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REPUBLIC OF MAURITIUS

24th
Annual Report
of the
Ombudsman

January — December 1997

No. 14 of 1998

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Annual Report

of the

Ombudsman

January — December 1997

OFFICE OF THE OMBUDSMAN

OMB. 13/04 Vol. XXIV

**Ombudsman's Office,
Bank of Baroda Building,
4th Floor,
Sir William Newton Street,
Port Louis,
Mauritius.**

13 May 1998

Mr. Cassam Uteem, G.C.S.K.,
President of the Republic of Mauritius,
State House,
Le Reduit.

Mr. President,

In accordance with the provisions of Section 101 (3) of the Constitution of Mauritius I have the honour, pleasure and privilege to present to you the 24th Annual Report of the Ombudsman which concerns the discharge of my functions during the period 1 January to 31 December 1997.

The Report is to be laid before the National Assembly.

Yours respectfully,
(Soleman M. HATTEEA)
Ombudsman

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Annual Report of the Ombudsman

January — December 1997

Introduction

This is the 24th Annual Report of the Ombudsman and it is my ninth Report since I assumed office as Ombudsman.

This Report concerns the discharge of my functions during the period 1 January to 31 December 1997.

During the year under review there has been a slight increase over the preceding year as regard the number of new cases. Indeed we opened 492 new files as compared to 470 in 1996 which itself was a record year.

We also received 154 copies of complaints against other bodies and 204 complaints which, although addressed to me, were outside my jurisdiction. As usual, in deserving cases, I follow up a matter until its resolution or else tender advice to the writers on the procedure to be followed or still I explain to them my inability to intervene on account of my limited jurisdiction, for instance in matters of appointment, promotion and discipline in the Public Service which are exclusively within the province of the Public Service Commission.

Statistics

The following table shows the situation as at 31 December 1997 as regard cases which fell under my jurisdiction.

Cases pending as at 31 December 1996	...	300
Case intake in 1997	...	492
Cases dealt with in 1997	...	792
Cases rectified	...	158
Cases partly rectified	...	5
Cases not justified	...	33
Cases explained	...	162
Cases discontinued	...	31
Cases not entertained	...	5
Cases withdrawn	...	1
Cases pending as at 31 December 1997	...	395

Own-motion cases

Inasmuch as I am empowered by the Constitution to start an investigation on my own initiative whenever I consider it desirable to do so I have used this power in several instances in 1997.

Hereunder are some examples of such cases which have been investigated as a result of articles picked up by me in the Press:

	<i>Nature of problem</i>	<i>Action taken/proposed</i>
C/5/97	Flooding of houses at Military Road due to absence of drain and bad state of roads.	Construction of drain and road works at Military Road included in approved Marshall Plan and will be implemented by the Ministry of Urban and Rural Development under the aegis of the Prime Minister's Office.
C/71/97	Disruption of water supply to villages in the North caused by pipelaying works to replace old existing network.	Damaged pipes repaired and consumers re-connected to existing water supply.
C/159/97	Noise and air pollution due to bus-stand at Gladstone St., Rose Hill.	Construction of new Traffic Centre at Ebene. Buses will operate from there.

	<i>Nature of problem</i>	<i>Action taken/proposed</i>
C/254/97	Waste water causes a lot of inconvenience to inhabitants of Cite Débarcadère at Pointe-aux-Sables.	Residents informed of facilities provided for cesspool emptying by Waste Water Authority and future provision of reticulated network - Terms of reference of project being prepared and project financed by E.D.F.
C/255/97	Odour nuisance caused by blocked public drain at Ste. Croix - breeding ground for mosquitoes.	(i) Statement of nuisance served on Municipality of Port Louis for proper cleaning of public drain. Compliance obtained. (ii) Statement of nuisance issued to Ministry of Public Infrastructure to connect all effluents from Ste. Croix Social Welfare Centre to existing sewerage network. Situation monitored by Health Inspectorate Division of Ministry of Health and Quality of Life.
C/256/97	Odour nuisance caused by poultry rearing on big scale at Bois Cheri Road, Moka.	Contravention established against offender.
C/269/97	Sewerage problem at Plaine Verte.	Team of sewerage pipe cleaners sent to affected area. Section of sewer line was damaged. Repair works completed.
C/270/97	Road flooded and rendered impracticable at Triolet.	Matter referred to Chief Executive Officer of Pamplemouses - Rivière du Rempart District Council.
C/271/97	Roads in deplorable condition at Morcellement Raffray, St. Pierre.	Temporary measure: crusher run spread to avoid water logging and drains to be cleared. Permanent solution: District Council requests National Development Unit, Prime Minister's Office, to finance project of construction of concrete drains and resurfacing of roads.
C/357/97	Filthy stagnant water poses health and other problems to inhabitants of Pellegrin St., Port Louis.	(i) Steps taken for disinfection of the area as a preventive measure against the spread of infection. (ii) Municipality of Port Louis considering the construction of road drains.

Nature of problem

C/359/97 Inhabitants of Notre Dame affected by poor supply of water since three months.

Action taken/proposed

- (iii) Ministry of Public Utilities approached to explore the possibility of setting up a proper sewerage system.
- (i) water tanker service sent twice daily to the locality;
- (ii) further valve operations to be carried out to redistribute water in order to ensure adequate pressure of water;
- (iii) drilling and testing of a borehole;
- (iv) completion of Nicoliere filters and downstream works project.

Rodrigues

I repaired to Rodrigues twice in 1997, accompanied by Mr. H. Hosanee, Secretary of the Ombudsman's Office.

Yet again we were flooded with claims by Rodriguans to the effect that their length of service had been wrongly computed thus resulting in a shortpayment of retiring and/or other benefits. The claimants ranged from persons who had retired from the Public Service more than twenty years ago to those who are still serving. A special unit has been set up by the Rodrigues Administration since a couple of years already in order to deal specifically with such cases. I must however admit that it is not an easy task to look up in the appropriate volumes the names of the claimants and other entries concerning them in handwriting which has faded away with the passage of time. All the same we have been able to give satisfaction to the majority of them.

Other cases concerned applications for State land. In this case it is the Rodrigues Administration which is flooded with such demands and I am informed that in view of the scarcity of land in Rodrigues priority has to be given to the most deserving cases, account being taken of the social and economic development of the island.

International Events

1° In June 1997 was held the first "Congrès mondial des ombudsmans et médiateurs de la francophonie".

Hereunder is the full text of the Press Communiqué issued after the meeting —

"LES OMBUDSMANS ET MÉDIATEURS DE LA FRANCOPHONIE, RÉUNIS À QUÉBEC, ÉTABLISSSENT UNE ASSOCIATION PERMANENTE POUR CONTRIBUER ACTIVEMENT AU DÉVELOPPEMENT DE L'ÉTAT DE DROIT, DE LA PAIX SOCIALE ET DE LA DÉMOCRATIE DANS LES PAYS ET GOUVERNEMENTS DE LA FRANCOPHONIE

Sainte-Foy, le 17 juin 1997 — Du 9 au 12 juin, Me Daniel Jacoby, Protecteur du citoyen du Québec et secrétaire exécutif de l'Institut international de l'ombudsman, a été l'hôte du 1er Congrès des ombudsmans et médiateurs de la Francophonie qui regroupait les délégations de Belgique, du Burkina Faso, de la Côte d'Ivoire, de France, du Gabon, de Haïti, de Madagascar, de l'Ile Maurice, de la Mauritanie, du Nouveau-Brunswick, du Québec, de Sainte-Lucie, du Sénégal, des Seychelles et du Vanuatu, ainsi que le commissaire aux langues officielles du Canada et le commissaire aux plaintes du public contre la Gendarmerie royale du Canada.

Les ombudsmans et médiateurs de la Francophonie ont débattu de questions aussi fondamentales que l'impact de la mondialisation et la lutte au déficit sur les droits des citoyens. Ils ont exprimé leurs préoccupations devant la montée de l'exclusion sociale et de l'intolérance. Rappelant l'indépendance et l'impartialité qui les caractérisent, ils ont décidé de consacrer principalement leurs efforts pour le respect des droits humains, y compris les droits sociaux; dans cette perspective, ils se doivent d'agir comme agents de changement pour un meilleur équilibre des rapports entre les gouvernements et les citoyens.

Les ombudsmans et médiateurs ont souligné qu'ils exercent leurs fonctions dans un esprit de non-confrontation avec les pouvoirs publics mais avec l'objectif de coopérer avec eux pour apporter des solutions originales aux problèmes de dysfonctionnement des appareils publics et pour assurer le respect des droits des citoyens.

Les ombudsmans et médiateurs vont dorénavant contribuer de manière significative à l'État de droit, au renforcement de la démocratie et à l'instauration de la paix sociale.

À l'issue de leur congrès, les ombudsmans et médiateurs de la Francophonie ont décidé du principe d'une Association permanente; ses objectifs seront notamment de coopérer pour le renforcement des bureaux d'ombudsman existant dans la Francophonie et de promouvoir l'établissement de la fonction d'ombudsman et de médiateur au sein des 49 États et gouvernements de la Francophonie et ailleurs dans le monde. Ils ont également accepté les invitations respectives des médiateurs de la Mauritanie et du Burkina Faso pour les prochains congrès de 1998 et 1999.

À cet égard, Me Jacoby a été nommé président de l'Association jusqu'à sa constitution formelle au prochain congrès. Un comité de suivi a été formé de Son Excellence Tiémoko Marc Garango, médiateur du Burkina Faso, de madame Jeanne Manomba-Kombila, médiateur du Gabon, de monsieur Sid'Ahmed Bnejara, médiateur de la Mauritanie, de monsieur Seydou Madani Sy, médiateur du Sénégal et de monsieur Jacques Pelletier, médiateur de la République française; Me Jacoby coordonnera ce comité qui a pour mandat d'établir les statuts de l'Association, d'élaborer le financement des activités et de proposer le siège social. De plus, les ombudsmans et médiateurs de la Francophonie souhaitent pouvoir être représentés à la 7^e Conférence des chefs d'État et de gouvernement du Sommet de la francophonie qui se tiendra à Hanoï au Vietnam".

Subsequently a draft of the statutes of the association has been prepared and circulated for consideration and comments.

A second meeting will be held in May 1998 in Nouakchott, Mauritania.

2° The Fifth African Regional Conference of Ombudsman was held in Accra, Ghana, in September 1997. The theme of the Conference was: The importance of administrative justice in the democratisation process in Africa.

The final declaration will appear in my next Annual Report.

Ombudsman's comments

The Ombudsman is in no way, nor was it intended to be, a tribunal. He is someone whose job is to ensure that the administration of government services is fair and just. He is neutral and independent of the government and of any political party. He endeavours to resolve a problem through dialogue and conciliation.

Even in the most modern, open and democratic countries bureaucratic excesses exist. If any person believes that he has been the victim of such an excess and has, as a result, suffered any prejudice or injustice he may seize the Ombudsman to investigate into his case. As far as possible and in compliance with the law the Ombudsman observes the strictest confidentiality.

The Ombudsman acts like a mediator and he looks at all sides of a problem. If something has been done improperly or unfairly, or if there has been absence of action where action should have been taken, he will do whatever he can to find a solution to the problem. It is not an easy task but it must be done in such a way as to ensure, as far as possible, consumer satisfaction, not only to those complainants whose cases have been remedied but also others who have been able to have their grievances attended to by an independent and non-partisan person, whatever the result may be. A society which believes that it cannot voice its grievances against government becomes a frustrated society and shows discontent with the system, regardless whether the grievances are valid or not. The Ombudsman is there to listen to those grievances and in appropriate cases recommend remedial action.

I would like to take this opportunity to remind public officers that, in this day and age, the key words in their dealings with the citizen are: integrity, transparency and accountability. Indeed I wish to reiterate what I have previously said in certain of my reports -

1° 18th Annual Report of the Ombudsman, January - December 1991, at page 5 under **General Remarks**:

"Secondly there have been a few instances of complaints based on alleged discrimination on communal ground, although, I hasten to add, no proof of same was forthcoming. It would therefore not be superfluous to remind public officers that appurtenance to a particular community is not a criterion to be used in the performance of their duties or in their dealings with the public. For the sake of good administration it is important that public officers be well perceived in the mind of the public. They must not only be fair but also seen to be fair."

2° 19th Annual Report of the Ombudsman, January-December 1992, at page 2 under **Traditional role of the Ombudsman:**

"Sometimes the problem is not so much with the situation or the case being dealt with as with the officers dealing with the files. Negligence, incompetence, lack of dedication, corruption, etc. are all factors which aggravate problems and give rise to a lot of dissatisfaction and frustrates the legitimate expectation of the citizen."

3° 20th Annual Report of the Ombudsman, January-December 1993, at page 1 under **General Remarks:**

".....
....."

Whilst advocating the need for a Code of Conduct/Ethics for civil servants this is what the Minister had to say: "One of the cardinal principles of the Code should be that public employees should provide service to the public in a courteous, equitable, efficient and effective manner and that they should be sensitive and responsive to the changing needs, wishes and rights of the public and endeavour at all times to promote excellence in the public service." The aim of the Code would be to promote "responsible behaviour".

I would simply add that there is no need to wait for the Code. Every public officer should feel concerned and should have the courage to take up the challenge straight away. He will find it stimulating, well worth his effort and most rewarding."

4° 21st Annual Report of the Ombudsman, January-December 1994, at page 1 under **The Role of the Ombudsman:**

"In order to understand the role of the Ombudsman it is perhaps appropriate to know first what is expected of a public servant. And I have no hesitation to provide the answer by borrowing from the Public Service Act of Quebec, section 5 of which states as follows —

"A public servant shall perform his duties in the public interest, to the best of his ability, with honesty and impartiality, and shall treat the public with consideration and diligence."

