituted by the word "President" vide (Amendment) Act, 1996 (Act 4 of 1997).

²⁷ The word "Chairman" has been substituted by the word "President", by the Amendment Act (Act 4 of 1997).

²⁸ Clause "(c)" has been omitted by the Amendment Act 1996 (4 of 1997).

(3) In respect of any matter for which rules or regulations may be made under this Act, the corresponding provisions, if any, in the *Reforma Administrativa Ultramarina* shall continue to be in force until such rules or regulations are made.

17. Power to remove difficulties.— The State Government may, by order, do anything, not inconsistent with this Act, for removing any difficulty which arises in giving effect to the provisions of this Act:

Provided that the power under this section shall not be exercisable after the expiry of a period of two years after the commencement of this Act.

Secretariat,
Panaji.
March 29, 1965.

S. BALAKRISHNAN,
Secretary to the Government
of Goa, Daman and Diu.

Department of Law & Judiciary

Law (Establishment) Division

Notification

4-2-98-LD (Vol-I) Part/828

In exercise of the powers conferred by Section 13 read with sub-section (3) of section 3 of the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965), Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Administrative Tribunal (Appointment, Conditions of Service of President and Additional President) Rules, 2010.

(2) They shall come into force at once.

2. Qualifications for Appointment of President or Additional President.— The President or the Additional President, as the case be, shall be a person who is,—

(a) a judicial officer of seven years standing; or

(b) an advocate of not less than seven years standing, having knowledge of Konkani, knowledge of Marathi being desirable; or

(c) holding a superior post not lower than that of Joint Secretary in the Law Department of Government of Goa, for not less than three years:

Provided that the appointee under clause (a) shall be appointed on deputation from the Goa Judicial Service and shall be governed by the service conditions applicable to the Goa Judicial Service:

Provided further that the appointees under clauses (b) or (c) shall not be less than 40 years of age, who shall be on probation for a period of two years and shall be governed by the service conditions as applicable to Group “A” officer of the Government of Goa and shall carry a pay scale and allowances as admissible to the District Judge from time to time.

3. Selection of President or Additional President.— The President or the Additional President, as the case may be, shall be selected by a Committee consisting of the following:—

(i) The sitting Judge or retired Judge of the High Court, as may be nominated by the Chief Justice of the High Court exercising jurisdiction over the State of Goa —Chairperson.

(ii) Chief Secretary to the Government of Goa —Member.

(iii) Law Secretary to the Government of Goa —Member.

4. Term of office of President and Additional President.— The President and the Additional President shall hold office until they attain the age of sixty five years.

5. Repeal and Saving.— (1) The Goa Administrative Tribunal Rules, 1966, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall, unless such thing or action is inconsistent with the provisions with these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

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

N. P. Singnapurker, Under Secretary (Estt.).

Porvorim, 31st May, 2010.

[Published in the Official Gazette, Series I No. 9 (Extraordinary) dated 31-5-2010].

Law and Judiciary Department

Notification

LD/Adm./Tri./486/R/75

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 13 of the Goa, Daman and Diu Administrative Tribunal Act, 1965 (6 of 1965) and all other powers enabling him in this behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa, Daman and Diu Administrative Tribunal (Powers of Civil Court) Rules, 1976.

(2) They shall come into force at once.

2. Tribunal to have powers of Civil Court.— The Tribunal shall in exercising its original, appellate or revisional jurisdiction in any application, petition, appeal or other proceedings filed before it, have all the powers which are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

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

B. S. Subbanna, Under Secretary (Law).

Panaji, 31st December, 1976.

[Published in the Official Gazette, Series I No. 40 (Extraordinary) dated 31-12-1976].

Administrative Tribunal

Notification

ADM/TRI/REG/1/71

In exercise of the powers conferred by Section 14 of the Administrative Tribunal Act, 1965 and with the previous sanction of the Government of Goa, Daman and Diu the Chairman of the Administrative Tribunal hereby frames the following regulation.

1. Short title.— (a) This regulation may be called the Goa, Daman and Diu Administrative Tribunal *Regulation, 1971.

(b) This shall come into force at once.

¹[“2. The members of the Tribunal shall sit in three Benches, namely:—

BENCH No. I
BENCH No. II
and
BENCH No. III”].

3. The Chairman may by notification in the Official Gazette appoint/transfer any member of the Tribunal to any Bench from time to time keeping in view the exigencies of the work to be dealt with by the Tribunal.

4. The Chairman may, from time to time issue directions for allotment of the work to the Benches with reference to the Acts under which any petition, appeal, review or revision is to be heard by the Tribunal keeping in view the exigencies of the work.

5. The Registrar of the Tribunal shall mark the cases triable by each Bench as per the directions of the Chairman.

6. As amongst the members of a Bench the cases would be distributed on the basis of lot to be drawn by the Registrar in open courts.

7. The Chairman may, *suo moto* or on an application of any party withdraw any case to be heard by a special Bench to be constituted by him for the purpose.

8. The Chairman may, *suo moto*, or on an application of any party, transfer any case pending before any Bench to a different Bench.

9. The hours and days of ordinary session of the Benches shall be notified by the Chairman in the Official Gazette.

*Stands impliedly repealed by (Amendment) Act, 1996, which provides that Tribunal shall consist of President only.

¹Regulation 2 substituted by (Second Amendment) Regulations, 1976 (O. G., Series I No. 4 dated 22-4-1976. The original regulation 2 reads as follows:

“2. The members of the Tribunal shall sit in two Benches namely:

BENCH No. 1
and
BENCH No. 2”

²[“10. The Chairman may, whenever it appear to him to be necessary and if the circumstance of the case so require, convene an extraordinary session of any or both of the Benches of the Tribunal.

