



Republic of Mauritius

28th Annual Report

of the

OMBUDSMAN

January - December 2001
No. 13 of 2002

28th
Annual Report
of the
Ombudsman

January – December 2001

OFFICE OF THE OMBUDSMAN

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14 June 2002

**Mr. Karl Offmann, G.C.S.K.,
President of the Republic of Mauritius,
Clarisse House,
Vacoas**

Mr. President,

The provisions of section 101(3) of the Constitution of Mauritius require the Ombudsman to make an annual report to the President of the Republic of Mauritius concerning the discharge of his functions.

In accordance with such provisions therefore I have the honour, pleasure and privilege to present to you the 28th Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2001.

This Report is also to be laid before the National Assembly.

Yours respectfully,

**(Soleman M. HATTEEA)
Ombudsman**

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Annual Report of the Ombudsman

January - December 2001

Excerpt

Excerpt from the Final Communiqué of the VIIth International Ombudsman Institute Conference - Durban, South Africa - 2 November 2000:

"To live in a society which pursues good governance practices is considered by the Conference today to be a basic human right. The quality of an individual citizen's life is materially affected by both the decisions taken by government and the manner in which those decisions are implemented.

A just and civil society requires a system of government which whilst operating within the rule of law provides for a wider recognition of the need for accountability to citizens on whose behalf government undertakes its responsibilities. The institution of Ombudsman provides an effective accountability mechanism, which is now in place in more than 100 countries. This Conference endorses the role of ombudsmen in providing a mechanism which can balance the fundamental requirement that governments must be able to govern but with appropriate accountability".

Ombudsman's foreword

Nowadays citizens are more knowledgeable of their rights and are no longer unquestioning recipients of services. In order to match this situation the providers of services to the public must be more open and accountable. There must therefore be a firm commitment on the part of our public service to improve the quality of its service to our citizens. What is essentially required is honesty, integrity, professionalism and a desire to maintain a good relationship with the public. In their dealings with citizens, public officers must not only be fair but also seen to be fair. It is of paramount importance that we all remember that it is for the administration to serve the public and not vice versa.

There are numerous sectors where the administration is in a monopoly situation. The citizen has no option but to have recourse to the administration. Public officers or certain organs of the State may therefore tend to develop bad tendencies. Who can check such tendencies? To whom can citizens turn for redress? The answer to such questions is that the Ombudsman is such an institution.

Who is the Ombudsman and what does he do?

The Ombudsman is a person who is appointed by the President of the Republic 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. (section 96(2) of the Constitution).

He is empowered to investigate into complaints against any government department or other public body where there is an allegation of maladministration, be it in the form of action taken or action not taken, which has caused injustice. He can thereafter make recommendations for remedial measures to be taken. His strength lies in his independence vis-à-vis other institutions

and authorities. He has no commitment to any political or other group. His commitment is to the citizens of this country. It is in this way that the Ombudsman can be respected by one and all and I dare say it is in the interest of government and citizen that this be so.

It may therefore be said that the Ombudsman forms part of a system of checks and balances that contribute to the proper functioning of the administrative machinery. In so doing the Ombudsman assists not only the citizens but also the administration in conducting its affairs in a manner that endeavours to maintain the citizens' confidence in government institutions. The Ombudsman keeps the administrators on their toes, so to speak.

Having said that I would like to state the obvious: this system can only function in a democratic society where the rule of law prevails. Otherwise, no matter how strong a recommendation of the Ombudsman can be, if the government of the day is not prepared and willing to listen and take action where appropriate, there is no point in having such an institution. By "democratic society" I do not mean a system of government or a country where elections are held on a regular basis but a way of life or to use a french expression: "la démocratie au quotidien". Democracy is a fragile notion and it must be constantly watched and consolidated by the development of a culture of respect of human rights. In other words we must always endeavour to improve the quality of democracy.

The role of the Ombudsman in this environment is therefore to provide a means whereby high quality democracy is the order of the day through control, fairness and transparency.