As regard the Ombudsman himself and his staff we have devised an unwritten code of ethics and I am pleased to say that —

- (i) we treat all complainants fairly and with dignity;
- (ii) we treat every complaint on its merits;
- (iii) we act impartially between the complainant and the Ministry/department concerned;

- (iv) we carry out investigations in accordance with the law ;
- (v) we observe the requirements of confidentiality; and
- (vi) we maintain the independence of the Office.

Acknowledgements

The preparation of this report is the result of the combined effort of one and all in my Office. I therefore extend to them my deepest gratitude.

I also wish to thank all the Supervising and other Officers of the Ministries/Departments whose actions I have investigated, for their cooperation, although I must add that in certain cases I have had to "extract" such cooperation.

My thanks also go to the International Ombudsman Institute for keeping us aware of developments throughout the Ombudsman world.

Appendices

Appendix A reproduces Chapter IX of the Constitution which relates to the establishment, appointment, jurisdiction and powers of the Ombudsman.

Appendix B reproduces the Ombudsman Act which provides for the oath to be taken by the Ombudsman and his staff upon assumption of office, the procedure for lodging a complaint and other ancillary matters. The Act also makes it an offence for any person who influences or attempts to influence the decision of the Ombudsman with regard to a complaint made to or an investigation carried out by the Ombudsman, and similarly for any person who wilfully gives false or misleading information to the Ombudsman.

Appendix C contains summaries of a number of selected complaints against an array of government departments/ministries.

Appendix D is a statistical summary of the complaints received according to the department/ministry concerned.

Appendix E gives a quick idea of the nature of the complaint, the department/ministry against which made and the result of the case.

Appendix F shows a list of bodies or persons against whom complaints were made but which complaints fell outside the jurisdiction of the Ombudsman.

Date : 13 May 1998

(S.M. HATTEEA)
Ombudsman

APPENDIX A

CHAPTER IX — THE OMBUDSMAN

96. Office of Ombudsman

(1) There shall be an Ombudsman, whose office shall be a public office.

(2) The Ombudsman shall be appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, acting in his own deliberate judgment, to be leaders of parties in the Assembly.

(3) No person shall be qualified for appointment as Ombudsman if he is a member of, or a candidate for election to, the Assembly or any local authority or is a local government officer, and no person holding the office of Ombudsman shall perform the functions of any other public office.

(4) The offices of the staff of the Ombudsman shall be public offices and shall consist of that of a Senior Investigations Officer and such other offices as may be prescribed by the President, acting after consultation with the Prime Minister.

97. Investigations by Ombudsman.

(1) Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which —

- (a) a complaint under this section is made;
- (b) he is invited to do so by any Minister or other member of the Assembly; or
- (c) he considers it desirable to do so of his own motion.

(2) This section applies to the following officers and authorities —

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prison Service or any other service maintained and controlled by the government or any officer or authority of any such service;
- (d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;

- (e) such other officers or authorities as may be prescribed by Parliament:

Provided that it shall not apply in relation to any of the following officers and authorities —

- (i) the President or his personal staff;
- (ii) the Chief Justice;
- (iii) any Commission established by this Constitution or its staff;
- (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;
- (v) any person exercising powers delegated to him by the Public Service Commission or the Police Service Commission, being powers the exercise of which is subject to review or confirmation by the Commission by which they were delegated.

(3) A complaint under this section may be made by an individual, or by any body of persons whether incorporated or not, not being —

- (a) an authority of the government or a local authority or other authority or body constituted for purposes of the public service or local government; or
- (b) any other authority or body whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of money provided from public funds.

(4) Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.

(5) The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.

(6) The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to —

- (a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or
- (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and
- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.

(7) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgment.

(8) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him —

- (a) that the complaint is merely frivolous or vexatious;
- (b) that the subject-matter of the complaint is trivial;
- (c) that the person aggrieved has no sufficient interest in the subject-matter of the complaint; or
- (d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.

(9) The Ombudsman shall not conduct an investigation under this section in respect of any matter

where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.

(10) In this section, "action" includes failure to act.

98. Procedure in respect of investigations.

(1) Where the Ombudsman proposes to conduct an investigation under section 97, he shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action in question, an opportunity to comment on any allegations made to the Ombudsman in respect of it.

(2) Every such investigation shall be conducted in private but, except as provided in this Constitution or as prescribed under section 102, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case; and without prejudice to subsection (1), the Ombudsman may obtain information from such persons and in such manner, and make such enquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or attorney or otherwise, in the investigation.

99. Disclosure of information.

(1) For the purposes of an investigation under section 97, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the State shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating

to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such a notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

100. Proceedings after investigation.

(1) This section shall apply in every case where, after making an investigation, the Ombudsman is of opinion that the action that was the subject-matter of investigation was —

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

(2) Where in any case to which this section applies the Ombudsman is of opinion —

- (a) that the matter should be given further consideration;
- (b) that an omission should be rectified;
- (c) that a decision should be cancelled, reversed or varied;
- (d) that any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) that any law on which the act, omission, decision or recommendation was based should be reconsidered;

- (f) that reasons should have been given for the decision; or
- (g) that any other steps should be taken, the Ombudsman shall report his opinion, and his reasons, to the principal officer of any department or authority concerned, and may make such recommendations as he thinks fit; he may request that officer to notify him, within a specified time, of any steps that it is proposed to take to give effect to his recommendations; and he shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.

(3) Where within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, if he thinks fit, after considering any comments made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the Assembly on the matter as he thinks fit.

101. Discharge of functions of Ombudsman.

(1) In the discharge of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman, other than proceedings under section 102A, shall be called in question in any court of law.

(2) In determining whether to initiate, to continue or discontinue an investigation under section 97, the Ombudsman shall act in accordance with his own discretion, and any question whether a complaint is duly made for the purposes of that section shall be determined by the Ombudsman.

(3) The Ombudsman shall make an annual report to the President concerning the discharge of his functions, which shall be laid before the Assembly.

102. Supplementary and ancillary provision.

There shall be such provision as may be prescribed for such supplementary and ancillary matters as may appear necessary or expedient in consequence of any of the provisions of this Chapter, including (without prejudice to the generality of the foregoing power) provision —

- (a) for the procedure to be observed by the Ombudsman in performing his functions;

- (b) for the manner in which complaints under section 97 may be made (including a requirement that such complaints should be transmitted to the Ombudsman through the intermediary of a member of the Assembly);
- (c) for the payment of fees in respect of any complaint or investigation;
- (d) for the powers, protection and privileges of the Ombudsman and his staff or of other persons or authorities with respect to any investigation or report by the Ombudsman, including the privilege of communications to and from the Ombudsman and his staff; and
- (e) the definition and trial of offences connected with the functions of the Ombudsman and his staff and the imposition of penalties for such offences.

102A. Allegation of fraud or corruption.

- (1) (a) Notwithstanding the other provisions of this Chapter and subject to subsection (2), the Ombudsman may investigate any allegation of fraud or corruption against a person, other than a Judge of the Supreme Court, who holds or has held an office specified in the Fourth Schedule, concerning an act or omission related to the exercise of the duties of that person.
 - (b) The Ombudsman may investigate any allegation of fraud or corruption under paragraph (a) —
 - (i) on a complaint made to him in writing;
 - (ii) of his own motion.
 - (c) In paragraph (a) “allegation of fraud or corruption” means an allegation that the person concerned has by an act or omission rendered himself liable to be prosecuted for an offence involving fraud or corruption which is punishable under the Criminal Code or such other enactment as may be prescribed.
- (2) The Ombudsman shall not conduct an investigation in respect of an allegation made under subsection (1) where it appears to him that —
- (a) the allegation is merely frivolous or vexatious;

- (b) the subject-matter of the allegation is trivial;
- (c) the making of the allegation has, without reasonable cause, been delayed for more than twelve months.

(3) Where the Ombudsman proposes to conduct an investigation under this section, he shall afford to the person against whom the allegation is made an opportunity to comment thereon.

(4) Where after hearing the person concerned and after making such preliminary investigation as he may deem fit, the Ombudsman is of the opinion that the allegation is groundless, he shall —

- (a) put an end to the investigation;
- (b) inform the maker of the allegation as well as the person against whom the allegation was made accordingly;
- (c) make a report to the President accordingly.

(5) The Ombudsman may obtain information from such person and in such manner, and make such enquiries, as he thinks fit.

(6) Where after making a preliminary investigation, the Ombudsman is of the opinion that a full enquiry is necessary, he shall inform the maker of the allegation as well as the person against whom the allegation was made accordingly.

(7) (a) The Ombudsman shall when making a full enquiry under this section, be assisted by two assessors appointed on such terms and conditions as the President may deem fit.

- (b) Any assessor appointed under this subsection shall take such oath as may be prescribed.

(8) The procedure for conducting a preliminary investigation or a full enquiry shall be such as the Ombudsman considers appropriate in the circumstances of the case.

(9) Section 99 shall apply to a full enquiry under this section.

(10) Subject to the other provisions of this section, the Ombudsman shall be bound by the law of evidence as is applicable in proceedings before the Supreme Court.

(11) Any complaint made in writing to the Ombudsman or any evidence given before the Ombudsman shall not, where made or given in good faith, give rise to any civil or criminal proceedings.

(12) On the completion of an enquiry under this section, the Ombudsman shall make a report to the President.

(13) (a) On receipt of a report under subsection(12), the President shall submit a copy thereof to the Prime Minister.

(b) The Prime Minister shall, within 3 months of the receipt of a copy of the report, lay it before the Assembly.

APPENDIX B

THE OMBUDSMAN ACT

1. Short title.

This Act may be cited as the Ombudsman Act.

2. Oaths of office.

(1) Before performing the duties of their respective offices, the Ombudsman and the Senior Investigation Officer shall take an oath before a Judge that they will faithfully and impartially perform the duties of their offices and that they will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by them in the exercise of their duties.

(2) The other members of the staff of the Ombudsman shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties.

(3) Every person mentioned in subsection (2) shall, before entering upon the exercise of his duties, take an oath to be administered by the Ombudsman, that he will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by him in the exercise of his duties.

3. Procedure.

(1) Any complaint made to the Ombudsman shall be in writing and, subject to subsection (2), a copy of the complaint shall be communicated to a member of the Assembly.

(2) Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is in legal custody or is an inmate of a mental hospital or other similar institution, the person in charge of the place where the writer of the letter is detained or is an inmate shall forward the letter unopened immediately to the Ombudsman.

4. Action by department not affected by investigation.

The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned, or any power or duty of that department or authority to take further action with respect to any matter which is the subject of the investigation.

5. Privilege of communication.

For the purposes of any enactment relating to defamation, the publication, by the Ombudsman or by any member of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff of any complaint or other matter shall, if made in accordance with Chapter IX of the Constitution and this Act, be absolutely privileged.

6. Offences.

(1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall commit an offence.

(2) Subject to Chapter IX of the Constitution, any person who is requested by the Ombudsman or by any member of his staff, acting in the exercise of his duties, to furnish any information or to produce any document and who wilfully fails to furnish the information or to produce the document, shall commit an offence.

(3) Any person who, in connection with any matter which lies within the province of the Ombudsman, wilfully gives him any information which is false or misleading in a material particular, shall commit an offence.

(4) Any person who commits an offence under this section shall be liable, on conviction, to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

7. Expenses and allowances.

The Ombudsman may, where he thinks fit, pay to any person by whom a complaint has been made or to any person who attends, or furnishes information for the purposes of, an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.

8. Administrative expenses.

The administrative expenses of the office of the Ombudsman together with such other expenses as may be authorised under this Act shall, with the approval of Parliament, be charged on the Consolidated Fund.

9. Regulations.

(1) The Cabinet may make such regulations as it thinks fit for the purposes of this Act.

(2) Notwithstanding the generality of subsection (1), such regulations may provide for the scale according to which any sum may be paid to complainants or to persons attending, or furnishing information for the purposes of, an investigation.

Selected Complaints

ATTORNEY-GENERAL'S OFFICE

C/360/97

Needful done for rectification of complainant's wife's birth certificate

B.R. had on 15 July 1997 applied to the District Magistrate of Curepipe to rectify the birth certificate of his wife inasmuch as the entry concerning her date of birth was recorded as 31 September 1944 instead of 30 September 1944.

He had in the meantime booked two seats for himself and his wife to fly to India on 5 October 1997. Unfortunately no passport could be issued to the wife on account of the error in her birth certificate and he thus had to cancel their visit to India.

He wrote to me on 6 October 1997 soliciting my intervention to have the birth certificate rectified as soon as possible so that they might proceed to India.

As in such cases the Magistrate has to refer the application to the Ministère Public for conclusions I solicited the help of the Attorney General's Office. The matter was referred to the Police for inquiry and the Ministère Public gave favourable conclusions and sent all the documents back to the District Magistrate on 24 November 1997.

I informed the complainant about the outcome and requested him to contact the District Clerk. As I did not hear from him again I can safely assume that he obtained satisfaction.

CENTRAL STATISTICAL OFFICE

C/61/97

Complainant's claim for his fees for doing special task settled in his favour

The complainant, an Education Officer, was offered to work for the Labour Force Sample Survey by the Central Statistical Office (C.S.O.) in 1995. He emphasised that he did not apply to do that task but it was offered to him against payment of a certain sum of money. He alleged that he completed that task to the satisfaction of the C.S.O. but never got paid. The C.S.O. and the Ministry of Education, Science and Technology (the Ministry) kept throwing the ball at each other for payment. He therefore wrote to me on 3 February 1997 seeking for justice to be done.

The version of the Ministry was to the effect that the complainant had been permanently transferred from the Ministry to the Mahatma Gandhi Institute (the M.G.I.) since September 1993 and was no longer on their establishment. That was the reason payment could not be effected by them notwithstanding a departmental warrant they received from the C.S.O. in that connection.

During my inquiry it was disclosed that appointment to work for the Survey was subject to the condition that the officer had not resigned or retired from or taken up employment outside the Civil Service. The complainant had accepted the offer to work although he had left the Ministry for the M.G.I., a statutory body corporate, a fact unknown to the C.S.O.