11. In the absence of the Chairman, any Member of the Tribunal, possessing the qualifications prescribed for Chairman, shall act as a Chairman and proceed with the business:

Provided that where there are two or more members who fulfil the above qualifications, the senior most member shall act as Chairman”.]

O. P. Garg, Chairman, Administrative Tribunal.

Panaji, 22nd April, 1971.

(Published in the Official Gazette, Series I No. 5 dated 29-4-1971).

Notification

No. LD/N/14/66/67-68

In exercise of the powers conferred by Section 13 of the Goa, Daman and Diu Administrative Tribunal Act, 1965, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules namely:—

1. Short title.— (1) These rules may be called the Goa, Daman and Diu Administrative Tribunal Fees Rules, 1968.

(2) They shall come into force on 1st February, 1968.

2. Rates of Court and Other Fees.— In appeals and other proceedings instituted before the Tribunal, the rates of court fees and processes and other fees shall be as indicated in the schedule appended hereto.

3. Fees for Audit of Accounts.— The fee chargeable by the Tribunal from an institution whose accounts are to be audited, shall be one percent of the total income of the institution for the year in question, provided however that the total fees shall, in any case, not exceed Rs. 200/-.

4. Payment of Fees of Experts.— The fees and other allowances payable to experts appointed in connection with the proceedings before the Tribunal, shall be paid by the party appointing the expert. The fees of a neutral expert appointed by the Tribunal or at its instance, shall be borne equally by both the parties, subject to the orders, if any, relating to costs, passed by the Tribunal.

5. Pending proceedings.— These rules shall not apply to proceedings instituted before their commencement, which shall be regulated by the rules in force prior to their commencement.

²Clauses 10 and 11 added by (Amendment) Regulations, 1970 (Official Gazette, Series I No. 14 dated 6-7-1972).

6. Repeal.— As from the commencement of these rules, the corresponding rules of the R. A. U., Provincial Legislative Diploma No. 252, dated 25-2-1927 and Rule 3 of the Goa, Daman and Diu Administrative Tribunal Rules, 1966, shall stand repealed.

SCHEDULE

Part I

Court Fees

Nature of proceedings	Rate of Fees	Exemptions
1	2	3
(1) Petition of or memorandum of appeal	Rs. 50/-	Proceedings instituted by The State, the Government Pleader, the Procurador de Republica or his Delegate or the head of the Taluka Revenue offices, Administradores of Concelhos, Comunidades, or religious endowments in their official capacity.
(2) For the recording of evidence	Rs. 25/- together with expenses of a Commissioner if appointed	— do —
		<i>Note:</i> The exemption does not apply to fees of the Commissioner which would have to be paid in the first instance by the party at whose instance it is issued.
(3) For local enquiry inspection or survey	Rs. 25/-	— do —
(4) To bring heirs on record	Rs. 25/-	— do —
(5) For local enquiry inspection or survey when a second enquiry, inspection or survey is ordered in respect of the same subject matter	Rs. 50/-	— do —
(6) Petition for review	Rs. 25/-	— do —
(7) Other petitions or applications to the Tribunal	50 paise	— do —

The fees in respect of all the above items shall be payable by means of Court Fee Stamps.

Part II**Copying Fees**

For a certified copy	Fifty paise per page or part thereof.
For a summary of the proceedings	Re. 1/- per page or part thereof.

Explanation:— For the purposes of this rule a page should consist of 25 lines of 10 words each amounting to about 250 words.

Explanation 2:— For a typed copy, double the above rates shall be charged.

Part III**Process Fees**

Fees for the issue of notices and processes	The actual postal charges.
Fees for the summoning of record	The actual postal charges.

Part IV**Miscellaneous**

When at the instance of a party, the Tribunal or any of its staff has to proceed outside headquarter for any purpose other than for the service of summons, the actual travelling and other expenses shall be deposited by the party.

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

R. L. Segel, Law Secretary.

Panaji, 30th January, 1968.

(Published in the Government Gazette, Series I No. 45 dated 8-2-1968).

Law and Judicial Department**Notification**

LD/N/14/13/67-68-75

In exercise of the powers conferred by Section 13 of the Goa, Daman and Diu Administrative Tribunal Act, read with sub-section (1) (i) and (3) of section 7 of the said Act, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules, namely:

1. Short title and commencement.— (1) These Rules may be called, “The Goa, Daman and Diu Administrative Tribunal (Affidavits) Rules, 1968”.

(2) They shall come into force on 15th January, 1969 and shall not apply to proceedings instituted or pending in the Administrative Tribunal (hereinafter called the “Tribunal”) before their commencement.

2. Entitling of affidavits.— Every affidavit to be filed in the Tribunal shall have the title “In the Administrative Tribunal of Goa, Daman and Diu at Panaji”.

3. Entitling of affidavits relating to the proceeding pending in the Tribunal.— An affidavit relating to a proceeding pending in the Tribunal shall have the title “In the matter of (state the proceeding and its number)” and shall set out the names and descriptions of the parties.

4. Entitling of affidavits in respect of cause not in the Tribunal.— If there be no cause in the Tribunal the affidavit shall have the title “In the matter of the petition of ...”.

5. Statements of facts to be divided into paragraphs and numbered.— Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct part of the subject.

6. Affirmation by declarant from knowledge and belief.— The declarant shall state what paragraphs or parts of his affidavit he swears or solemnly affirms to from his own knowledge and what paragraphs or parts he swears or solemnly affirms to on his own belief, stating the grounds of such belief.