Therefore, whilst investigation and redressing grievances remain the core function of the Ombudsman institution, it also plays a key role in the nation-building process of a democratic state.

I am therefore always committed to this effort of nation-building whilst at all times I endeavour to act in accordance with the Constitution with resolute independence and impartiality without which my Office may lose its legitimacy and respect.

Year under review

This is the 28th Annual Report of the Ombudsman. It concerns the discharge of my functions during the period January to December 2001.

My Office received a total of 329 new complaints and finalised 369 cases.

We also received 150 copies of complaints addressed to other bodies and authorities as well as 210 letters of complaints that fell outside the Ombudsman's jurisdiction. All these cases were given the attention they deserved and where possible we have assisted the writers. In certain deserving cases we have even followed up the matters until their conclusion.

We also investigated into two cases of our own motion and made recommendations for redress. In one case (odour nuisance and river pollution by factory) remedial measures have been taken whereas the second one (sewerage problem) is still under consideration by the authorities concerned.

Hereunder are the statistics for the year under review -

Cases pending as at 31 December 2000	...	...	...	333
Case intake in 2001	...	...	...	329
Cases dealt with in 2001	...	...	...	662

Cases rectified	...	...	...	...	...	126
Cases partly rectified	...	...	...	...	...	4
Cases not justified ...	...	...	...	...	...	47
Cases explained ...	...	...	...	...	...	153
Cases discontinued	...	...	...	...	...	31
Cases not investigated	...	...	...	...	...	8
Cases pending as at 31 December 2001	...	...	...	...	...	293

Rodrigues

Once again the island of Rodrigues was not forgotten although I could go there only once in the year 2001. As always I was accompanied by the Secretary of my Office.

We received 84 Rodriguans and opened 20 new files, essentially cases concerning the length of service of serving and retired public officers and persons who had applied for leases of State land for divers purposes.

During the year under review Government had to pay out a little more than one million rupees to Rodriguans whose complaints were found to be justified.

Conclusion

I would like to conclude by inviting public officers to abandon their traditional role and the heavy bureaucracy it entails and to view their job as more of a mission to meet the legitimate expectations and hopes of our citizens in the face of frustration generated by modern society but in a manner that is respectful of their dignity.

As far as my staff is concerned I can assure one and all that we spare no effort to increase the efficiency and client-friendliness of the Ombudsman's Office.

On a personal note I reiterate my commitment to the ideals of ombudsmanship and shall continue to do my best to inspire respect and confidence.

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 concerned and the result of the case.

It will be noticed that sometimes a particular Ministry appears under different appellations, e.g.

1^o Land Transport, Shipping and Port Development

2^o Public Infrastructure, Land Transport and Shipping

This is due to the change in appellation decided by the government of the day, but, for purposes of the Annual Report, I have kept the appellation which was current at the time of the opening of the file.

Date: 14 June 2002

(S.M. HATTEEA)
Ombudsman

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 Disciplined Forces 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 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 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 9 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.

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
AGRICULTURE, FOOD TECHNOLOGY
AND NATURAL RESOURCES**

C/434/99

Ex-Teafac employees get salary adjustment

Certain ex-employees of La Pipe Tea Factory (Teafac) holding appointment in grades other than Labourer were redeployed in the Ministry of Agriculture, Food Technology and Natural Resources on 16 February 1998 following the closure of Teafac. They were absorbed as Agricultural Development Assistants (ADA) and were drawing a salary of less than Rs 5000/-.

They aver that they were not being paid the same salary as other ADA working in the same Ministry and had not even received the increment provided for in the PRB 1999 Report on Errors, Omissions and Clarifications.

According to the Ministry there was no anomaly in their salary but as regard the increment claimed by the complainants the advice of the PRB was being sought in order to avoid any possible overpayment of salary. In fact not only the complainants were concerned but another thirty nine employees were in a similar situation.