Since the implementation of the P.A.Y.E. System, public officers who are appointed to work for surveys for the C.S.O. are paid by their respective Ministries/Departments through the issue of a departmental warrant by the C.S.O. Therefore, upon completion of the survey, the C.S.O. issued a departmental warrant to the Ministry for payment of the complainant's fees. Unfortunately payment could not be effected by the Ministry as the complainant was no longer on their establishment.

Upon my intervention and following legal advice tendered by the Solicitor General to the C.S.O. the complainant got paid through the Accountant General's Division on 29 July 1997.

Justice was therefore done to the complainant.

CIVIL SERVICE AFFAIRS

C/212/97

Public officer's salary adjusted after seven years

On 10 June 1997 D.V. wrote to me to complain about a discrepancy in his salary and averred that he had been fighting for his right ever since 1990. He illustrated his claim by comparing his salary to that of a junior officer who was earning more than him.

The last he heard from his department, after advice taken from the Ministry for Civil Service Affairs, was that the issue raised by him occurred as a result of conversion following the implementation of the Chessworth Report of 1988 and as such did not per se constitute an anomalous case.

I took up the matter with the Ministry for Civil Service Affairs who re-examined the complainant's case and informed me that there was no provision in the Chessworth Report to correct the anomaly.

Indeed certain officers confirmed in their appointment on or before 1 July 1993 were, owing to salary conversion, drawing lesser salaries than their colleagues confirmed in their appointment after 1 July 1993.

However the Pay Research Bureau, in its report "Errors, Omissions and Clarifications of the 1993 Report of the Pay Research Bureau", recommended that in such cases the salaries of the officers concerned ought to be adjusted.

On the basis of that recommendation the Ministry for Civil Service Affairs agreed to correct the anomaly in the complainant's case.

The complainant wrote back to us in the following terms: "I am pleased to inform you that your intervention has been most fruitful and justice has been done. My salary has been adjusted as from October 1997. The arrears salary has also been paid" and added that "Once again your Office has proved its *raison d'être* in a democratic State."

COMPTROLLER OF CUSTOMS

C/164/97

Complainant's imported van properly classified for purposes of customs duty

Complainant had, through a local agent, placed an order for a van model VAJC 23 from Japan and same was delivered to customs on 30 March 1997.

According to a communiqué of the Customs and Excise Department, vans intended solely for the transport of goods, including those having one foldable row of rear seats are classified in H.S. Code 87.04.213 carrying 40% customs duty.

It was the contention of the complainant that the van he imported fell in that category but he was verbally informed that the van was classified as station wagon, equivalent to a car and that he would have to pay duty of about 290%. As no decision had been taken some 24 days after the arrival of the vehicle he sought my intervention so that the Comptroller may act fairly in his case and put an end to the uncertainty.

Indeed the Comptroller admitted that there was a dispute about the proper classification of the vehicle and ultimately the Tariff Unit of his department decided

that the vehicle "finds classification under H.S. Code 87.04.213 as van meant for the transport of cargo attracting duty at 40%."

The complainant accordingly paid the duty and took delivery of his van a week after I had queried the Comptroller of Customs.

This was not an end of the matter though, inasmuch as the complainant, after having taken delivery of his van, averred that he has been made to pay a sum of Rs 18720/- as storage fees through no fault of his. He argued that the delay was due to the indecision of the Customs Department in the matter. He therefore requested a refund of that sum.

Further inquiry revealed that storage fees were paid to the Mauritius Marine Authority and not to the Customs Department. However the Comptroller agreed to recommend to the M.M.A. to refund the complainant as the case was under dispute and requested me to inform the complainant to call on the Chief Customs Officer for the needful to be done.

I accordingly informed the complainant and requested to be informed of developments. Unfortunately the complainant did not write to me again.

His case however stands as rectified.

EDUCATION AND HUMAN RESOURCE DEVELOPMENT

C/303/97

Duplicate certificate issued to complainant's son

Complainant's son had been successful at the CPE examinations held in November 1996.

On various occasions he called at the school where the son studied to collect the certificate but was not given any. He officially wrote to the Head Teacher of the school twice but in vain.

So he wrote to the Permanent Secretary of the Ministry of Education and Human Resource Development with copy to me.

I took up the matter with the Ministry and I was informed that the Mauritius Examinations Syndicate had decided to issue a certificate to the boy with the word DUPLICATE written on it. The explanation was that the M.E.S. issues all original certificates to Headteachers who have the responsibility to hand them over to the pupils concerned. In this case the original certificate was untraceable at the school. That is why the M.E.S. issued a duplicate.

Complainant informed me verbally that he was satisfied.

EDUCATION, SCIENCE AND TECHNOLOGY

C/11/97

Pupil admitted to school in her catchment area

Complainant's letter, received on 23 December 1996, was to the effect that her daughter who registered for Standard I at Jean Lebrun Government School, barely 200 metres from their residence, was admitted to another school some two to three miles away. This caused a lot of inconvenience to the complainant who was incapacitated and whose vision was considerably reduced, with the result that he could not walk long distances to accompany his child to school.

Complainant further argued that he lived in the catchment area of Jean Lebrun Government School as shown by his address on his electricity bill and the electoral list. Moreover the daughter had attended that very school for her pre-primary class and her brother was also enlisted for pre-primary class there.

I contacted the Ministry of Education, Science and Technology and asked them to look into the matter immediately. Within a week (on 21.01.97) the Ministry informed me that the problem had been solved and that the daughter had been admitted to Jean Lebrun Government School.

A wrong has been set right.

C/20/97

Complainant victim of sex discrimination — problem solved

Mrs. J.H. averred in her letter dated 13 January 1997 that she was the victim of sex discrimination at the school where she was working as teacher.

She averred that according to a ministerial circular a teacher who had taught in standard four goes up the ladder up to the C.P.E. as the maximum a teacher can stay with the same pupils is three years. In the case of her school, she stated that these criteria were respected for male teachers only. Another lady and herself had not been allowed to move up to standard five.

She requested that appropriate measures be taken as she was really depressed.

I immediately took up the matter with the Ministry of Education, Science and Technology and within two days the matter was settled to her satisfaction, which she herself confirmed.

C/24/97

Alleged victimisation in connection with class allocation— complainant satisfied following Ombudsman's intervention

R.S. is a primary school teacher with more than 17 years experience and having always worked in upper classes.

He avers that in 1996 he was allocated Standard III but in 1997, instead of being allocated Standard IV, he was allocated Standard I, whereas a couple of other colleagues have been "promoted" as regard class allocation.

He further claims to have achieved remarkable results during the years 1990 to 1995 at another Government School.

He therefore felt demotivated and discriminated against as according to him class allocation at his present school had not been effected according to merits and the Ministry's criteria. He consequently requested my intervention.

His case was reviewed at the Ministry in the presence of representatives of the Government Teachers Union, Senior Inspectors and Area Inspectors. An agreement was reached whereby he was immediately transferred to another school where he was given charge of a section of Standard V.

He was satisfied.

C/64/97

Shortage of staff at Government school — problem solved

An article in the issue of "Le Mauricien" of 14 February 1997 revealed that there were no teachers for Standards V and VI at Marcel Cabon Government School, Cité La Cure, and as a result of which the Parents-Teachers Association (PTA) of that school had organised a sit-in to protest against this state of affairs which had started since 9 January 1997.

Although the Ministry was aware of the situation and had even dispatched its officials there to take stock of the situation nothing concrete had been done.

The President of that P.T.A. threatened to continue with the sit-in until a lasting solution was found to the problem.

"Tant qui pas pou réglé nous banne problèmes nou pas pou laisse nou zenfants rentre dans classe alle perdi létemps. Pas ène sel élève sixième fine classé pou l'examen CPE parce qui dépi plis qui trois ans, allé vini, même problème. Zotte avoye professeurs pou remplacer mais après problème là révinne pareille. Nou pas lé remplaçant, nou lé professeurs serié en permanence", declared one parent.

I immediately took up the matter with the Ministry of Education, Science and Technology and within a few weeks teachers were posted at that school and the problem was thus solved.

C/65/97

Injustice caused to lady teacher repaired

In her complaint dated 13 February 1997, a lady teacher of the primary schools sector, residing in Port Louis, alleged to have been "a victim of political manipulation" causing her grave injustice in the functions of her duty.

Her case was to the effect that, after having worked at Labourdonnais Government School for six years, she was transferred to another Government school at Pailles at the beginning of the year. She objected to the transfer on medical grounds and requested to be posted at a school within walking distance of her residence. That request was acceded to and on 15 January 1997 she was transferred to Villiers René Government School.

Her satisfaction was however short-lived because on 6 February 1997 i.e. barely three weeks later, she was transferred from there to Pointe aux Sables Government School which was situated at twice the distance from her residence to the school at Pailles. Feeling frustrated she again objected but this time she was told by the officials of the Ministry of Education that nothing could be done.

She averred before me that she had been moved from Villiers René Government School in order to make way for another teacher whom she referred to as a political activist who had to be rewarded for "services rendered during the last political campaign." She further submitted to me a copy of her medical certificate which stated that she was suffering from lumbago and sciatica and which required that she should refrain from travelling long distances.

The matter was taken up immediately with the Ministry and within a fortnight the complainant was transferred to another school in Port Louis.

She thanked us and wished us "success in your efforts to have justice restored in favour of the down trodden."

C/66/97

Parent obtains certificate for the transfer of his son from one school to another

The complainant has one son and one daughter. The son was attending Remy Ollier 'A' Government School whereas the daughter Beau Séjour Government School.

As they lived in the catchment area of the latter school he made an application for the transfer of his son to that school. Curiously, the transfer was approved by the Ministry but the Head Teacher of Remy Ollier 'A' Government School refused to release the transfer papers.

The complainant argued that sending his children to two different schools was causing him lot of inconvenience and financial hardship. So he requested my intervention to set matters right.

I queried the Ministry about the Head Teacher's refusal to release the transfer certificate. I was informed that as the boy was the best pupil of the CPE class at Remy Ollier 'A' Government School the Head Teacher was of the opinion that a change of teachers and school environment would be detrimental to the child's performance at the CPE examination and this might adversely affect his ranking.

The parent was not satisfied and insisted on the transfer. Finally he was instructed to call at the Ministry to collect the transfer certificate.

He therefore obtained satisfaction.

HEALTH

C/103/97

Odour nuisance abated

Mrs. N.D. of Rose Hill complained to me about the odour nuisance caused by her neighbour who had built a kitchen along the wall separating their premises and left an open space in the kitchen for the evacuation of smell etc.

The lady made representations to the Municipal Council of her town and, following a visit by officials of the Sanitary Division, the open space was provided with a nylon mosquito net. Nevertheless the odour persisted but the officials told her that it was not considered so alarming or disturbing.

She decided to act on her own and fixed a corrugated iron sheet on the opening in order to prevent the odour coming to her premises. Unfortunately the neighbour pulled down the iron sheet and damaged it. She reported the matter to the Police who warned the neighbour but the latter would not let her protect herself saying that the space should be left open.

She then tried to talk to her neighbour who promised to do something but never kept his word.

I enlisted the help of the Ministry of Health whose officials investigated into the matter and reported that the neighbour had agreed to carry out certain works in order to abate the nuisance as far as possible. He requested a delay of 15 days. The situation was

monitored and indeed, shortly after, the opening in the wall was closed with cement blocks and the ducting system was shifted further away from the premises of the lady.

She herself informed me subsequently that the inconvenience had been reduced by about 80% and that she was satisfied.

C/234/97

Complaint solved on the same day

A Consultant Physician working at J. Nehru Hospital faxed me on 3 July 1997 to say that he had applied for vacation leave since 15 April 1997 and as yet he had received no reply. This was seriously prejudicing his plans, he said.

On the same day I faxed the Permanent Secretary of the Ministry of Health, requesting him to look into the matter immediately and on that very day the formal approval was faxed to the Regional Health Director of that hospital.

It was however explained that the doctor had applied for leave for different periods during the rest of the year and, as he would be retiring from the service on the ground of age limit on 1 January 1998, all these factors had to be taken into consideration and appropriate arrangements for his replacement made before his application could be approved.

All is well that ends well.

POLICE

C/187/97

Level of noise caused by complainant's neighbour reduced

The complainant had a neighbour who allegedly operated an illegal metal workshop situated close to his kitchen and operating seven days a week. The activities carried on there was a source of a lot of inconvenience to the complainant and further caused fluctuations in his power supply.

He had previously written to the Police of his locality but, apart from several verbal warnings given to the offender, no further action had been taken.

He therefore solicited my help.

At my request the Police checked the workshop and found that the neighbour, who was working as welder at a sugar factory, did in fact do some repairs of his own in the workshop during his leisure time. He was, as it were, given a final warning, about the noise coming from his workshop and requested to tone down.

Some time later the complainant informed us that the situation had sensibly improved and thanked us for our intervention.

C/200/97

Prisoner's property returned to him

W.M.O., a Tanzanian national, was arrested by the Police on 8 July 1994 on a charge of importation of

drugs. His money and other personal property were seized and he was told that same would be returned to him after judgment in his case.

On 18 March 1997 he was sentenced to undergo 15 years imprisonment. He subsequently wrote to the Commissioner of Police claiming the return of his property but received no reply. So he sought my help.

I queried the Commissioner of Police about the fate of complainant's property and within a couple of months all the latter's belongings were returned to him.

C/429/97

Police inquiry in road accident case completed

Following a road accident which took place on 11 October 1997 complainant's daughter passed away on 24 October.

The accident was duly reported to the Police on the same day and complainant had also given a statement to the Police on 18 October in the presence of his counsel.

His complaint was to the effect that in spite of repeated visits at the Police Station of the locality nothing had been done by the Police in order to allow him to indicate the various spots he had mentioned in his earlier statement. He was of the view that the inquiry was not moving forward. So he sent me a copy of his letter dated 4 November 1997 which he had addressed to the Commissioner of Police.