7. Affirmation below petition sufficient compliance.— When any petition is required to be supported by an affidavit by these rules, a declaration on solemn affirmation by the petitioner below the petition stating that the facts stated in the petition are true to the best of his own knowledge or belief would be sufficient compliance; and no separate affidavit, unless otherwise ordered by the Tribunal, shall be necessary.

8. Officer before whom affidavits and affirmation may be sworn or declared.— Affidavits and affirmations to be used before the Tribunal may be sworn and affirmed before the Registrar of the Tribunal ¹[“or any officers empowered by the Tribunal to administer oath in this behalf”].

¹These words added by (Amendment) Rules, 1996 [Official Gazette, Series I No. 23 (Extraordinary) dated 5-9-1996].

9. Language if not known, document to be interpreted by the Registrar or other Officer.— (i) The Registrar administering the affirmation for the purpose of affidavits shall satisfy himself that the language in which the affidavit is sought to be made is known to the declarant.

(ii) If the language is not known or understood by the declarant the Registrar administering the affirmation shall, where the party is represented by an Advocate, require the said Advocate to certify in writing below the affidavit that the contents of the affidavit are interpreted and explained to the declarant in a language known to him and that the declarant has fully understood them.

(iii) Where the declarant is not represented by an Advocate, the Registrar administering the affirmation shall himself interpret the contents of the document to the declarant or appoint any fit Officer of the Tribunal for the purpose on the payment of fees as prescribed in Rule 12. The Registrar or other Officer appointed by him interpreting the document shall certify below the document that its contents have been interpreted to the declarant in a language known to him.

(iv) When the Registrar administering the affirmation is satisfied that the language of the document is known or understood by the declarant, or when the Advocate or the Registrar or other Officer acting as translator certified that the contents have been interpreted to the declarant in a language known to him, the affirmation shall be administered and the affidavit completed by the signature of the declarant below the declaration on affirmation in the presence of the Registrar and the certification by the Registrar of the Tribunal.

10. Identity of declarant.— The Registrar, before administering the affirmation and certifying the affidavit, shall satisfy himself as to the identity of the declarant who shall be either known to the Registrar personally or identified before him by a person whom he personally knows. The manner in which the identification is made shall be certified by the Registrar administering the affirmation.

11. Solemn declaration by the party making the affidavit.— The declaration by the party making the affidavit shall be in the following form:

I, ... the Appellant/Respondent, Applicant/Opponent, Petitioner/Opponent above named do solemnly declare that what is stated above in paragraphs ... is true to my own knowledge and that what is stated in the remaining paragraphs is true to the best of my information which I obtained from the following sources:

...and I believe the information which I obtained for the following reasons:—

Solemnly declare at ... above said this ... day of ... 19 ...

(Signature)

Solemnly affirmed before me by who is identified before me by..... whom I personally know.

This ... day of ... 19...

REGISTRAR
Administrative Tribunal

12. Fees Payable.— (1) The following are the fees chargeable on the affidavits under these rules:

- (a) For each affidavit or affirmation:— fifty paise;
- (b) For each page interpreted or part thereof:— fifty paise.

(2) Such fees shall be paid by means of Court fees adhesive stamps affixed on the respective document under an endorsement and registration or the fees so collected and the due cancellation of the stamps.

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

R. L. Segel, Law Secretary.

Panaji, 31st December, 1968.

10th Pausa, 1890.

(Published in the Government Gazette, Series I No. 42 dated 16-1-1969).

Law Department

Notification

LD/21/65

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa, Daman and Diu Administrative Tribunal Act, 1965, the Government hereby appoints the 21st of April, 1965 as the date on which the provision of the said Act shall come into force in the Union Territory.

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

S. Balakrishnan, Law Secretary.

Panaji, 20th April, 1965.

(Published in the Government Gazette, Series I No. 4 dated 22-4-1965).

Order

L. D. 251/65

In exercise of the powers conferred by section 17 of the Administrative Tribunal Act, 1965, the State Government passes the following order, namely:

1. This order may be called the Administrative Tribunal (Removal of Difficulties) Order, 1965.

2. It shall come into force at once.

3. Without prejudice to the provisions contained in the Goa, Daman and Diu Administrative Tribunal Act, 1965, the Tribunal shall have and exercise the power to audit the accounts of associations, corporations, temples, mosques, charitable institutions, asylums and other such institutions, in accordance with the provisions of Article 663 of the Reforma Administrativa Ultramarina and Legislative Diploma No. 1650 dated 13-9-1965.

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

P. B. Venkatasubramanian, Law Secretary.

Panaji, 18th June, 1965.

(Published in the Government Gazette, Series I No. 13 dated 24-6-1965).

Order

LD/346/65

In exercise of the powers conferred by Sec. 17 of the Administrative Tribunal Act, 1965, the Lt. Governor of Goa, Daman and Diu passes the following order, namely:—

1. This order be called the Administrative Tribunal (Removal of Difficulties) Order No. 2, 1965.

2. It shall come into force at once.

3. The Administrative Tribunal constituted under the G. D. D. Administrative Tribunal Act, 1965 shall not remain closed in the month of October.

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

P. B. Venkatasubramanian, Law Secretary.

Panaji, 3rd September, 1965.

(Published in the Government Gazette, Series I No. 24 dated 9-9-1965).