After receiving advice from the PRB the matter was referred to the Ministry of Civil Service Affairs and Administrative Reforms which subsequently granted clearance for the payment of one increment in accordance with paragraph 1.15 of the PRB 1999 Report on Errors, Omissions and Clarifications to all ex-Teafac employees who, as at 1 July 1998, were drawing less than Rs 5000/- monthly.

As the complainants fell in that category of employees their salary was thus adjusted.

CIVIL SERVICE AFFAIRS AND ADMINISTRATIVE REFORMS

C/47/2001

**Extra duty allowance paid to Survey Officers
following Ombudsman's intervention**

In the context of the preparation of the Pay Research Bureau (PRB) Report 1998 certain Survey Officers working at the Bureau had written to the Ministry of Civil Service Affairs and Administrative Reforms on 6 March 2000 claiming extra duty allowance for having put in additional hours of work over and above their normal working hours. That letter was channelled through the Director of the PRB but it was only on 21 December 2000 that the said Director wrote to the above-mentioned Ministry about that issue and the Ministry replied to the Director on 31 January 2001 rejecting the claim on the ground that the additional hours of work put in by the Survey Officers in 1998 formed part and parcel of the normal exercise of the Bureau.

One of the Survey Officers wrote to me on 5 February 2001 to inform me of the situation. He added that in January 1998 the Director, PRB, had a meeting with all the Survey Officers and told them to start working beyond 4.00 p.m. in order to complete the Report and even informed them that a sum of Rs 200000/- had been earmarked for payment of additional hours. So, as from February 1998 up to August 1998, date of publication of the Report, they worked beyond 4.00 p.m. almost every day.

He therefore solicited my intervention in the matter.

I started my investigation by requesting the Director, PRB, to inform me whether he had in fact told the Survey Officers that a sum of Rs 200000/- had been earmarked for payment of additional hours. In his reply he confirmed that a provision of Rs 200000/- had been made in the Estimates for financial year 1997-1998 and Rs 400000/- for financial year 1998-1999 for extra payment in connection with the preparation of the 1998 PRB Report. He indeed verbally informed the Survey Officers as well as other technical staff that they would be remunerated for putting in extra hours and working under constant pressure for the timely preparation of the PRB Report on the understanding that he would obtain the required authority to effect the payment. Subsequently the Director, PRB, recommended to the Ministry of Civil Service Affairs and Administrative Reforms payment of an allowance inasmuch as the preparation of the PRB Report had been carried out *"within a limited time frame under excess pressure at irregular hours and even on Sundays and public holidays, particularly in the months preceding its publication"*.

In the light of that reply I approached the Ministry of Civil Service Affairs and Administrative Reforms and invited them to reconsider their decision in view of the exceptional circumstances and the legitimate expectation of the officers. That Ministry maintained its stand and refused to change its decision.

I did not give up but instead drew the attention of that Ministry to paragraph 12.6.4. of the PRB Report 1998 and told them that according to my information a similar practice obtained at the Electoral Commissioner's Office and at the Budget Office. I thus requested the Ministry to reconsider their decision a second time.

Finally the Secretary for Public Service Affairs informed me that after consultations with the Secretary to the Cabinet and Head of Civil Service approval was **exceptionally** conveyed to the Director, PRB, for the payment of extra duty allowance to the Job Analysts and Survey Officers. The Secretary for Public Service Affairs however stressed that the Director, PRB, had been informed that in future such specific assignments would be considered as part and parcel of normal duties and no allowance would be payable.

The complainant subsequently wrote to me to inform me that he had received payment of his dues.

EDUCATION AND SCIENTIFIC RESEARCH

C/218/99

Retired public officer gets compensation for injury sustained whilst on duty

A.S.R., Deputy Head Teacher, fell down and broke his left leg whilst on duty - he was accompanying pupils on an excursion on 14 March 1991.

After various appearances before the Injuries Committee and the specialist doctor, the findings were that he did sustain the broken leg whilst on duty through no fault of his and his permanent incapacity was medically assessed at 6%.

On 10 December 1997 the findings as well as A.S.R.'s statement of earnings were forwarded to the Accountant General for payment but as at 15 June 1999 (date of his first letter to me) no compensation had been paid to A.S.R.