The version of the Police was that the complainant had stated that he would give his statement in the presence of his counsel - something the complainant told me he had already done one week after the accident - and that the Police photographer and draughtsman was taken up in court. However when counsel informed the Police that his presence was not necessary for the reconstruction the Police went ahead and did the needful to the satisfaction of the complainant.

PRISONS

C/191/97

Detainee gets new artificial leg

One S.I.M., an Indian national, was arrested at the airport in December 1994 for importing drugs which were concealed in his left artificial leg. He subsequently pleaded guilty before the Assizes and was sentenced to 14 years imprisonment on 15 November 1995.

His complaint is that his artificial leg was broken by the Police Officers - probably to effect the search - and in spite of repairs effected he was still experiencing a lot of pain.

As he could not afford to purchase a new artificial leg which according to him costs Rs 13,000/- he solicited my help to make him obtain one.

He was referred to the orthopaedic workshop and in May 1997 he was issued with a new artificial leg.

I requested him to inform me whether he was satisfied but he made no reply.

His case is considered as rectified.

PUBLIC INFRASTRUCTURE

C/152/97

Leakage problem solved

In a letter dated 21 April 1997, M.E. complained about a leakage of used water coming onto his yard from that of his neighbour. He had earlier complained to the Ministry of Health and that of Energy but to no avail.

A dye test was carried out jointly by the Ministry of Health and the Waste Water Authority on 6 May and

it revealed that a manhole on the property of the neighbour was leaking. The leakage was sealed.

Another visit was effected on 15 May and it was noted that the problem had been solved except for the appearance of a small patch of clear water. A final dye test was carried out on 22 May but no leak was detected.

The complainant wrote again some time later to acknowledge that the problem had been solved to his satisfaction.

C/107/97

Currency allowance paid to complainant

The complainant, a public officer, was appointed Deputy Island Secretary for the island of Rodrigues from 10.02.93 and he acted as Island Secretary from 22.02.94 until the expiry of his tour of service on 31.12.96, including the period 01.07.96 to 31.12.96 when there was a substantive Island Secretary who often absented himself on mission to Mauritius.

So, apart from performing the duties of the post of Island Secretary he had to carry out certain "currency duties" for the Bank of Mauritius, which included material responsibility for funds entrusted to him, safe custody of the keys to the strong rooms etc.

He claimed that a "currency allowance" should have been paid to him for which he wrote to the Permanent Secretary of the Ministry for Rodrigues at the beginning of the year but no payment was effected in spite of a reminder sent one month later. He claimed that the whole allowance had been paid to the substantive Island Secretary even for periods during which he replaced the latter.

I queried the Island Secretary personally. He informed me that no authority existed for payment of currency allowance on a pro-rata basis to the officer acting as Island Secretary in the absence of the latter from Rodrigues. However, in view of the small amount involved (Rs 1,629.86) it was decided to pay to the complainant the allowance.

The matter was therefore settled to the satisfaction of the complainant.

C/126/97

**Inducement allowance wrongly computed —
matter rectified**

During my tour of Rodrigues in March 1997 I was approached by three specialist doctors serving in Rodrigues who claimed that their inducement allowance of 50% of aggregate salary (salary + compensation) was not being paid to them since August 1996. They submitted to me copies of their contract, various payslips and correspondence with the administration on this issue.

When I sought the explanation of the Permanent Secretary, Ministry for Rodrigues, he informed me that indeed these doctors were being paid an inducement

allowance of 50% based on their salary plus responsibility allowance but his attention was drawn by officers of the Audit Department that the doctors were **probably** being overpaid their inducement allowance. When he took up the matter with the Ministry for Civil Service Affairs he was advised that the inducement allowance should be based only on the substantive salary. Consequently the inducement allowance was reduced.

I requested to have a look at the correspondence exchanged on that issue between the two Ministries and, after consideration, I took up the matter directly with the Ministry for Civil Service Affairs.

Some time later, after due attention was given to my remarks, the Ministry for Civil Service Affairs ruled that the inducement allowance should continue to be calculated on the **aggregate salary** and not on substantive salary only.

The complainants thus won their case.

C/309/97

**Death gratuity paid to heirs of deceased
public officer**

Complainant's husband, ex-employee of the Rodrigues Administration, had passed away on 10 December 1996 following injuries sustained whilst on duty. More than eight months later she had not received any death benefits.

Acting in her own personal name and as legal administratrix of her minor children she requested me to look into the matter.

Inquiry revealed that papers for the computation of the death gratuity payable to the heirs had been sent to the Accountant General on 29 May 1997 and authority for payment received by the Rodrigues Administration on 23 September. The sum payable was Rs 85,500.

In a letter dated 6 October 1997 the Ministry for Rodrigues averred that payment would be effected during the week.

During a tour of duty in Rodrigues in the same month the complainant called on me at my request and informed me that indeed she had been paid and thanked us for our intervention.

SOCIAL SECURITY AND NATIONAL SOLIDARITY

C/25/97

**Old age pension restored in favour
of complainant**

A.K. left Mauritius after his retirement from the Service and requested that payment of his old age pension be suspended momentarily.

In April 1996 he came back to Mauritius and on 2 August 1996 applied at the Port Louis Pension Office for the restoration of the said pension. In November

1996, as he had still not received any reply, he inquired about the delay in payment and was told that he would receive his money soon.

As at 20 January 1997 he had not received any payment and so he decided to complain to me.

The matter was inquired into and on 3 February 1997 he received a cheque for the amount of Rs 34,963, representing arrears of pension.

He was entirely satisfied.

STATISTICAL SUMMARY OF COMPLAINTS

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Entertained	Withdrawn	Pending	Total No. of Complaints
Accountant General ...	—	—	1	1	—	—	—	3	5
Agriculture, Fisheries & Cooperatives	—	—	—	—	—	—	—	1	1
Agriculture and Natural Resources	2	—	—	3	1	—	—	5	11
Arts and Culture	—	—	—	—	—	—	—	1	1
Attorney General's Office	1	—	—	1	—	—	—	1	3
Central Statistical Office	1	—	—	—	—	—	—	—	1
Civil Service Affairs ...	2	—	—	2	—	—	—	1	5
Civil Service Family Protection Scheme Board	—	—	1	—	—	—	—	—	1
Comptroller of Customs	1	—	—	2	—	—	—	1	4
Education and Human Resource Development	1	—	—	2	—	—	—	2	5
Education, Science and Technology	9	—	2	5	3	—	—	5	24
Energy and Water Resources	1	—	—	—	—	—	—	2	3
Environment and Quality of Life	3	—	—	1	—	—	—	9	13
External Communications	—	—	—	—	—	—	—	1	1
Finance ...	1	—	1	—	—	—	—	3	5
Health ...	8	1	1	7	—	1	—	16	34
Health and Quality of Life	—	—	—	—	—	—	—	2	2
Housing, Lands and Town and Country Planning	2	—	—	4	5	—	—	5	16
Housing and Land Development	—	—	—	—	—	—	—	10	10
Human Resource Development and Reform Institutions	—	—	—	—	—	—	—	2	2
Judicial ...	—	—	—	3	3	—	—	2	8
Land Transport, Shipping and Public Safety	—	—	—	1	—	—	—	—	1
Local Government ...	—	—	—	2	—	—	—	4	6
Local Government and Environment	1	—	—	—	—	—	—	3	4
Local Government and Public Utilities	1	—	—	1	—	—	—	—	2
National Transport Authority	—	—	—	—	1	—	—	—	1
Police ...	10	1	—	27	5	—	—	44	87
Postmaster General ...	1	—	1	1	1	—	—	—	4
Prime Minister's Office	1	—	—	—	—	—	—	1	2
Prisons ...	6	—	6	19	4	—	—	11	46
Public Infrastructure ...	6	—	—	6	4	—	1	9	26
Public Utilities	—	—	—	2	—	—	—	5	7
Registrar of Associations	—	—	—	5	—	—	—	—	5
Registrar of Cooperative Societies	2	—	—	—	—	—	—	2	4
Registrar General ...	—	—	—	—	—	1	—	—	1
Rodrigues...	97	3	20	64	3	2	—	239	428
School Rector	—	—	—	—	—	1	—	—	1
Social Security and National Solidarity	1	—	—	3	1	—	—	4	9
Trade and Shipping ...	—	—	—	—	—	—	—	1	1
Total	158	5	33	162	31	5	1	395	790

APPENDIX E

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
Accountant General		
C/12/97	Denied sponsorship for studies by Civil Service Family Protection Scheme Board	Not justified
C/177/97	Length of service not properly computed.	Pending
C/190/97	Complainant avers he is the holder of first prize Government lottery ticket. His claim for payment has been rejected.	Pending
C/222/97	No pension paid to deceased officer's widow.	Explained
C/487/97	Application to use passage benefits and to cash money not attended to. ...	Pending
Agriculture and Natural Resources		
C/153/95	Application for land conversion permit rejected on flimsy grounds.	Rectified
C/172/95	Discrepancy in complainants' salaries.... ..	Explained
C/161/96	Complainant avers that Ministry has failed to grant him State land as per its commitment letter.	Explained
C/177/96	No action by the authorities concerned against offender who has dumped tons of rocks and soil on Government reserves thus causing prejudice to adjoining inhabitants.	Pending
C/247/96	Complainant appointed Agricultural Development Assistant but receiving salary of Labourer.	Discontinued
C/269/96	Application for land conversion permit made since three years but no reply received.	Pending
C/271/96	Pig rearing activities a source of nuisance to neighbouring inhabitants. ...	Rectified
C/376/96	No reply to application for transfer of land made more than 10 months before.	Pending
C/58/97	No reply to application for land conversion permit made since two years. ...	Pending
C/149/97	Refused nomination to follow a course.	Explained
C/204/97	1o Fifteen days delay in payment of salary. 2o Salary short-paid. 3o Travelling allowance wrongly calculated. 4o Overpayment to Mutual Aid Association.	Pending
Agriculture, Fisheries and Cooperatives		
C/453/97	No decision taken yet on complainant's application to breed and export monkeys made more than four years ago.	... Pending
Arts and Culture		
C/328/97	Deduction from salary for alleged unauthorised leave considered unjust by complainant.	Pending
Attorney-General's Office		
C/176/96	Delay to process application for a change of name.	Explained
C/360/97	No reply to application to rectify birth certificate of complainant's wife. ...	Rectified
C/365/97	No reply to complainant's application for change of name of her son. ...	Pending
Central Statistical Office		
C/61/97	Not paid for specific task performed for Central Statistical Office.	Rectified
Civil Service Affairs		
C/183/95	Not paid end-of-the-year bonus on pro-rata basis.	Rectified
C/426/96	Denied 60% duty-free concession for purchase of car. Complainant is a Senior Internal Controller at Development Works Corporation.	Explained
C/92/97	Victimised for promotion due to change of scheme of service etc.	Explained
C/212/97	Anomaly in salary. Request for adjustment refused.	Rectified
C/399/97	Complainant requests adjustment of salary upon his transfer from C.H.A. to Ministry.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Civil Service Family Protection Scheme Board		
C/225/97	Complainant avers that he is victim of injustice and arbitrariness. ...	Not justified
Comptroller of Customs		
C/90/97	Consignment of shoes imported by complainant blocked by Customs. Complainant feels victimised. ...	Explained
C/99/97	Wrong classification of vehicle imported by complainant hence heavier duty imposable. ...	Explained
C/164/97	Vehicle imported by complainant wrongly classified with the result that he had more duty to pay. ...	Rectified
C/295/97	Complainant claims the proceeds of sale of goods detained on his trips to Mauritius. ...	Pending
Education and Human Resource Development		
C/288/97	Leave applied for by teacher not granted. ...	Explained
C/303/97	Complainant's son not issued a certificate although he passed his exams. ...	Rectified
C/337/97	Complainant applied for 75 days vacation leave. Obtained only 30 days. Avers victimisation. ...	Explained
C/340/97	Complainant's nephew is a State Scholarship winner. (Laureate). Reluctance by Ministry to approve of change of field of study. ...	Pending
C/476/97	Complainant is requested to refund loan before expiry of loan period. ...	Pending
Education, Science and Technology		
C/90/94	Punitive transfer of complainant who is an Education Officer. ...	Pending
C/198/95	Special allowance and Headship allowance still unpaid to complainant for a number of years. ...	Explained
C/116/96	No reply from the National Equivalence Council to complainant's application. ...	Pending
C/144/96	Lack of discipline at State Secondary School is an impediment to the progress of the school. ...	Explained
C/279/96	Allowance for performing higher duties suddenly stopped. ...	Rectified
C/285/96	Complainant claims that he is the victim of a mistake made by Ministry. Avers that he is being made to teach Art instead of Social Studies. ...	Explained
C/325/96	Complainant, a government teacher, avers that her transfer from one school to another is a case of victimisation. ...	Rectified
C/398/96	Denied opportunity to compete for promotion. ...	Pending
C/399/96	Not paid salary during five months preceding his complaint although he has been paid travelling expenses for those months. ...	Pending
C/428/96	Complainant granted three years' leave without pay. Forced to retire on marriage grounds before end of that period. ...	Pending
C/11/97	Complainant's child admitted to distant school whilst she is registered at nearby one. ...	Rectified
C/18/97	Complainant not allowed to use school telephone, not allowed to have access to files etc. ...	Not justified
C/20/97	Complainant avers that she is the victim of sex discrimination in the staffing exercise at the school where she teaches. ...	Rectified
C/24/97	Complainant considers he is victim of class allocation at Government School. ...	Rectified