Administrative Tribunal

Order

No. 610/AT/96/Affidavit

In exercise of powers conferred by Section 7(3) of the Goa, Daman & Diu Administrative Tribunal Act, 1965 r/w Rule 8 of the Goa Administrative Tribunal (Affidavits) (Amendment) Rules, 1996, affidavits and affirmations to be used before the Tribunal shall, in the absence of Registrar, be sworn and affirmed before the Head Clerk, and in the absence of both, before the seniormost UDC.

N. A. BRITTO

Chairman,

Administrative Tribunal.

Panaji, 5th September, 1996.

Notification

LD/N/80/66

In exercise of the powers conferred by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, I, K. R. Damle, Administrator of Goa, Daman and Diu, hereby direct that notwithstanding anything to the contrary in any other law it shall not be necessary to stamp applications, memoranda of appeal and other documents presented to the Goa, Daman and Diu Administrative Tribunal, with the Public Assistance stamps (Assistencia Publica).

Panjim, 12th December, 1966.

K. R. Damle
Administrator

(Published in the Governmentl Gazette, Series I No. 38 dated 16-12-1966).

Order

LD/EST/14-160/67-68.

In exercise of the powers conferred by Section 17 of the G. D. D. Administrative Tribunal Act, 1965 and in partial modification of the Govt. order No. LD/251/65 dated 18-6-1965, the Lt. Governor of Goa, Daman and Diu hereby makes the following amendment to the Administrative Tribunal (Removal of Difficulties) Order, 1965, namely:

1) This order may be called the Administrative Tribunal (Removal of Difficulties) (Amendment) Order, 1968.

2) It shall come into force at once.

3) After clause 3 of the Administrative Tribunal (Removal of Difficulties) Order, 1965 the following proviso shall be inserted:-

“Provided that nothing in this clause shall apply in respect of the audit of institutions receiving grants from Govt. directly or indirectly”.

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

R. L. Segel, Law Secretary.

Panaji, 29th January, 1968.

(Published in the Government Gazette, Series I No. 45 dated 8-2-1968).

GOVERNMENT OF GOA
Department of Law & Judiciary
Law (Establishment) Division

Notification

1-53-82-2004-LD (Estt.)

GOA JUDICIAL SERVICE RULES, 2005

In exercise of the powers conferred by Articles 233 and 234 of the Constitution of India read with Section 20 of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987) and after consultation with the Goa Public Service Commission and the High Court of Bombay, as required by the said Articles 233 and 234 of the Constitution of India and in supersession of the Goa Civil (Judicial Branch) Rules, 1992, the Governor of Goa is pleased to make the following Rules, namely:—

CHAPTER I

Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Judicial Service Rules, 2005.

(2) Rule 3 shall be deemed to have come into force on 1-7-1996, and the remaining rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context requires otherwise,—

(a) "Degree in Law" means a degree qualifying the holder for enrolment as an Advocate under the Advocates Act, 1961 (Central Act 25 of 1961);

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

(c) "Governor" means the Governor of Goa;

(d) "High Court" means the High Court of Bombay;

(e) "Official Gazette" means the Goa Government Gazette;

(f) "Public Prosecutor" includes the Additional and Assistant Public Prosecutor;

(g) "recruiting authority" means the High Court;

(h) "Service" means the Goa Judicial Service;

(i) "State" means the State of Goa.

CHAPTER II

Constitution of the Service

3. Constitution of the Service.— (1) On and from the 1st day of July, 1996, there shall be constituted a State Service known as the Goa Judicial Service.

(2) The service shall consist of the cadres specified in column (2) of the Table below sub-rule (3) and the number of posts in each of those cadres shall be as sanctioned from

time to time. The strength of the cadre as on 1-7-1996 shall consist of posts specified in column (3) of the Table below sub-rule (3).

(3) The existing cadres specified in said column (2) below shall be designated as the cadres specified in the corresponding entries in column (1) of the said Table below and initially they shall constitute the service and the holders of the posts in said column (2) shall hold posts in said column (1) and their condition of service shall be governed by these rules:

TABLE

Pay Scales

1	2	3	4
(a) District Judges and Additional District Judges	(i) District judges	2	Rs. 16,750-20,500
	(ii) Additional District Judges	4	Rs. 16,750-20,500
(b) Senior Civil judges	Civil judges, Senior Division	10	Rs. 12,850-17,550
(c) Civil Judges	Civil Judges, Junior Division	20	Rs. 9,000-14,500

(4) *Selection Grade District Judges and Super Time Scale District Judges.*— The High Court shall confer Selection Grade and Super Time Scale on merit-cum-seniority basis to Officers in the cadre of District Judges with pay scales as indicated in the Table below:—

	Eligibility	Total No. of Officers eligible	Pay Scales
Selection Grade	5 years of service as District Judges	25% of the cadre strength of District Judges	Rs. 18,750-22,850
Super Time Scale	3 years of service as Selection Grade District Judges	10% of the cadre strength of District Judges	Rs. 22,850-24,850

Upon conferment of such Selection Grade or Super Time Scale, such District Judges shall be called "Selection Grade District Judges" or "Super Time Scale District Judges", as the case may be.