I took up the matter with both the Accountant General and the Ministry of Education and Scientific Research as it would appear that there was an exchange of correspondence between them concerning information required by the Accountant General.

In the meantime A.S.R. retired from the service having reached the age limit. He was paid his retiring benefits and was in receipt of his monthly pension regularly.

I had to keep on pressing the departments concerned and in the end A.S.R. was paid an additional gratuity and an additional reduced monthly pension with effect from the date of his retirement.

A.S.R. wrote to inform me that he was quite happy to have been compensated.

C/123/2000

Pre-primary school registered following Ombudsman's recommendation

A lady forwarded to me a copy of her complaint addressed to the Honourable Minister of Education and Scientific Research to the effect that her application to register her pre-primary school made some seven months before had not yet been considered.

I therefore decided to inquire into the matter and sought the version of the Permanent Secretary, Ministry of Education and Scientific Research. I was told that on the very day the application was made a complaint was received from her neighbours objecting to the grant of a certificate of registration. (It is to be wondered how the neighbours obtained such information on the same day!). In view of the protest the Regional Directorate of the Ministry made a request to the Ministry of Environment and to the appropriate District Council to effect a site visit and submit their recommendations. As no reply had yet been received from either body after several months I requested the Ministry of Education and Scientific Research to inform them that I was anxiously awaiting their replies in that case.

Within a fortnight both forwarded their replies to the Ministry of Education and Scientific Research. Neither had any objection to the application. Unfortunately the Ministry of Education and Scientific Research then told me that the applicant should obtain her immediate neighbours' consent.

Unhappy with this reply I requested the Ministry of Education and Scientific Research to conduct a discreet inquiry into the matter especially in view of the fact that the pre-primary school was already operational with twenty-one children and the applicant had received no complaint at all.

Three neighbouring families were interviewed concerning the running of that school. Two were against on grounds of health and environment whilst the third one had no objection.

Furthermore the Ministry of Environment reported no case of disturbance.

I carefully considered the objections raised and came to the conclusion that they were rather flimsy. I therefore recommended registration of the school. I am pleased to say that the Ministry of Education and Scientific Research accepted my recommendation and granted the registration prayed for.

C/243/2000

Degree obtained by distance education recognised

S.J. who was appointed as Education Officer in the Ministry of Education and Scientific Research on 9 January 1998 was drawing the salary of a Diploma Holder. He subsequently completed a degree course by distance education and was sponsored by the Tertiary Education Commission.

In December 1998 he wrote to the Ministry asking to be upgraded from Diploma Holder to Degree Holder expecting a substantial increase in his salary. As he received no reply he sent a second letter in May 2000 and was told that the matter was still under consideration. He again wrote to the Ministry in August 2000 but again got the same reply. He finally wrote to me in October 2000 expressing his deep frustration about the way he was being treated.

The Ministry was summoned by me to explain their delay in finalising this case. They informed me that they had sought the views of the National Accreditation and Equivalence Council (NAEC) and had received a reply on 9 November 2000. They informed me that the case of S.J. "*will be finalised very shortly*". It was only on 13 February 2001 that I was made aware that the NAEC had confirmed that the degree obtained by S.J. was considered to be a 2 years full time degree. However some further points still needed to be cleared with the NAEC for the purpose of adjustment of salary. Still months went by without any definitive reply from the Ministry.

I finally had to summon the Permanent Secretary of the Ministry to appear before me on 11 October 2001 to furnish his explanation. He dispatched his Principal Assistant Secretary on that day as he was on mission abroad. The Principal Assistant Secretary explained that there was a problem with the NAEC to obtain material for an immediate reply and promised to have matters expedited.

A special meeting of the NAEC was held on 23 October 2001 and the degree obtained by S.J. was finally recognised. He was thus eligible to draw the salary he was expecting with effect from the date he obtained the said degree and further to cross the Qualification Bar in the salary scale of Education Officer in due course.