APPENDIX E —continued

No.	Subject of Complaint	Result
Education, Science and Technology — continued		
C/34/97	Complainant avers that injustice has been caused to him by his transfer from one school to another.	Rectified
C/62/97	Complainant avers that his name has been struck off a promotion list. ...	Discontinued
C/64/97	Lack of teachers at school.	Rectified
C/65/97	Complainant, a teacher, avers that she has been the victim of an arbitrary transfer.	Rectified
C/66/97	Application by complainant to transfer his son from one school to another where his daughter studies approved by Ministry but Head Teacher refuses to deliver transfer certificate.	Rectified
C/80/97	Attempts to obtain scholarship by complainant's son unsuccessful. ...	Explained
C/104/97	Complainant's son and nephew victimized by school teacher. ...	Discontinued
C/105/97	Pupils' parents request that teacher be replaced on account of latter's frequent absences.... ..	Discontinued
C/171/97	Complainant avers that he has not been chosen as pre-primary teacher for the school of his village whereas a lady from another village got the job. ...	Explained
C/199/97	Complainant, a primary school teacher, avers he is victim of ill-treatment and unjust transfers.	Not justified
Energy and Water Resources		
C/88/93	Environmental nuisance caused by overflow of sewage.	Pending
C/19/95	Water leakage which poses potential health hazard.	Rectified
C/39/96	Sewer line passed on complainant's land without his consent.	Pending
Environment and Quality of Life		
C/40/94	Noise nuisance caused by factory adjoining complainants' houses. No action taken by authorities.	Pending
C/131/94	Danger to health caused by polluted water.	Rectified
C/163/94	Nuisance caused by polluted water. No action by authorities concerned. ...	Rectified
C/206/94	Nuisances posed by factory.	Pending
C/27/95	Nuisance caused by stagnant water. No action taken by Ministry despite Minister's visit and promise.... ..	Pending
C/29/95	Nuisances caused by stone-crushing plant. Several petitions made to the authorities. Nothing has changed so far.	Pending
C/69/95	Noise nuisance caused by factory adjoining complainant's house. ...	Pending
C/88/95	Odour nuisance emanating from river. No action by authorities. ...	Explained
C/129/95	Problems caused by flooding of river.	Pending
C/193/95	Noise nuisance etc. caused by factory which is operating without permit. ...	Pending
C/145/96	Flooding caused by waste water. Odour nuisance etc.	Rectified
C/222/96	Pollution caused by industrial zone.	Pending
C/5/97	Flooding of houses at Military Road caused by absence of drain and bad state of roads.	Pending
External Communications		
C/13/97	Complainant alleges that decision not to fill vacant post causes him prejudice.	Pending
Finance		
C/241/96	Claims that he should not be made to pay campement site tax as the State land leased to him is a building site and not a campement site.	Pending
C/349/96	Unjustified transfer of public officer.	Rectified
C/233/97	Complainant avers being terrorised by Officers of Economic Crime Unit. ...	Not justified
C/364/97	Request to review interest rate on car loan. No action taken.	Pending
C/430/97	Claims by ex General Manager of body corporate against latter regarding vacation leave and other benefits.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Health		
C/54/93	Noise caused by bakery. No action taken by the Ministry to which the matter has been reported.	Rectified
C/203/93	Health nuisance caused by drain.	Rectified
C/151/95	Complainant avers that he is not paid travelling at the proper rate although he uses his personal car to attend port and airport duties as and when required. ...	Partly rectified
C/22/96	Noise and dust nuisance caused by complainant's neighbour. No action taken by authorities.	Rectified
C/74/96	Waste water discharging onto complainant's land from neighbour's yard. No action by health authorities so far.	Pending
C/102/96	Illegal cabinet-making and panel-beating activities carried out behind complainant's premises. No action taken by authorities.	Rectified
C/142/96	Noise nuisance caused by factory in residential area. No action by authorities concerned etc.	Pending
C/172/96	Noise nuisance caused by cabinet maker near complainant's house. No action by authorities concerned.	Pending
C/184/96	Noise nuisance caused by adjoining bakery. No action by Ministry in spite of letters sent.	Pending
C/189/96	Nursing Officer refuses to do injection on complainant's mother.	Explained
C/257/96	Noise and odour nuisances caused by complainant's neighbour. No action taken by the authorities.	Pending
C/328/96	Sanitation problem caused by complainant's landlord. No action taken by authorities.	Explained
C/417/96	No reply to representations made by complainant.	Explained
C/421/96	Nuisance caused by pig-breeding. Sanitary authorities contacted. No action taken.	Pending
C/470/96	Noise nuisance caused by electrical machines in premises of complainant's neighbour. Ministry written to. No reply.	Pending
C/50/97	Complainant attended Health Centre. Was not seen by doctor.	Explained
C/60/97	Doctor granted leave without pay for 1 year in order to pursue postgraduate studies abroad. Whilst on holiday in Mauritius applies to work for two months. Application rejected. Avers that Ministry took too long to inform him.	Not justified
C/103/97	Offensive smell emanates from complainant's neighbour's premises. No action by authorities concerned.	Rectified
C/111/97	Complainant requests that female Nurse Educators be appointed instead of male ones.	Explained
C/165/97	Noise nuisance caused by supermarket. No action taken by the authorities. ...	Pending
C/183/97	Smell nuisance caused by pig-rearing. No action by authorities concerned. ...	Rectified
C/234/97	Application for leave made more than two months ago. No reply yet. ...	Rectified
C/255/97	Odour nuisance caused by public drain. No action by authorities concerned. ...	Pending
C/256/97	Odour nuisance due to poultry rearing. No action taken by authorities. ...	Pending
C/268/97	Complainants, Assistant Instrument Curators, aver that they should have been appointed Instrument Curators since last year as there are existing vacancies. ...	Explained
C/301/97	Environmental pollution caused by foundry. No action taken by authorities concerned.	Pending
C/316/97	Storm water flooding complainant's yard. No action by appropriate authority. ...	Pending
C/327/97	Medical Certificate refused to complainant.	Pending
C/341/97	Complainant, a public officer, avers she is victim of a personal vendetta by another officer of the same department.	Not entertained
C/342/97	Request for copy of findings of departmental inquiry in case of baby's death not acceded to.	Rectified

APPENDIX E —continued

No.	Subject of Complaint	Result
Health — continued		
C/357/97	Filthy stagnant water poses health and other problems to inhabitants of locality.	Pending
C/419/97	Doctor refuses to examine patient (complainant).	Pending
C/431/97	Noise and other pollution caused by factory.	Explained
C/447/97	Complainant's name struck off computer list at Electoral Commissioner's Office.	Pending
Health and Quality of Life		
C/464/97	Noise and smoke problems caused by factory. No action taken by authorities concerned.	Pending
C/469/97	Noise nuisance caused by adjoining factory. No action taken by authority concerned.	Pending
Housing, Lands and Town and Country Planning		
C/303/91	No reply to application for lease of additional Crown land.	Pending
C/18/94	Applied for plot of State land for residential purposes. Letter of intent issued to complainant by Ministry. Application not yet finalised.	Explained
C/53/94	In 1961 Government compulsorily acquired complainant's land. He was granted a plot of State land in exchange. Lease not yet finalised.	Explained
C/123/94	Complainant victim of cyclone Hollanda. House completely destroyed. Now living in refugee centre. Wrongly excluded from re-housing scheme.	Rectified
C/162/94	Complainant's neighbours illegally constructing building on State land. No action taken by Ministry yet.	Discontinued
C/182/94	Complainant is a victim of cyclone Hollanda - house destroyed. Denied temporary housing by Ministry.	Discontinued
C/11/96	Complainant has been a squatter on State land for 20 years. Has now been required by the authorities to vacate. Claims that his case should be reconsidered on grounds of hardship.	Pending
C/12/96	Land compulsorily acquired by the State from complainant. Latter has not yet received his compensation.	Discontinued
C/126/96	Application for removal of sand not granted.	Discontinued
C/134/96	Complainant feels penalised by Ministry's decision to transfer lease of State land previously held by his deceased father to a third party.	Explained
C/152/96	Complainant avers that Ministry has acted illegally by issuing a "Notice to Squatter" on him.	Discontinued
C/212/96	Complainant is occupying a plot of State land. Others as well. He is the only one to have received a notice to pull down his house. Will face great hardship.	Pending
C/220/96	No reply to application for State land.	Explained
C/231/96	Complainant is living on State land. Somebody else claims to be owner thereof. No action by authority concerned.	Pending
C/327/96	Squatters on State land are a source of nuisance to complainant and his family.	Rectified
C/197/97	Application for lease of State land approved since a year. Deed not drawn up yet.	Pending
Housing and Land Development		
C/36/97	Three plots of land compulsorily acquired by Government from complainant. Latter has not been compensated yet.	Pending
C/166/97	Encroachment on public road by private individual. Inconvenience caused to inhabitants. No action taken by authorities concerned.	Pending
C/213/97	Access to State land leased to complainant hindered by neighbours. Matter reported to Ministry but no action taken.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Housing and Land Development		
C/258/97	Complainant who is a lessee of State land fears land may be taken away from him.	Pending
C/306/97	State land leased to complainant's association. No official documents received by association.	Pending
C/315/97	Land leased to complainant retrieved by Government. No other land given to him in exchange.	Pending
C/321/97	Application for lease of State land turned down. Complainant avers that his is a hardship case.	Pending
C/396/97	No reply to application for subdivision of land made some seven months before.	Pending
C/446/97	Application for extension of building situated on State land not granted. ...	Pending
C/488/97	Application for State land for residential purpose not yet entertained. ...	Pending
Human Resource Development and Reform Institutions		
C/170/97	Complainant has registered with Employment Office for 16 years. Never offered employment.	Pending
C/215/97	Complainant has registered for a job since 18 years but has so far not been employed.	Pending
Judicial		
C/375/96	Claim for refund of deposits made in connection with division in kind not considered. Six months already elapsed.	Discontinued
C/19/97	Deposit effected by complainant for bail purposes still not returned to him. ...	Discontinued
C/46/97	Refusal by cashier, Supreme Court, to pay over money deposited by third party.	Pending
C/91/97	Sum of money seized from complainant upon his arrest for drug offence not returned to him after his trial.	Discontinued
C/167/97	Complainant's father deposited money as surety for appeal against conviction. Claims return of the money.	Pending
C/192/97	Money seized upon complainant's arrest not returned to him after trial. ...	Explained
C/252/97	Deposit made by complainant during conditional discharge not returned to him.	Explained
C/320/97	Claims refund of various sums of money deposited for purposes of bail. ...	Explained
Land Transport, Shipping and Public Safety		
C/159/97	Noise and air pollution caused by bus-stand.	Explained
Local Government		
C/89/93	Pollution caused by blocked drain.	Pending
C/54/95	Traffic problems caused by encroachment on common road committed by complainant's neighbour. Authorities written to but no action taken. ...	Explained
C/242/96	Slaughter house operating close to complainant's house. No action by authorities concerned.	Pending
C/329/96	Running of illegal shop cum bar. No action by authorities.	Explained
C/448/96	Uniforms not supplied to thirty-three workers entitled to same since more than two years.	Pending
C/112/97	Road works started by Municipality abandoned. State of road is a danger to the health and security of the public at large.	Pending
Local Government and Environment		
C/269/97	Sewerage problem at Plaine-Verte.	Pending
C/270/97	Road flooded and rendered impracticable. No action taken by authorities. ...	Pending
C/271/97	Road in deplorable condition. Water in holes on the road.... ...	Rectified
C/318/97	Soil erosion caused by river. No action by authority concerned.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Local Government and Public Utilities		
C/71/97	Disruption of water supply to inhabitants of locality.	Explained
C/178/97	Inadequate water supply to residents of locality.	Rectified
National Transport Authority		
C/21/97	Decision not to allow complainant to complete tour of service in Rodrigues considered unfair by complainant.	Discontinued
Police		
C/61/94	Illegal boarding house and hall. No action by authorities.	Pending
C/105/94	Complainant's passport seized and not returned to him.	Pending
C/185/94	Garage operating unlawfully. No action by authorities concerned.	Discontinued
C/200/94	No action by Police in spite of several declarations made.	Pending
C/214/94	Complainant avers he is being pestered by the Police at his motorcycle workshop.	Pending
C/6/95	Negligence averred by parents of deceased person who died in police cell. ...	Pending
C/75/95	Panel Beater Workshop operating without licence. No action by Police in spite of declaration made.	Pending
C/77/95	Request for road marking, bus stop sign etc. to be placed.	Pending
C/99/95	Complainant avers he has not heard anything about his declaration of bribe against a Police Officer some two months before.	Pending
C/154/95	Noise at club causes inconvenience to complainants.	Pending
C/156/95	No action by police following declaration made re illegal operation of workshop.	Pending
C/14/96	Raid effected by Police at office of President of trade union considered as a violation of freedom of association. President claims the return of his megaphone seized during the raid.	Pending
C/34/96	Complainant avers that he has been arrested by the police since about six months in connection with a case of forgery but up to now no statement has been recorded from him so that he may give his version of facts.	Pending
C/36/96	Traffic problems caused by waiting vehicles near school.	Pending
C/123/96	No action taken in respect of declarations made by complainant.	Explained
C/157/96	No action taken by Police regarding declaration of nuisance caused by private club to complainant.	Explained
C/173/96	Property seized from complainant remitted to another person without his authorisation.	Explained
C/180/96	Complainant has applied for tardy declaration of his child. Hasn't heard from the Police since its inquiry into the matter.	Rectified
C/188/96	Money and photos seized from complainant at the time of his arrest not returned to him. Now undergoing sentence.	Explained
C/193/96	Money seized from complainant upon his arrest. Now undergoing imprisonment. Claims the return of his money.	Rectified
C/199/96	Property belonging to complainant seized upon his arrest. Prosecuted and convicted but no order made by trial Judge concerning the property. Claims property back.	Rectified
C/200/96	Alleged prolonged detention of complainant in murder case.	Explained
C/206/96	Noise nuisance reported to Police. No action taken.	Pending
C/207/96	Complainant has made a declaration of rape to the Police. Avers that a Police Officer is trying to influence her to withdraw the case.	Explained
C/252/96	Delay of 15 months in lodging charges against complainant.	Rectified
C/255/96	Police report concerning road accident in which complainant's car involved not submitted to complainant's insurer after more than two years.	Explained