TABLE

Sr. No.	Cadre	Method of Recruitment	Qualifications, age limit, etc.
1	2	3	4
1	District Judges and Additional District Judges	(a) 50% of the posts in cadre shall be filled by promotion from the cadre of Senior Civil Judges on the basis of merit-cum-seniority by the High Court.	1. Must have been in the cadre of Senior Civil Judges at least for a period of three years after successful completion of officiating period: Provided that if there are no candidates available for selection, the High Court may, for reasons to be recorded in writing, relax the condition relating to minimum years of service.
		(b) Not exceeding 25% of the posts in the cadre shall be filled in by limited competitive examination, strictly on the basis of merit, in terms of the rules	1. Must have been serving as Senior Civil Judge at least for a period of 1 year after successful completion of officiating period.

		as may be framed by the High Court.	
		(c) By direct recruitment. — Not exceeding 25% of the posts in the cadre may be filled by direct recruitment on the basis of the aggregate marks/grade obtained in a competitive examination conducted by the High Court, in terms of the rules as may be framed by the High Court, from time to time.	(a) <i>Educational qualification and other requirements.</i> — Must be holder of a Degree in Law. (b) <i>Experience.</i> — Must be practicing as an Advocate in the High Court or Courts subordinate thereto for not less than 7 years on the date of publication of advertisement. <i>Note:</i> For the purpose of this clause, in computing the period during which a person has been an Advocate, there shall be included any period during which he has held the post of a public/Police Prosecutor or judicial office. OR Must be working or must have worked as Public Prosecutor or Additional Public Prosecutor or Government Advocate in the High Court for not less than 7 years in the post or posts. In computing the period of 7 years, the period during which the candidate has worked as an Advocate shall also be included. (c) <i>Age.</i> — Must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and forty-five years in the case of others, as on the date of publication of advertisement. (d) (i) <i>Essential:</i> Knowledge of Konkani. (ii) <i>Desirable:</i> Knowledge of Marathi. Must be certified by the Principal Judge of District, where the candidate practices or within whose jurisdiction he ordinarily resides, to have sufficient knowledge of Konkani, knowledge of Marathi being desirable.
2	Senior Civil Judges	By promotion from the cadre of Civil Judges selected by the High Court on the basis of merit-cum-seniority.	1. Must have been in the cadre of Civil Judges for a period not less than 3 years after successful completion of probationary period.
3	Civil Judges	By direct recruitment on the basis of aggregate marks obtained in a competitive examination conducted by the High Court, in terms of the rules as may be framed by the High Court.	<i>For direct recruitment:</i> (a) <i>Educational qualification:</i> Must hold a Degree in Law. (b) <i>Experience:</i> Must have practiced as an Advocate in the High Court or Courts subordinate thereto for a period of three years.

		<p>Or must be a fresh Law Graduate who</p> <p>(i) has secured the Degree in Law by passing all the examinations leading to the Degree in the first attempt;</p> <p>(ii) has secured at the final year examination of the Degree in Law or in case of candidate holding Master's Degree in Law at final LL.M examination not less than fifty five percent marks.</p> <p style="text-align: center;">OR</p> <p>Must be working or must have worked as a Public Prosecutor or Additional Public Prosecutor or Assistant Public Prosecutor or Government Advocate for not less than 3 years in the post or posts. In computing the period of 3 years, the period during which the candidate has worked as an Advocate shall be included.</p> <p style="text-align: center;">OR</p> <p>Must be working as Superintendent in the High Court of Bombay at Panaji or in Courts subordinate thereto in Goa and holding a Degree in Law or Sub-Registrar or District Registrar in Goa holding a Degree in Law or Legal Assistant in the Law Department of the Government of Goa or Superintendent (Legal/Drafting) in the Law Department of the Government of Goa, for not less than 5 years in the post or posts;</p> <p>(c) <i>Age</i>.— Not less than twenty-one years and not more than (i) 35 years in case of Advocates with three years practice, (ii) 25 years in case of fresh Law Graduates:</p> <p>Provided that upper age limit in each of the above categories may be relaxed by five years in respect of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment.</p> <p>(d) (i) <i>Essential</i>: Knowledge of Konkani. (ii) <i>Desirable</i>: Knowledge of Marathi.</p> <p>Candidates must have sufficient knowledge of Konkani; knowledge of Marathi being desirable. Such knowledge must be certified by the Principal Judge of the District where he practices/resides.</p>
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(5) *Assured Career Progression Scales*.— (i) A Civil Judge/a Senior Civil Judge, shall be entitled to be considered for conferment of the First Assured Career Progression Scale on completion of 5 years as Civil Judge/Senior Civil Judge in service if—

- (a) he has not been promoted;

(b) the High Court finds him to be fit to be conferred with Assured Career Progression Scale and his performance as reflected in the Annual Confidential Reports is not less than average;

(ii) A Civil Judge/Senior Civil Judge shall be entitled to be considered for Second Assured Career Progression Scale on completion of 10 years of service as Civil Judge/Senior Civil Judge, if—

(a) he has not been promoted;

(b) the High Court finds him to be fit to be conferred with Assured Career Progression Scale and his performance as reflected in the Annual Confidential Reports is not less than good.

CHAPTER III

Recruitment

4. Appointing Authority.— The Appointing Authority for the cadre of District Judges and Civil Judges shall be the Governor and for the cadre of Senior Civil Judges shall be the High Court.

5. Method of recruitment, qualification and age limit.— In respect of each category of posts specified in column (2) of the Table below, the method of recruitment and minimum qualification, age limit, etc., shall be as specified in the corresponding entries in columns (3) and (4) thereof.

6. Recruitment by nomination or direct recruitment.— (1) (a) In the month of July every year, the recruiting authority shall be informed of the number of existing vacancies and the vacancies that are likely to occur upto July of the next year.

(b) Every year the recruiting authority shall invite by advertisement in the Official Gazette and in at least two Newspapers, application in such form as it may determine, from intending candidates, who possess the prescribed qualifications for filling in the vacancies.

(c) The recruiting authority shall hold a written examination of 200 marks referred to in rule 12 of these rules.