A long and hard-fought battle by the complainant was thus won by him.

C/276/2000

Anomaly in salary - adjustment made

A Deputy Head Teacher (DHT) who had successfully completed his Certificate in Educational Management (CEM) course (1997-1999) was offered promotion as Head Teacher/Senior Head Teacher in a substantive capacity with effect from 21 November 1998. By October 1999 all such DHTs started drawing two incremental credits amount to Rs 1000 whereas he was not awarded those incremental credits as he was appointed Head Teacher/Senior Head Teacher before July 1999. This he considered to be a flagrant anomaly and a gross injustice. He therefore appealed to me to have the situation redressed.

The version of the Ministry of Education and Scientific Research was that indeed, for reasons we need not go into here, they were faced with an anomalous situation whereby some senior Head Teachers possessing the CEM were drawing less than their junior colleagues. Some 45 DHTs were in that situation.

I was however assured that a recommendation in their favour had already been made to the Ministry of Civil Service Affairs and Administrative Reforms and the latter had already conveyed its approval in October 2000 for the adjustment of their salary, even before the complainant had written to me.

However, as at 23 November 2000, date of complainant's letter, the adjustment had not yet been made. When queried by me the Ministry of Education and Scientific Research, by letter dated 5 January 2001, informed me that action had been taken. As I did not hear from the complainant again I can safely assume that he obtained satisfaction.

C/283/2000

**Request for transfer of son from one school
to another approved**

P.N.'s son, who was 5 years old, was admitted in Standard I at the Amitié Government School as from January 2001 although his father had requested his admission at R. Goburdhun Government School where the elder daughter of the family who was in Standard IV was studying.

P.N. averred that he would have to send his son to school by bus every day whereas there was already adequate transport taking his daughter to R. Goburdhun Government School. Furthermore he feared for his son who was still of very tender age. He also stressed that it would be psychologically easier for his son to adapt to the school where his daughter was already attending.

P.N. also informed me that there were sufficient places in Standard I at R. Goburdhun Government School which is not a "star" school. Therefore it was not a question of pestering the authorities to have the best school for his son but one of practicality and good sense.

The version of the Ministry of Education and Scientific Research was that the admission of the son to Amitié Government School was simply based on the catchment area in which the family lived.

I informed the Ministry that in my view there was sufficient ground to depart from the catchment area policy especially in a hardship case. This was accepted by the Ministry and the request for transfer was favourably entertained.

Unfortunately as the Ministry dragged its feet in the matter the decision to transfer was not made applicable immediately in order not to disrupt the pupil's revision work as the end of the school year was approaching but was to take effect in January 2002.

I informed P.N. of the Ministry's decision and as I did not hear from him again I can safely assume that the transfer had been effected.

C/97/2001

**Child transferred from her present school
on ground of school phobia**

A.K.S. was desperate about her daughter D.S. who had ceased to attend school since 28 February 2001 as she was suffering from a phobia caused by her school environment.

On the advice of a psychologist he applied for a transfer for her daughter to another school in their catchment area.

As D.S. was in VI standard and was going to sit for the C.P.E. exams. at the end of the year, and in order not to penalise her, she was allowed to attend the school applied for following a verbal agreement between the Headmistress of that school and the Area Inspector. Unfortunately a few days later the application for transfer was rejected on the ground that she was faking illness. According to A.K.S. his daughter was quite jovial and happy during her short stay at her new school.

A.K.S. tried to convince his daughter to return to her old school but was unsuccessful. The psychologist was further of the opinion that trying to force her to attend that school would be detrimental to her health.

For a few more weeks D.S. stayed at home alone as both her parents were working. Her health deteriorated. An appeal to the Minister gave no positive result. A.K.S. therefore sought my intervention.

I took up the matter with the Ministry and soon afterwards I was informed that D.S. had been admitted to yet another school in her locality.

As I did not hear from A.K.S. subsequently I can safely assume that he had obtained satisfaction.