APPENDIX E —continued

No.	Subject of Complaint	Result
	Police	
C/264/96	Complainant avers inaction on the part of the Police.	Rectified
C/267/96	Complainants aver having been subject of police brutality.	Pending
C/278/96	No statement recorded from complainant, victim of case of wounds and blows.	Pending
C/286/96	Money seized from complainant upon his arrest for drug offence. Claims the return of his money.	Explained
C/291/96	Police Officer refuses to take down complainant's statement.	Discontinued
C/324/96	No follow up action in connection with declaration made to Police by complainant.	Pending
C/360/96	Complainant claims the return of his belongings seized upon his arrest at airport on charge of importing drugs.	Explained
C/386/96	Misconduct of and illtreatment by Police Officer.	Explained
C/395/96	Complainant avers that his autocycle has deteriorated since it has been seized by Police and kept in its custody.	Explained
C/397/96	On remand for nine months for alleged attempt upon chastity. Not yet brought to trial.	Pending
C/419/96	Complainant is detained by police as well as his car in drug case. Claims the return of the car to his family.	Explained
C/422/96	No follow-up action in respect of two declarations made by complainant. ...	Pending
C/429/96	Complainant's belongings seized upon his arrest in drug case. Claims the return of same.	Explained
C/435/96	Complainant's belongings seized upon his arrest for possession of drugs. Already convicted and sentenced. Claims the return of his belongings. ...	Partly rectified
C/449/96	No follow-up action by Police in respect of declaration made by complainant.	Pending
C/451/96	Money seized from complainant upon his arrest not returned to him. Sentenced to 15 years imprisonment by Supreme Court.	Explained
C/458/96	Letter addressed to Police not even acknowledged and no reply to same. ...	Rectified
C/469/96	Complainant avers that he has not been operated upon due to the fault of the Police who have locked him up.	Discontinued
C/22/97	Detainee claims he was assaulted by Prison Officers. No inquiry made in the matter.	Pending
C/45/97	No follow-up action pursuant to various declarations made to Police. ...	Explained
C/47/97	Harrassed by Police.	Pending
C/72/97	No action taken following declaration of illegal operation of workshop. ...	Explained
C/73/97	Police refuses to record complainant's statement.	Discontinued
C/88/97	Complainant seeks compensation for having been deprived of a chance of promotion.	Pending
C/108/97	Shop selling liquor a nuisance to inhabitants in its vicinity. No action by the Police.	Pending
C/123/97	Claim for special duty allowance for providing security to V.I.P.'s on mission in Rodrigues	Explained
C/130/97	Refusal by Police Authorities to grant complainant a driving licence. ...	Pending
C/161/97	Convicted detainee claims return of his belongings.	Explained
C/168/97	Complainant's belongings, including money, secured by Police upon his arrest at the airport. Claims they be returned to him.	Explained
C/169/97	Complainant not satisfied with action taken by Police following declaration made by him.	Explained
C/187/97	No action from Police following complainant's declaration regarding illegal workshop operated by neighbour.	Rectified
C/198/97	Licensed premises a source of nuisance to worshippers and religious school. No action by Police.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Police — continued		
C/200/97	Complainant who is undergoing sentence claims the return of his money and other belongings secured from him upon his arrest. Letter to Police has remained without reply.	Rectified
C/205/97	Police refuses bail for complainant's release. Latter alleges police brutality etc.	Discontinued
C/207/97	No action by Police following declaration made by complainant.	Explained
C/214/97	Illegal operation of workshop causing inconvenience to complainant.	Pending
C/216/97	No follow up action in respect of declarations made against certain persons.	Explained
C/217/97	Complainant was victim of burglary. Reported the matter to the Police and gave information regarding culprits. Latter still at large and have threatened him and his family.... ..	Pending
C/229/97	No police action following accident in which complainant was victim.	Pending
C/266/97	No action by Police following declarations made by complainant.	Pending
C/277/97	Complainant reported burglary case to Police. Still not aware of outcome of inquiry.	Explained
C/291/97	Complainant claims the return of money secured from him upon his arrest.	Explained
C/292/97	No reply from the Commissioner of Police to letter addressed to him by complainant.	Pending
C/305/97	No follow-up action by Police following declaration made.	Pending
C/324/97	No follow up by Police in case of alleged murder of complainant's father.	Pending
C/330/97	No follow up action by Police on cases reported by complainant.	Explained
C/331/97	Money and other property seized from complainant upon his arrest not returned to him after determination of his case.	Rectified
C/348/97	Complainant claims the return of his motorcycle and crash helmets secured from him upon his arrest.	Pending
C/361/97	Immoral activities at boarding house. No action by Police.	Explained
C/397/97	Request for refund of deposit in connection with work permit ignored.	Pending
C/406/97	Letter regarding declaration made by complainant to Commissioner of Police remains unanswered.	Pending
C/427/97	No action following report made by complainant to Police regarding workshop being operated without permit.	Pending
C/429/97	Inquiry not started following road accident in which complainant's daughter was killed.	Rectified
C/441/97	(1) Request that a third party should not be prosecuted. (2) Modification to be brought to road markings.	Pending
C/444/97	Complainant detained for more than two years in murder case without trial.	Pending
C/449/97	On remand since 2° years awaiting trial for murder.	Pending
C/450/97	No decision taken since 12 months concerning criminal case against complainant.	Explained
C/463/97	Complainant avers police brutality on his person and property.	Pending
C/473/97	Complainant assaulted by Prison Officers.	Pending
C/480/97	No action taken following several declarations made by complainant concerning sale of alcohol by retailer.	Pending
C/491/97	No criminal case against complainant. He has retrieved his passport. Objection to departure still not waived.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Postmaster General		
C/128/96	Complainant submits late application for casual leave. Not approved. Absents himself all the same. Leave considered as unauthorised and without pay. ...	Not justified
C/49/97	Misunderstanding as regard complainant's leave causes prejudice to the latter.	Rectified
C/319/97	Denied vacation leave applied for.	Explained
C/346/97	Failure to implement decision agreed upon concerning mobility of staff. ...	Discontinued
Prime Minister's Office		
C/84/96	Complainant avers that his transfer from one Ministry to another was not made in good faith.	Rectified
C/438/96	Application to validate acquisition of property made by non-citizen turned down.	Pending
Prisons		
C/143/94	Letter addressed by complainant to outside body suppressed.	Pending
C/143/95	Detainee burned by hot tea falling on him. Transport vehicle to take him to hospital delayed too much. Request to pass before Injury Board still pending.	Discontinued
C/78/96	Detainee's property has disappeared whilst under custody of Prison Authority.	Rectified
C/203/96	Not authorised to write letter to Hon. Prime Minister.	Discontinued
C/224/96	Complainant is being refused reading glasses by the Administration.	Pending
C/251/96	Complainant not satisfied with medical attention he is receiving at the prison.	Explained
C/253/96	Food not adequate etc.	Explained
C/361/96	Medical treatment not adequate.	Explained
C/365/96	Food and medical facilities not adequate.	Discontinued
C/388/96	Detainee not allowed to see doctor and medicine stopped.	Not justified
C/406/96	Detainee not satisfied with treatment he is receiving for his skin disease. ...	Not justified
C/26/97	Not issued with slippers, underwear etc.	Explained
C/35/97	Detainee cannot eat fish and vegetable. Wants eggs. Request turned down. ...	Rectified
C/59/97	Extra-remission work refused to complainant.	Not justified
C/63/97	Letters addressed to complainant sometimes destroyed by Prisons Officer etc.	Not justified
C/102/97	Detainee not issued with Wolf Cap in spite of doctor's order.	Not justified
C/106/97	Denied extra-remission work.	Explained
C/135/97	Made to perform work which he is incapable of doing because of foot operation. Requests that he be transferred to Petit Verger Prison where he can do some light work.	Rectified
C/140/97	Complainant has a heart problem. Fears he might be allotted hard work. ...	Explained
C/151/97	Detainee has kidney problem. Believes he needs surgery. Doctor not of the same view.	Pending
C/160/97	Denied wolf cap prescribed by doctor.	Rectified
C/162/97	Detainee considers that his transfer from Beau Bassin Prison to Phoenix Prison as unfair.	Explained
C/163/97	Transferred to another prison where conditions of detention are harder. ...	Explained
C/181/97	Prisoner denied extra-remission work.	Explained
C/182/97	Transferred to another prison where the regime is harder.	Explained
C/191/97	Detainee's artificial leg is broken. Requests that same be replaced.	Rectified
C/193/97	Not satisfied with medical care at Petit Verger Prison.	Explained
C/196/97	Request to have milk instead of tea turned down.	Pending
C/203/97	Detainee not granted permission to have identity card made. States that he has obtained a plot of State land and needs that card.	Pending
C/224/97	Detainee allergic to certain food. Requests special diet.	Explained

APPENDIX E —continued

No.	Subject of Complaint	Result
Prisons — continued		
C/248/97	Detainee's mother passed away. Transport provided by Prison Authority reached its destination late for the funeral.	Explained
C/253/97	Contests date on which sentence of imprisonment starts running.	Explained
C/307/97	Quality of food served leaves to be desired etc.	Pending
C/323/97	Quality of food served leaves to be desired etc.	Discontinued
C/339/97	Detainee avers that he is being denied medical treatment prescribed by doctor.	Pending
C/349/97	Not getting proper medical treatment etc.	Explained
C/426/97	Not getting medication prescribed by doctor.	Explained
C/428/97	Complainant not getting proper medical care.	Pending
C/445/97	Detainee not allowed to wear medal engraved with holy writing on his chain....	Explained
C/448/97	Request to pass before the Disciplinary Board as he is having lots of problems.	Explained
C/454/97	Detainee not allowed to practise his new faith.	Rectified
C/471/97	Detainee not receiving adequate medical attention.	Explained
C/472/97	Detainee not getting proper medical care.	Not justified
C/481/97	Not given "diet" food etc.	Pending
C/490/97	Complainant has health problems. Avers he is not getting appropriate treatment. Wants to be seen by specialist.	Pending
C/492/97	Detainee cannot perform the job he is allotted on account of physical deformity.	Pending
Public Infrastructure		
C/172/93	Construction of road by Government has rendered part of complainant's land inaccessible, etc.	Pending
C/113/94	Complainant's neighbour putting up extension to building without necessary permits and in spite of warning given by Building Inspector. Requires action by Ministry... ..	
C/211/94	Illegal construction by neighbour of complainant in spite of latter's objection at Ministry.	Pending
C/9/96	Factory operating during prohibited hours. No action by authorities in spite of reports made to them.	Explained
C/85/96	Encroachment by complainant's neighbour on former's land.	Explained
C/118/96	No action taken by authorities in respect of offending building adjacent to complainant's school.	Explained
C/171/96	Complainant claims that he is the victim of injustice by the National Transport Authority.	Discontinued
C/187/96	Complainant's neighbour putting up a construction without building permit. No action by authorities concerned.	Rectified
C/198/96	Complainants' neighbour operating workshop without permit and causing hardship to them.	Pending
C/246/96	Nuisance caused by illegal workshop. No action taken in spite of complainant's complaint.	Discontinued
C/281/96	Drains causing flooding of complainants' properties and houses. No action by concerned authorities.	Pending
C/292/96	Construction by neighbour who fails to observe statutory distance from boundary line.	Discontinued
C/387/96	Nuisances caused by cabinet workshop. No action taken by the authorities concerned.	Rectified
C/400/96	Revoked taxi licence still being utilised. No reply from National Transport Authority regarding representation made by union.	Explained
C/416/96	Illegal extension of building.	Explained
C/424/96	Construction by complainant's neighbours without leaving statutory distance. No action by Ministry in spite of visit by Inspectors of Ministry.	Withdrawn

APPENDIX E —continued

No.	Subject of Complaint	Result
Public Infrastructure — continued		
C/430/96	Excavation works causing inconvenience. Road not resurfaced.	Rectified
C/431/96	Road dug at twenty-six places badly resurfaced. Inconvenience to road users.	Rectified
C/136/97	Length of service not properly computed.	Rectified
C/152/97	Leakage causes waste water to flow into yard of complainant. No action by authorities concerned.	Rectified
C/243/97	Application for rezoning of land not yet entertained.	Pending
C/244/97	Complainant avers that neighbour is putting up a building without leaving statutory distance from boundary line. No action by authority concerned. ...	Pending
C/317/97	Complainant's neighbour has constructed a concrete structure without observing statutory distance. Matter reported to Ministry. No action taken yet. ...	Pending
C/442/97	Illegal operation of factory etc.	Discontinued
C/477/97	No appropriate action taken by authority concerned regarding alleged illegal construction.	Pending
C/482/97	Application for morcellement permit erroneously turned down.	Pending
Public Utilities		
C/254/97	Waste water nuisance causes a lot of inconvenience to inhabitants of a "cité"	Pending
C/299/97	Problems arising out of state of road and irregular supply of water etc. No action taken by authorities concerned.	Pending
C/325/97	Complainant's father who was employed by Central Water Authority has not obtained his passage benefits.	Explained
C/347/97	Gratuity and pension not paid to complainant after his retirement from C.W.A.	Pending
C/358/97	Serious problem of shortage of water at Riviere du Rempart.	Pending
C/359/97	Inhabitants of locality affected by poor supply of water since three months. ...	Explained
C/470/97	Serious water shortage problem.	Pending
Registrar of Associations		
C/216/96	Complainant has informed the Registrar that he is not a member of a particular registered association. Registrar seems to be of a contrary view.	Explained
C/217/96	Complainant has informed the Registrar that he is not member of a particular registered association. Registrar seems to be of a contrary view.	Explained
C/218/96	Complainant has informed the Registrar that he is not a member of a particular registered association. Registrar seems to be of a contrary view.	Explained
C/219/96	Complainant has informed the Registrar that he is not a member of a particular registered association. Registrar seems to be of a contrary view.	Explained
C/223/96	Complainant has informed the Registrar that he is not a member of a particular registered association. Registrar seems to be of a contrary view.	Explained
Registrar of Cooperative Societies		
C/385/96	No reply from Registrar regarding report of theft made by the complainant. ...	Rectified
C/433/96	No action by Registrar against defaulting members of co-operative society. ...	Pending
C/48/97	Refusal by Registrar to register co-operative society.	Pending
C/302/97	Manager of cooperative society avers that his removal as "committee" of the society is unlawful.	Rectified
Registrar General		
C/262/97	Request by complainant for my intervention to have registration duty waived by Registrar General on ground of hardship.	Not entertained