(d) The recruiting authority shall hold *viva voce* examination carrying 50 marks of candidates who secure not less than fifty percent of marks at such written examination:

Provided that Scheduled Caste/Scheduled Tribe candidates who obtain forty five percent or more marks or corresponding grade in the written examination shall be eligible for the *viva voce* examination.

(e) A candidate who could not successfully pass the competitive written examination in three (3) attempts consecutively, shall be debarred from appearing for such examination.

(f) A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete

probation period of any post in judicial service will not be eligible to appear for the competitive examination.

(g) The recruiting authority shall, on the basis of cumulative grade value secured by a candidate, prepare in the order of merit, a list of candidates eligible for appointment. The number of names of candidates to be included in the list shall be equal to the number of vacancies notified.

(h) Besides the above list, the recruiting authority shall prepare an additional list of candidates equal to ten percent of the number of vacancies notified for recruitment, or one, whichever is higher.

(i) The recruiting authority shall recommend the names of selected candidates by completing the selection process within five months from the publication of the advertisement in the Official Gazette.

(j) The Government, within two months of the names of selected candidates being forwarded to it, shall complete the process of verification of antecedents and medical examination and issue appointment orders.

(k) Candidates included in the list prepared under clause (g) of sub-rule (1) above and after such list is exhausted, candidates from the additional list prepared under clause (h) of sub-rule (1), shall be considered for appointment in the order in which their names appear in such lists and subject to rule (10), they may be appointed by the appointing authority in the vacancies notified under clause (a) of sub-rule (1) above. Inclusion of a candidate in any list prepared under sub-rule (1) shall not confer any right of appointment on such candidate.

(l) The High Court may issue the posting orders after appointments are notified by the Government.

(2) Every candidate applying for appointment by direct recruitment shall furnish certificates from two respectable persons unconnected with his College or University and not related to him, testifying to his character.

(3) The decision of the recruiting authority as to the eligibility or otherwise of a candidate for admission to the written and *viva voce* examination shall be final. A candidate to whom certificate of admission has not been issued by the recruiting authority shall not be admitted for the examination.

(4) The lists so prepared under clauses (g) and (h) of sub-rule (1) above shall be published in the Official Gazette and they shall cease to be operative on the expiry of one year from the date of such publication.

(5) Candidates whose names are included in the list prepared under clause (g) of sub-rule (1) above shall be considered for appointment in the order in which their names appear in the list and subject to rule (8), they may be appointed by the appointing authority in the vacancies notified under clause (a) of sub-rule (1) above. Candidates whose names are included in the additional list may be similarly appointed after the candidates whose names are included in the list published under sub-clause (g) of sub-rule (1) above have been appointed. Inclusion of the name of a candidate in any list prepared under sub-rule (1) shall not confer any right of appointment to such candidate.

7. Disqualification for appointment.— A person shall not be eligible for appointment to the service—

(a) if he is not a citizen of India; or

(b) if he is compulsorily retired, removed or dismissed from judicial service or from service in Government or statutory or local authority, or failed to complete probation period in Judicial Service or any post, or in Government or statutory or local authority; or

(c) if he has been convicted of an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(d) if he directly or indirectly influences the recruiting authority by any means for his candidature; or

(e) if he is a man who has more than one wife living and if a woman, has married a man already having another wife; or

(f) if he has more than two children.

8. Conditions relating to suitability, fitness and character.— No person selected for appointment by direct recruitment shall be appointed,—

(i) unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(ii) unless it is certified by the Medical Authority specified by High Court that he is medically fit to discharge the duties of the post to which he is selected for appointment.

9. Fees.— Every candidate for direct recruitment may be required to pay such fees as may be specified in the notification inviting applications:

Provided that in the case of a candidate belonging to Scheduled Caste or Scheduled Tribes, the fees payable shall be one half of the fees specified in the notification for other candidates.

10. Joining time for appointment.— (1) A candidate selected for direct recruitment shall report for duty before the authority on the date specified in the order of appointment.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of selected candidates and he shall cease to be eligible for appointment.

11. Appointment by promotion.— (1) To fill a vacancy required to be filled by promotion, the recruiting authority shall take all necessary steps well in advance so as to

finalise the list of persons considered eligible for promotion at least 15 days before the occurrence of the vacancy. For this purpose, the authority may follow an annual programme similar to the one specified in sub-rule (1) of rule 6 above.

(2) (a) Promotion of Civil Judge to the post of Senior Civil Judge shall be made on the basis of evaluation of their judgments carrying 50 marks, evaluation of Annual Confidential Reports carrying 20 marks, vigilance reports carrying 20 marks and special reports of the Heads of the Department under whom the candidate has worked in the three years preceding the year of selection carrying 10 marks.

(b) The Recruiting Authority shall draw up a list of Officers from the zone of consideration in accordance with the marks obtained by the Officers in the valuation referred to in the preceding clause. Officers equal to the number of vacancies to be filled in the next one year shall be picked up in order of marks obtained by them. The names of such Officers shall be rearranged in accordance with their seniority in the cadre of Civil Judges. Appointments shall be made from the list so prepared in the succeeding year.

(c) An additional list of officers equal to ten percent of the expected number of vacancies may also be similarly prepared.

(3) (a) Promotion of Senior Civil Judges to the post of District Judges shall be made on the basis of their performance at a written examination of 200 marks, evaluation of their judgments carrying 50 marks, evaluation of Annual Confidential Reports carrying 20 marks, vigilance reports carrying 20 marks, special reports of the Heads of the Departments under whom the candidate has worked in three years preceding the year of selection carrying 10 marks and *viva voce* examination carrying 50 marks.