C/99/2001

Complainant transferred to school nearer his residence

In February 2001 B.N., a teacher with a Teacher's Diploma in Agricultural Science, wrote to the Permanent Secretary of his Ministry to protest against his transfer from the school where he was working and which was near his residence to another more distant school. He considered this to be unjustified and contrary to the Ministry's policy of gradually approaching teachers nearer to their place of residence. He also invoked other reasons for his protest but we need not go into them.

As he received no reply he again wrote to the Permanent Secretary five weeks later, this time invoking mainly health reasons which, according to him, were to be found in his personal file.

At the same time he lodged a complaint before me and sought my intervention lest he would "*lapse again into another traumatic cycle of ill health*". He submitted for my perusal copies of the two letters he had written.

I inquired from the Ministry about the complainant's case and the official version contained plausible reasons for the complainant's transfer. However, as not a word was said about the alleged ill health of the complainant I requested the Ministry to probe further into this aspect of the case.

Eventually the complainant was transferred to another school nearer to his place. As he did not come back to me I can safely assume that he was satisfied.

Redundant teachers redeployed

A group of teachers who had become redundant in 1983 but who were still rendering services against payment of an allowance informed me that an agreement had been entered into between the Ministry of Education and Scientific Research and the Union of Private Secondary Education Employees (UPSEE) in May 2000 whereby Government undertook, inter alia, to do everything in its power *"to re-deploy redundant staff in Government and parastatal bodies (including MEDCO) in suitable posts and on no less favourable terms"*.

As at July 2001 the complainants had still not been so re-deployed and were thus being penalised in terms of salaries, pensions and other related benefits.

I took up their case with the Ministry and by September 2001 I was informed that government had decided that the redundant teachers would be absorbed on the establishment of MEDCO and that the complainants had been so absorbed. Related issues would be solved once this employer/employee relationship had been established.

FINANCE

C/95/99

Sum of Rs 482,465/- paid to complainant on ex-gratia basis upon recommendation of the Ombudsman

The case before me came after a long-drawn battle fought by the complainant, S.S.

It can be briefly summarised as follows -

- (i) S.S. served with the Mauritius Garrison in a civilian capacity from 5 August 1943 to 30 June 1960 when the Government of the day decided to replace the Mauritius Garrison by the Special Mobile Force. S.S.'s salary was paid from funds voted by the Colonial Government of Mauritius. He considered himself to be a civil servant with the same rights, including pension rights, as any other civil servant;
- (ii) early in 1960 the civilian personnel of the Mauritius Garrison were interviewed for an eventual transfer to the Central Housing Authority. Thirteen officers, including S.S., were selected and the transfer effectively took place on 3 November 1960;
- (iii) S.S. retired from the Central Housing Authority on 1 November 1982 but unfortunately his service with the Mauritius Garrison was not reckoned for pension purposes;
- (iv) after a long struggle by S.S. Government in 1997 took the decision to grant him an adjustment of pension based on his aggregate service with the Mauritius Garrison and the Central Housing Authority. However, the Ministry of Finance decided that the adjustment be given retrospective effect as from 1 July 1996;
- (v) Various representations made by him to have his pension adjusted as from the date of his retirement i.e. 1 November 1982 were turned down by the Ministry of Finance.

S.S. thus seized me of his plight by a letter dated 17 February 1999.

Following lengthy and thorough discussions with the Ministry of Finance and after carefully considering all the circumstances surrounding this case I formed the opinion that the Ministry's decision was *unjust* and made a recommendation to the Ministry to reverse its decision. The Ministry informed me that it would not be possible to accede to my request following advice received from the State Law Office and that the 1997 decision had been taken on a purely humanitarian ground and offered to S.S. as a package. I was further informed that the C.H.A. Fund out of which S.S. was to be paid under the 1997 decision no more existed.

Using my powers under section 100(3) of the Constitution I reported the matter to the Prime Minister and to the Minister of Finance and gave the reasons for my recommendation.