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues		
C/26/95	Complainants' applications for plot of State land turned down whilst others granted.	Pending
C/113/95	Application for transfer of State land not considered by the administration. ...	Pending
C/114/95	Application by complainant to regularise her occupation of State land made since four years. No reply.	Pending
C/116/95	No reply to application for lease of State land.	Pending
C/120/95	Application for transfer of lease of State land made by complainant. No reply since more than 6 years.	Pending
C/124/95	Complainant who is a lessee of State land is seeking a modification of one condition of the lease. No reply yet.	Pending
C/223/95	No reply to claim for allowance for performing higher duties.	Explained
C/15/96	Complainant claims that he is entitled to passage benefit.	Rectified
C/43/96	Application to amend lease of State land not yet considered.	Pending
C/48/96	Performs higher duties without receiving any allowance.	Explained
C/59/96	No reply to application for State land made some five years back.	Pending
C/61/96	Due to absence of driving school, cannot obtain driving licence, possession of which is a condition of service.	Rectified
C/66/96	Not remunerated for working on Sundays and public holidays and at other odd hours.	Explained
C/67/96	1. Permission to displace fencing awaited since 1993. 2. Request for extension of lease awaited since 1995.	Pending
C/83/96	Length of service not properly computed.	Rectified
C/93/96	Complainants have been made to follow inspectorate course but have not been assessed at an examination. Vacant posts of inspectors exist but not filled. ...	Explained
C/135/96	Length of service not properly computed.	Pending
C/140/96	Building materials belonging to complainant seized by the Authorities allegedly for no reason.	Explained
C/146/96	Length of service not properly computed.	Rectified
C/160/96	Length of service not properly computed.	Rectified
C/190/96	Length of service not properly computed.	Rectified
C/197/96	No reply to application for copy of affidavit of prescription.	Not entertained
C/201/96	Complainant is the widow of deceased public officer. Has received no benefits upon his death.	Rectified
C/208/96	Length of service not properly computed.	Rectified
C/221/96	Length of service not properly computed.	Discontinued
C/228/96	Length of service not properly computed.	Pending
C/238/96	Length of service not properly computed.	Rectified
C/249/96	Length of service not properly computed.	Rectified
C/250/96	Length of service not properly computed.	Pending
C/261/96	Length of service not properly computed.	Pending
C/263/96	Length of service not properly computed.	Not justified
C/268/96	Complainant avers that his salary is not correct.	Rectified
C/272/96	Complainant, an ex-public officer, reckons 13 years service. Has received no lump sum nor any pension upon his retirement.	Rectified
C/274/96	Complainant's deceased husband has been a public officer for 18 years. She has received no lump sum nor any pension upon his death.	Pending
C/275/96	Length of service not properly computed.	Rectified
C/276/96	Length of service not properly computed.	Rectified
C/282/96	Length of service not properly computed.	Pending
C/283/96	Length of service not properly computed.	Rectified

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/284/96	Length of service not properly computed.	Rectified
C/288/96	Length of service not properly computed.	Pending
C/289/96	Length of service not properly computed.	Rectified
C/296/96	Length of service not properly computed.	Rectified
C/297/96	Length of service not properly computed.	Rectified
C/298/96	Not receiving any allowance for extra duties.	Not justified
C/299/96	Mistake in complainant's file re local and sick leave. Further claims arrears of responsibility allowance etc.	Rectified
C/303/96	Length of service not properly computed.	Rectified
C/305/96	Length of service not properly computed.	Rectified
C/306/96	Claim for extra duty allowance not considered.	Pending
C/307/96	Length of service not properly computed.	Rectified
C/311/96	Length of service not properly computed.	Rectified
C/313/96	Complainant claims overtime allowance for working on Saturdays.	Not justified
C/314/96	Length of service not properly computed.	Rectified
C/315/96	Complainants assigned duties of Assistant Painters since 1980. Not yet appointed.	Explained
C/316/96	Length of service not properly computed.	Explained
C/318/96	Length of service not properly computed.	Pending
C/319/96	Length of service not properly computed.	Rectified
C/322/96	Length of service not properly computed.	Rectified
C/330/96	Length of service not properly computed.	Pending
C/331/96	Length of service not properly computed.	Rectified
C/332/96	Length of service not properly computed.	Rectified
C/333/96	Complainant is the widow of ex-public officer. Pension payable to husband stopped after latter's death.	Pending
C/334/96	Length of service not properly computed.	Rectified
C/335/96	Length of service not properly computed.	Partly Rectified
C/336/96	Mileage credit not paid to retired public officer.	Rectified
C/337/96	Complainant, widow of ex-public officer, has not received any pension since her husband's death.	Pending
C/338/96	Joined the service since 1959. Has not received any passage benefits.	Explained
C/339/96	No reply from Administration to complainant's letter concerning his length of service.	Pending
C/343/96	Length of service not properly computed.	Rectified
C/344/96	Length of service not properly computed.	Rectified
C/345/96	Length of service not properly computed.	Rectified
C/346/96	Length of service not properly computed.	Discontinued
C/347/96	Length of service not properly computed.	Rectified
C/348/96	Length of service not properly computed.	Rectified
C/350/96	Length of service not properly computed.	Pending
C/351/96	Length of service not properly computed.	Rectified
C/352/96	Length of service not properly computed.	Pending
C/353/96	No gratuity paid to complainant following her husband's (ex public officer) death.	Pending
C/354/96	Complainant is the widow of ex-public officer. Avers that no lump sum or other remuneration has been paid to her upon husband's death.	Pending
C/357/96	Length of service not properly computed.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/358/96	Length of service not properly computed.	Rectified
C/359/96	Complainant is employed as part-time female prison officer. Avers she is always available when required. Receives no allowance when she does not work.... ..	Pending
C/362/96	Length of service not properly computed.	Rectified
C/363/96	Length of service not properly computed.	Rectified
C/367/96	Length of service not properly computed.	Rectified
C/368/96	No reply to application for lease of State land since more than two years. ...	Explained
C/370/96	Length of service not properly computed.	Rectified
C/371/96	Length of service not properly computed.	Rectified
C/372/96	Length of service not properly computed.	Rectified
C/373/96	Length of service not properly computed.	Rectified
C/374/96	Length of service not properly computed.	Explained
C/378/96	Length of service not properly computed.	Explained
C/379/96	Length of service not properly computed.	Pending
C/380/96	Length of service not properly computed.	Pending
C/384/96	Has applied for a plot of State land to carry on a business since 1991. No reply so far.	Pending
C/390/96	Length of service not properly computed.	Rectified
C/391/96	Length of service not properly computed.	Rectified
C/393/96	Length of service not properly computed.	Rectified
C/401/96	Length of service not properly computed.	Pending
C/403/96	Length of service not properly computed.	Pending
C/404/96	Length of service not properly computed.	Rectified
C/405/96	Length of service not properly computed.	Rectified
C/407/96	Length of service not properly computed.	Rectified
C/409/96	Length of service not properly computed.	Explained
C/411/96	Length of service not properly computed.	Rectified
C/412/96	Length of service not properly computed.	Pending
C/413/96	Length of service not properly computed.	Rectified
C/414/96	Length of service not properly computed.	Not justified
C/415/96	Mother of ex public officer not paid retiring benefits of deceased son. ...	Explained
C/420/96	Length of service not properly computed.	Explained
C/423/96	Claim for allowance for performing higher duties since 1993. No reply yet. ...	Rectified
C/425/96	Length of service not properly computed.	Rectified
C/432/96	Length of service not properly computed.	Pending
C/434/96	Length of service not properly computed.	Rectified
C/436/96	Length of service not properly computed.	Pending
C/437/96	Length of service not properly computed.	Pending
C/439/96	Length of service not properly computed.	Pending
C/440/96	Length of service not properly computed.	Pending
C/441/96	Length of service not properly computed.	Rectified
C/442/96	Length of service not properly computed.	Rectified
C/443/96	Length of service not properly computed.	Rectified
C/444/96	Length of service not properly computed.	Explained
C/445/96	Complainant requests that his salary be adjusted as according to him he is receiving less than he should have received.	Rectified
C/446/96	Complainant an ex-public officer. Was not informed that his post had been declared vacant.	Explained