(b) A list of all candidates considered for promotion shall be prepared in order of cumulative grade obtained by them as a result, of evaluation referred to in clause (a) of this sub-rule.

(c) A list of candidates who comply with the requirements specified in column (4) against entry No. 1 (b) in the Table under rule (5) equal to 25% of vacancies to be filled in strictly on the basis of merit, shall be first drawn up from the list referred to in clause (b) of this sub-rule in the order of marks obtained by them.

(d) A list of candidates equal to 50% of vacancies to be filled up on the basis of merit-cum-seniority shall then be drawn up from the remaining list in order of marks obtained by them and the names of such candidates shall be re-arranged in the order of their seniority in the cadre of Senior Civil Judges.

12. Competitive examination.— (1) The competitive examination/written examination for recruitment to the posts of District Judges, whether by nomination or promotion, shall be of not less than two hours duration with 200 maximum marks.

(2) The competitive examination for recruitment of Civil Judges shall consist of a written examination of two papers having duration of two hours each carrying 100 marks each in Civil and Criminal Laws, respectively.

(3) The object of the *viva voce* examination under these rules is to assess the suitability of the candidate for the cadre by judging the mental alertness, knowledge of law, clear and logical exposition, balance of judgment, skills, attitude, ethics, power of assimilation, power of communication, character, intellectual depth and the like of the candidate.

(4) The mode of evaluating the performance and grading in the written and *viva voce* examination shall be as specified in Schedule - A.

13. Selection Committee.— (1) The Selection Committee for direct recruitment shall consist of the following:—

(a) Two Judges of the High Court to be nominated by the Chief Justice. The senior-most Judge shall act as the Chairperson.

(b) The Chief Secretary of the State of Goa.

(c) The Law Secretary to the Government of Goa will be the ex-officio Secretary.

(2) The selection of members of the service for promotion shall be made by the High Court.

CHAPTER IV

Probation and Officiation

14. Probation and officiation.— (1) All appointments to the service by direct recruitment shall be on probation for a period of two years.

(2) All appointments by promotion shall be on officiating basis for a period of two years.

(3) The period of probation or officiation, as the case may be, for reasons to be recorded in writing, may be extended by the appointing authority by such period not exceeding two years.

(4) Months before the end of the period of probation or officiation or before the extended period of probation or officiation, as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted, and—

(i) if he is found suitable, issue an order declaring him to have satisfactorily completed the period of probation or officiation, as the case may be; and such an order shall have effect from the date of expiry of the period of probation or officiation, including the extended period, if any, as the case may be.

(ii) if the appointing authority finds that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, shall, by order—

(a) if he is a promotee, revert him to the post which he held prior to his promotion;

(b) if he is a probationer, discharge him from service.

(5) A person shall not be considered to have satisfactorily completed the period of probation or officiation, as the case may be, unless a specific order to that effect is passed. Any delay in passing such an order shall not entitle the person to be deemed to have satisfactorily completed the period of officiation or probation as the case may be.

15. Discharge of a probationer during period of probation.— Notwithstanding anything contained in rule (14), the appointing authority may, at any time during the period of probation, discharge from services, a probationer on account of his unsuitability for the service.

16. Confirmation.— A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be confirmed as a member of the service in the category of post to which he was appointed or, as the case may be, promoted, at the earliest opportunity in any substantive vacancy which may exist or arise.

17. Increment during the period of probation or officiation.— The increments during the period of probation should be regulated as follows:—

(i) The first increment should be released on completion of one year of his probationary period and the subsequent increment should be released on his completing the probationary period satisfactorily.

(ii) A probationer whose probationary period is extended on account of unsatisfactory performance, should be allowed to draw second increment only with effect from the date of satisfactory completion of the probationary period and shall not be eligible for arrears.

CHAPTER V

Seniority

18. Seniority.— (1) An Officer appointed in accordance with the rules of recruitment on regular basis shall be senior to persons appointed temporarily.

(2) Where more than one officer is promoted to a cadre at the same time, the inter-se-seniority of persons so promoted shall be determined by order in which their names are arranged in the select list of promotees.

(3) Where direct recruitment is made to a cadre, the inter-se-seniority of persons so recruited shall be in the order in which their names are arranged in the select list.

19. Seniority of District Judges to be appointed after these rules come into force.— Officers who are appointed under entries 1 (a), 1 (b) or 1 (c) in the Table under rule (5) of these rules, their seniority shall be regulated by a forty point roster in Appendix-I to these Rules.

20. Publication of Seniority List.— Every year in the month of January, seniority lists of Officers in all cadres shall be prepared and published by the High Court and the lists so published shall be used for the purpose of making promotions to the next higher cadre.

CHAPTER VI

Miscellaneous

21. Age of superannuation.— Every member of the Judicial Service shall retire by superannuation on attaining the age of 60 years, subject to clearance by Special Review Committee constituted by the Chief Justice of the High Court for the purpose which Committee shall review the cases of all Judicial Officers by following the procedure prescribed for compulsory retirement under the Service Rules applicable to them, on their attaining the age of 58 years.

22. Addition of certain service for purpose of pension.— An Advocate appointed as a Civil Judge or a District Judge shall be entitled to reckon as service qualifying for superannuation pension, the actual period of practice put in by him at the Bar not exceeding three years or seven years respectively.

23. Retirement in public interest.— Notwithstanding anything contained in these rules, the Governor shall, on the recommendation of the High Court, if he is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service when he attains the age of 50/55 years by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice.