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/447/96	Not received salary for the months of September to December 1987 when he retired. Not satisfied with lump sum received.	Explained
C/450/96	Bad weather allowance not paid to complainant for the last nine months. ...	Pending
C/452/96	Length of service not properly computed.	Not justified
C/453/96	Length of service not properly computed.	Pending
C/454/96	Length of service not properly computed.	Rectified
C/456/96	Length of service not properly computed.	Rectified
C/457/96	Length of service not properly computed.	Explained
C/459/96	Length of service not properly computed.	Pending
C/460/96	Length of service not properly computed.	Explained
C/461/96	Length of service not properly computed.	Rectified
C/462/96	Length of service not properly computed.	Pending
C/463/96	Length of service not properly computed.	Pending
C/464/96	Length of service not properly computed.	Pending
C/465/96	Length of service not properly computed.	Pending
C/466/96	Length of service not properly computed.	Explained
C/467/96	Length of service not properly computed.	Rectified
C/468/96	Length of service not properly computed.	Explained
C/1/97	Length of service not properly computed.	Pending
C/2/97	Length of service not properly computed.	Rectified
C/3/97	Length of service not properly computed.	Pending
C/4/97	Length of service not properly computed.	Rectified
C/6/97	Length of service not properly computed.	Pending
C/7/97	Length of service not properly computed.	Rectified
C/8/97	Length of service not properly computed.	Rectified
C/9/97	Length of service not properly computed.	Pending
C/10/97	Length of service not properly computed.	Explained
C/14/97	Length of service not properly computed.	Pending
C/15/97	Length of service not properly computed.	Rectified
C/16/97	Length of service not properly computed.	Rectified
C/17/97	Length of service not properly computed.	Rectified
C/23/97	Length of service not properly computed.	Pending
C/27/97	Length of service not properly computed.	Partly Rectified
C/28/97	Length of service not properly computed.	Rectified
C/29/97	Length of service not properly computed.	Explained
C/30/97	Length of service not properly computed.	Rectified
C/31/97	Length of service not properly computed.	Explained
C/32/97	Length of service not properly computed.	Pending
C/33/97	Length of service not properly computed.	Explained
C/37/97	Length of service not properly computed.	Not justified
C/38/97	Length of service not properly computed.	Pending
C/39/97	Length of service not properly computed.	Rectified
C/40/97	Length of service not properly computed.	Pending
C/41/97	Length of service not properly computed.	Pending
C/42/97	Length of service not properly computed.	Rectified
C/43/97	Length of service not properly computed.	Rectified
C/44/97	Length of service not properly computed.	Pending
C/51/97	Length of service not properly computed.	Explained
C/52/97	Length of service not properly computed.	Explained
C/53/97	Length of service not properly computed.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/54/97	Length of service not properly computed.	Explained
C/55/97	Length of service not properly computed.	Explained
C/56/97	Length of service not properly computed.	Pending
C/57/97	Length of service not properly computed.	Pending
C/67/97	Length of service not properly computed.	Pending
C/68/97	Length of service not properly computed.	Not justified
C/69/97	Length of service not properly computed.	Explained
C/70/97	Length of service not properly computed.	Pending
C/74/97	Length of service not properly computed.	Pending
C/75/97	Length of service not properly computed.	Pending
C/76/97	Length of service not properly computed.	Rectified
C/77/97	Length of service not properly computed.	Pending
C/78/97	Length of service not properly computed.	Pending
C/79/97	Length of service not properly computed.	Pending
C/81/97	Complainant requests that alimony payable to her be deducted from husband's pension.	Explained
C/82/97	No compensation received after 13 years of service.	Pending
C/83/97	Length of service not properly computed.	Pending
C/84/97	Length of service not properly computed.	Pending
C/85/97	Length of service not properly computed.	Pending
C/86/97	Length of service not properly computed.	Not justified
C/87/97	Length of service not properly computed.	Pending
C/89/97	Length of service not properly computed.	Pending
C/93/97	Length of service not properly computed.	Pending
C/94/97	Length of service not properly computed.	Rectified
C/95/97	Length of service not properly computed.	Pending
C/96/97	Length of service not properly computed.	Pending
C/97/97	Length of service not properly computed.	Pending
C/98/97	Length of service not properly computed.	Rectified
C/101/97	Length of service not properly computed.	Rectified
C/107/97	Currency allowance not paid to acting Island Secretary.	Rectified
C/109/97	Length of service not properly computed.	Pending
C/110/97	Length of service not properly computed.	Pending
C/113/97	Length of service not properly computed.	Pending
C/114/97	Amount received for sick leave not adequate.	Discontinued
C/115/97	Length of service not properly computed.	Pending
C/116/97	Length of service not properly computed.	Pending
C/117/97	Not paid closed season or bad weather allowance.	Explained
C/118/97	Length of service not properly computed.	Explained
C/119/97	No reply to application for State land.	Pending
C/120/97	Passage benefits underpaid.	Not justified
C/121/97	Length of service not properly computed.	Pending
C/122/97	Length of service not properly computed.	Rectified
C/124/97	Length of service not properly computed.	Explained
C/125/97	Length of service not properly computed.	Rectified
C/126/97	Inducement allowance payable to specialists doctors not properly calculated.	Rectified
C/127/97	Complainant, who is the Director Health Services, in Rodrigues, not allowed to perform night duty.	Pending
C/128/97	Claim for higher duties allowance.	Pending
C/129/97	Length of service not properly computed.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/131/97	Length of service not properly computed.	Pending
C/132/97	Length of service not properly computed.	Rectified
C/133/97	Length of service not properly computed.	Pending
C/134/97	Length of service not properly computed.	Not justified
C/137/97	Length of service not properly computed.	Explained
C/138/97	Complainant does not benefit bad weather and closed season allowance. ...	Pending
C/139/97	Length of service not properly computed.	Pending
C/141/97	Complainant avers that he has not been duly remunerated since he joined the Public Service.	Pending
C/142/97	Length of service not properly computed.	Explained
C/143/97	Length of service not properly computed.	Rectified
C/144/97	Length of service not properly computed.	Pending
C/145/97	Length of service not properly computed.	Rectified
C/146/97	Length of service not properly computed.	Pending
C/147/97	Length of service not properly computed.	Pending
C/148/97	Length of service not properly computed.	Not justified
C/150/97	Length of service not properly computed.	Pending
C/153/97	Length of service not properly computed.	Explained
C/154/97	Complainant claims passage benefits 11 years after retirement.	Explained
C/155/97	Length of service not properly computed.	Pending
C/156/97	Length of service not properly computed.	Pending
C/157/97	Length of service not properly computed.	Pending
C/158/97	Complainant, widow of ex public officer, not paid death benefits.	Pending
C/172/97	Length of service not properly computed.	Rectified
C/173/97	Length of service not properly computed.	Pending
C/174/97	Length of service not properly computed.	Explained
C/175/97	Length of service not properly computed.	Pending
C/176/97	Length of service not properly computed.	Pending
C/179/97	Length of service not properly computed.	Pending
C/180/97	Length of service not properly computed.	Pending
C/184/97	Length of service not properly computed.	Pending
C/185/97	Length of service not properly computed.	Pending
C/186/97	Length of service not properly computed.	Rectified
C/188/97	Length of service not properly computed.	Not justified
C/189/97	Length of service not properly computed.	Explained
C/194/97	Length of service not properly computed.	Pending
C/195/97	Length of service not properly computed.	Pending
C/201/97	Length of service not properly computed.	Explained
C/202/97	Length of service not properly computed.	Explained
C/206/97	Length of service not properly computed.	Pending
C/208/97	Length of service not properly computed.	Pending
C/209/97	Length of service not properly computed.	Pending
C/210/97	Claims that he has been underpaid during his service with Government. ...	Pending
C/211/97	Length of service not properly computed.	Pending
C/219/97	Length of service not properly computed.	Pending
C/220/97	Length of service not properly computed.	Pending
C/221/97	Length of service not properly computed.	Pending
C/223/97	Length of service not properly computed.	Pending
C/226/97	Length of service not properly computed.	Pending
C/227/97	Length of service not properly computed.	Rectified
C/228/97	Length of service not properly computed.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/230/97	Length of service not properly computed.	Pending
C/231/97	Length of service not properly computed.	Pending
C/232/97	Length of service not properly computed.	Rectified
C/235/97	Length of service not properly computed.	Pending
C/236/97	Length of service not properly computed.	Pending
C/237/97	Length of service not properly computed.	Pending
C/238/97	Length of service not properly computed.	Explained
C/239/97	Length of service not properly computed.	Explained
C/240/97	Complainant claims death benefits of deceased father, ex public officer. ...	Pending
C/241/97	No gratuity paid to complainant, widow of ex-public officer who has passed away.	Pending
C/242/97	Bad weather allowance paid to complainant as fisherman stopped after 10 years.	Pending
C/245/97	Complainant claims pension on behalf of deceased mother, ex public officer. ...	Pending
C/246/97	Length of service not properly computed.	Pending
C/247/97	Length of service not properly computed.	Explained
C/249/97	Length of service not properly computed.	Explained
C/250/97	Length of service not properly computed.	Pending
C/251/97	Cash payable to heirs of deceased officer in respect of accumulated sick leave etc. not paid to deceased's widow.	Explained
C/257/97	Length of service not properly computed.	Not justified
C/259/97	Complainant, the widow of ex-public officer, avers not having received any retirement benefits due to late husband.	Pending
C/260/97	Length of service not properly computed.	Pending
C/261/97	Length of service not properly computed.	Pending
C/263/97	No decision taken concerning application for State land by complainant. ...	Pending
C/265/97	Length of service not properly computed.	Rectified
C/267/97	Length of service not properly computed.	Pending
C/272/97	Length of service not properly computed.	Explained
C/273/97	Length of service not properly computed.	Pending
C/274/97	Length of service not properly computed.	Not justified
C/275/97	Length of service not properly computed.	Explained
C/278/97	Complainant's husband, who worked for the fisheries division, has disappeared since the beginning of 1985. No information obtained from authorities concerned.... ..	Explained
C/279/97	Length of service not properly computed.	Pending
C/280/97	Length of service not properly computed.	Pending
C/281/97	Teacher transferred temporarily from Rodrigues to Mauritius. Salary not paid for last 6 months.	Rectified
C/282/97	Length of service not properly computed.	Explained
C/283/97	Length of service not properly computed.	Pending
C/284/97	Length of service not properly computed.	Rectified
C/285/97	Length of service not properly computed.	Pending
C/286/97	Length of service not properly computed.	Explained
C/287/97	Length of service not properly computed.	Pending
C/289/97	Length of service not properly computed.	Partly rectified
C/290/97	Length of service not properly computed.	Pending
C/293/97	Length of service not properly computed.	Pending
C/294/97	Complainant received no lump sum or pension upon his retirement from the public service.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/297/97	Length of service not properly computed.	Pending
C/298/97	Length of service not properly computed.	Pending
C/300/97	Length of service not properly computed.	Pending
C/308/97	Length of service not properly computed.	Pending
C/309/97	Complainant, widow of ex-public officer, sustained injuries whilst on duty and later passed away. No compensation paid to widow yet.	Rectified
C/310/97	Not paid widow's pension since husband passed away.	Not justified
C/311/97	Length of service not properly computed.	Pending
C/312/97	Length of service not properly computed.	Pending
C/313/97	Length of service not properly computed.	Pending
C/314/97	Length of service not properly computed.	Explained
C/322/97	Length of service not properly computed.	Pending
C/329/97	Cash in lieu of passage benefits not paid to complainant.	Rectified
C/332/97	Length of service not properly computed.	Explained
C/333/97	Length of service not properly computed.	Explained
C/334/97	Length of service not properly computed.	Pending
C/335/97	Length of service not properly computed.	Pending
C/336/97	Length of service not properly computed.	Pending
C/338/97	Length of service not properly computed.	Pending
C/343/97	Length of service not properly computed.	Pending
C/344/97	Length of service not properly computed.	Pending
C/345/97	Length of service not properly computed.	Not justified
C/350/97	Length of service not properly computed.	Not justified
C/351/97	Widows pension paid to complainant not enough.	Pending
C/352/97	Length of service not properly computed.	Pending
C/353/97	Length of service not properly computed.	Pending
C/354/97	Length of service not properly computed.	Pending
C/355/97	Length of service not properly computed.	Pending
C/356/97	Length of service not properly computed.	Pending
C/362/97	Length of service not properly computed.	Pending
C/363/97	Length of service not properly computed.	Explained
C/366/97	Length of service not properly computed.	Pending
C/367/97	Avers an anomaly in his salary compared to his juniors.... ..	Pending
C/368/97	Length of service not properly computed.	Pending
C/369/97	Length of service not properly computed.	Pending
C/370/97	Passage benefits not paid to complainant after his retirement from the Service.	Explained
C/371/97	Complainant claims overtime allowance unpaid since 9 years.	Pending
C/372/97	Complainant has been denied leave during the last six years.	Pending
C/373/97	Complainant claims official transport facilities or payment of travelling expenses.... ..	Pending
C/374/97	Length of service not properly computed.	Pending
C/375/97	Length of service not properly computed.	Explained
C/376/97	Passage benefits not paid to complainant since his retirement.	Explained
C/377/97	Mileage credit not paid to complainant.	Rectified
C/378/97	Passage benefits not yet paid to complainant who retired more than 3 years back.	Pending
C/379/97	Complainant claims overtime allowance unpaid since 9 years.	Pending
C/381/97	Complainant has been performing the duties of Vulcaniser since long. Wishes to be promoted as such.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/382/97	No reply to application for State land for residential purpose.	Pending
C/383/97	Application for State land since 1992. No reply received yet.	Pending
C/384/97	Extra time not paid since November 1989.	Pending
C/385/97	Overtime allowance not paid to complainant.	Pending
C/386/97	Letter to Administration regarding length of service has remained without reply.	Pending
C/387/97	Overtime allowance not paid to complainant.	Pending
C/388/97	Length of service not properly computed.	Pending
C/389/97	Length of service not properly computed.	Explained
C/390/97	Length of service not properly computed.	Pending
C/391/97	Overtime shortpaid. No action taken by authority concerned.	Pending
C/392/97	Length of service not properly computed.	Pending
C/393/97	Length of service not properly computed.	Pending
C/394/97	Length of service not properly computed.	Pending
C/395/97	Length of service not properly computed.	Pending
C/398/97	Anomaly in salary.	Pending
C/400/97	Complainant's husband disappeared at sea. Death gratuity not yet paid to his heirs.	Pending
C/401/97	Length of service not properly computed.	Pending
C/402/97	Length of service not properly computed.	Pending
C/403/97	Length of service not properly computed.	Pending
C/404/97	Length of service not properly computed.	Pending
C/405/97	Claims revision of pension etc.	Pending
C/407/97	Length of service not properly computed.	Pending
C/408/97	No allowance paid to complainant for assuming duties of Coordinator of Health Workers.	Pending
C/409/97	Allowance for performing higher duties not paid to complainant.	Pending
C/410/97	Length of service not properly computed.	Pending
C/411/97	Length of service not properly computed.	Pending
C/412/97	Land to be excised from leased portion of State land not yet measured.	Pending
C/413/97	Length of service not properly computed.	Pending
C/414/97	Length of service not properly computed.	Pending
C/415/97	Length of service not properly computed.	Not justified
C/416/97	Length of service not properly computed.	Pending
C/417/97	Length of service not properly computed.	Pending
C/418/97	No reply to application for State land since 5 years.	Pending
C/420/97	Length of service not properly computed.	Explained
C/421/97	Complainant avers there are errors in the computation of arrears of widows' pension payable to her etc.	Pending
C/422/97	Length of service not properly computed.	Pending
C/423/97	Length of service not properly computed.	Pending
C/424/97	Delay to process application for passage benefits.	Pending
C/425/97	Length of service not properly computed.	Pending
C/433/97	Length of service not properly computed.	Pending
C/434/97	Length of service not properly computed.	Pending
C/435/97	Deceased public officer's widow claims pension.	Not justified
C/436/97	Length of service not properly computed.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/437/97	Length of service not properly computed.	Pending
C/438/97	Length of service not properly computed.	Pending
C/439/97	Transport Supervisor refuses to give complainant fuel because latter's vehicle is dirty. Further insulted by Transport Supervisor.	Pending
C/440/97	Pension paid to complainant's sons stopped.	Pending
C/443/97	Travelling allowance not correct.	Not entertained
C/451/97	Length of service not properly computed.	Not justified
C/452/97	Length of service not properly computed.	Pending
C/455/97	Length of service not properly computed.	Pending
C/456/97	Not satisfied with retiring benefits etc.	Explained
C/457/97	Length of service not properly computed.	Pending
C/458/97	Not paid passage benefits after retirement from Service.	Explained
C/459/97	Length of service not properly computed.	Pending
C/460/97	Length of service not properly computed.	Pending
C/461/97	Length of service not properly computed.	Explained
C/462/97	Length of service not properly computed.	Pending
C/465/97	Mileage credit wrongly computed.	Pending
C/466/97	Complainant interdicted from duty. Wants to know whether he is entitled to any gratuity.	Pending
C/467/97	Length of service not properly computed.	Pending
C/468/97	Length of service not properly computed.	Pending
C/474/97	Widows pension payable to complainant reduced.	Pending
C/475/97	Length of service not properly computed.	Pending
C/478/97	Length of service not properly computed.	Pending
C/479/97	Length of service not properly computed.	Pending
C/483/97	Length of service not properly computed.	Pending
C/484/97	Complainant claims his salary is not adequate and should be readjusted.	Pending
C/485/97	Length of service not properly computed.	Pending
C/486/97	Length of service not properly computed.	Pending
C/489/97	Length of service not properly computed.	Pending
School Rector		
C/218/97	Request for information by complainant regarding school text.	Not entertained
Social Security and National Solidarity		
C/107/96	Complainant avers being victim of punitive transfer.	Explained
C/427/96	Social aid denied to handicapped child because father's earnings have exceeded the ceiling.	Discontinued
C/25/97	Complainant had left the country and asked the suspension of his old age pension. Has now asked for re-establishment of same since 9 months. Nothing has been done.	Rectified
C/100/97	Not satisfied with the amount of pension received.	Explained
C/264/97	Commuted travelling not paid to complainant.	Pending

APPENDIX E —continued

No.	Subject of Complaint	Result
Social Security and National Solidarity — continued		
C/276/97	Payment of social aid to complainant's wife stopped after 14 months. Complainant still in jail.	Explained
C/296/97	Disciplinary proceedings instituted against complainant. Latter avers that main witness has cleared him. Requests that the proceedings be discontinued etc. ...	Pending
C/326/97	Complainant's husband in jail. She has been paid social aid for 14 months. Payment has now been stopped.	Pending
C/432/97	Complainant avers that he is not being paid his old age pension adequately. ...	Pending
Trade and Shipping		
C/145/95	Application to import second-hand car for a second time rejected. ...	Pending

APPENDIX F

CASES OUTSIDE JURISDICTION

Education and Human Resource Development	...	...	...	...	1
Rodrigues	...	...	...	...	1

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