24. Knowledge of Konkani and Marathi.— For appointment by direct recruitment, knowledge of Konkani is essential. Knowledge of Marathi will be desirable.

25. Residuary provision.— The conditions of service of the members of the service for which no express provision is made in these rules shall be determined by the rules and orders for the time being applicable to Officers of the Goa Civil Service of similar ranks.

26. Training.— (1) (a) Every person appointed by direct recruitment to the service shall, before he is given a posting, undergo such training as may, be prescribed by the High Court from time to time.

(b) A person may be deemed unsuitable for the purpose of rule 15 if his performance during the training is found to be unsatisfactory.

(2) Every member of the service shall be given such periodical training as the High Court may, from time to time, prescribe.

27. Repeal and Savings.— (1) On and from the date of commencement of these rules, the Goa Civil Service (Judicial Branch) Rules, 1992 shall stand repealed:

Provided that such repeal shall not affect the previous operation of the rules so repealed and anything done or any action taken shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force unless and until specifically invalidated under the present rules.

(2) All the rules/regulations/resolutions and practices, so far as they are inconsistent/with these rules stand repealed.

SCHEDULE-A

[See Rule 12(4)]

Evaluating Performances in Competitive Examinations for Judicial Selection

The system operates as follows:

1. The questions in the question paper may carry numerical marks for each question.
2. The examiner may assign numerical marks for each sub-question which may be totalled up and shown against each full question in numbers.
3. The tabulator will then convert the numerical marks into grades in a seven point scale with corresponding grade values as follows:

Percentage of marks	Grade	Grade value
70% and above	0	7
65% to 69%	A+	6
60% to 64%	A	5
55% to 59%	B+	4
50% to 54%	B	3
45% to 49%	C+	2
40% to 44%	C	1
Below 40%	F	0

4. After converting the numerical marks of each question into the appropriate Grade according to the formula given in the first column above, the tabular will re-convert the Grades obtained for each question to the Grade value according to the value given in the third column above.

What is now obtained is the relative Grade value of each answer in the question paper obtained by the candidate in a seven point scale (i.e. '0' to '7').

The tabulators next task is to add up those Grade values and divide the sum total by the number of questions in the answer book including the questions unanswered by the candidate. What is thus obtained is the Cumulative Grade Value Average (CGVA) obtained by the candidate at the examinations. Suppose the CGVA comes to '4', the Grade obtained by the candidate at the examination is "B+". If the CGVA is '6', the Grade of the candidate is "A+".

5. Thus organised, the result of the written examination will be indicating only the cumulative evaluation Grade of the candidates which moderates the inevitable element of subjectivity in individual evaluation and brings in relative objectivity and fairness to a much higher degree. Of course, the tabulation record sheet can carry the numerical marks as well for reference and rechecking whenever needed. A proper computer programme can do all these operations in minutes.

6. What happens if there are several successful candidates obtaining the same grade and the available positions are fewer in number? How do you rank then to determine who is to be given the job? Of course, this situation can develop with numerical marking also where persons with one mark or half a mark difference are given advantage. This is unfair given the fact that in actual practice this may happen because of the play of subjective elements on the part of the individual examiners. What is therefore, recommended is a similar vigorous and objective grade value exercise for the *viva voce* examination as well.

7. At the end of each day's interview, the tabulator will convert the numerical marks assigned to each category into Grades and then to Grade values. This will then be totalled up and the Cumulative Grade Value Average of each candidate interviewed will be obtained.

8. Thus a separate list of candidates interviewed and the Grades obtained in the *viva voce* will be readied which will naturally be far more fair and transparent with little scope for corrupt practices to creep in. Again, for ready reference, the result sheet may carry the numerical marks side by side with Grades.

9. The final selection list will be readied by combining the Cumulative Grade Value obtained in the written examination and the *viva voce* examination.

Since in practice many candidates who have obtained less than prescribed Grade (say B+) in the written examination will not be called for *viva voce* examination, the combined tabulation has to be done only with reference to fewer candidates, possibly one-tenth or even less of the total number of applicants for the job.

10. If the *viva voce* is rigorous and higher marks are given only to those who are outstanding in all categories of evaluation given in the proforma, the chances are very few will obtain higher Grades (like 'O' or 'A') and their numbers may be just within the available vacancies. There may be some borderline cases where it is difficult to determine who is to be included and whom to be excluded. This dilemma may be resolved by a second interview between those candidates by the same board or alternatively looking at the difference in numerical scores between them similarly placed in Grades.

APPENDIX - I

40 Points Roster

1. Direct recruit
2. Promotee (Through competitive examination)
3. Promotee
4. Promotee
5. Direct recruit
6. Promotee (Through competitive examination)
7. Promotee
8. Promotee
9. Direct recruit
10. Promotee (Through competitive examination)
11. Promotee
12. Promotee
13. Direct recruit
14. Promotee (Through competitive examination)
15. Promotee
16. Promotee
17. Direct recruit
18. Promotee (Through competitive examination)
19. Promotee
20. Promotee

21. Direct recruit
22. Promotee (Through competitive examination)
23. Promotee
24. Promotee
25. Direct recruit
26. Promotee (Through competitive examination)
27. Promotee
28. Promotee
29. Direct recruit
30. Promotee (Through competitive examination)
31. Promotee
32. Promotee
33. Direct recruit
34. Promotee (Through competitive examination)
35. Promotee
36. Promotee
37. Direct recruit
38. Promotee (Through competitive examination)
39. Promotee
40. Promotee

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

Mario da Silva, Under Secretary (Law-Estt.).

Panaji, 28th June, 2005.