Finally on 2 May 2001 the Secretary to the Cabinet and Head of the Civil Service informed me that Government had approved my recommendation on an ex-gratia basis. On the same day the Financial Secretary wrote to S.S. to inform him that approval had been obtained for payment to him on an ex-gratia basis and in full and final settlement of his claim of the sum of Rs 482,465.

This case exceptionally took more than two years to be concluded but it was resolved in favour of the complainant who, in a letter of thanks, gave me even greater encouragement in my daily task. This is what he said: *"The younger generations will remember you as the Ombudsman who served human rights when he stood firm by his recommendations against the forces of opposition My family and I are most grateful to you"*

HEALTH AND QUALITY OF LIFE

C/256/2000

Complainant gets copy of report on cause of death of late husband

According to the complainant her husband died on 10 March 1999 and a post-mortem examination was carried out at Victoria Hospital. As at the date of her letter (21 November 2000) she had not been favoured with a report on the cause of death of her late husband, which she needed for insurance purposes.

At my instance an enquiry was carried out by the Regional Health Director, Victoria Hospital, and it was found that the deceased had not been admitted to that hospital. According to his information the deceased died on his site of work in Moka from where he was conveyed to a private clinic and from there the case was referred to the Police for post-mortem examination.

I solicited the help of the Police and succeeded in getting a copy of the Police report on the cause of death of complainant's late husband.

At my request a copy of that report was forwarded to the complainant.

C/98/2001

Noise nuisance abated

An inhabitant of Beau Bassin complained about the noise caused by her neighbour's water pump which, according to her, was operating "24 hours a day". He and his family were thus having sleepless nights.

The complainant tried to talk it over with the neighbour but in vain. He informed the Police and the Ministry of Environment about the situation but nothing was done. He therefore enlisted my help.

Following my intervention at the Ministry of Health and Quality of life an inspection was carried out by officers of that Ministry.

Although at the time of the visit no noise was detected because the pump was not in operation, yet it was found that by its location it was a potential source of noise.

A written sanitary notice was thus served on the said neighbour requiring her to cause the water pump to be properly mounted on rubber pads and enclosed in an appropriate soundproof structure so as to minimise the noise generated. A further visit a few weeks later disclosed that the notice had been complied with and no undue noise could be heard.

The complainant's mother-in-law who was present at the time of the second visit confirmed that there was no longer any noise nuisance and that she was personally satisfied.

The complainant was invited to state whether he was satisfied but he preferred to keep quiet.

The problem has, in our eyes, been solved.

C/122/2001

Nuisances stopped

B.P. reported to me that his neighbour's activities as cabinetmaker caused incessant noise and air pollution through the machines used, the burning of waste and the varnish applied to furniture.

As all this was affecting his health he complained to various authorities but no action has been taken.

At my behest an inspection was carried out by officers of the Ministry of Health and Quality of Life. It was reported that the offender had no trade licence nor any permit to run electric motors. He was therefore requested to cease all his activities until he obtained proper licences.

Two follow-up visits revealed that the workshop was no longer in operation.

I invited the complainant to confirm that this was so but he made no reply - may be he wanted to be henceforth left in peace, even by me!

C/216/2001

Specialist/Senior Specialist gets promotion

Dr. Y.N., Acting Consultant (as he then was) at the surgical unit of one of our hospitals complained of what he considered to be an injustice to him inasmuch as a vacancy for the post of Consultant, General Surgery, occurred on 21 May 2001 and as at the date of his letter i.e. 27 August 2001 he had not yet been appointed to the post.

He drew my attention to a similar situation in which the vacancy was filled within three weeks.

The version of the Permanent Secretary, Ministry of Health and Quality of Life was to the effect that Dr. Y.N. had been assigned the duties of Consultant ever since the vacancy occurred but he was late in submitting his Confidential Reports. However as soon as same were received a recommendation was made to the Public Service Commission on 16 July 2001 for his promotion.

Two months later the Public Service Commission informed the Permanent Secretary that the recommendation had been approved. Immediately after Dr. Y.N. was informed of his promotion.

I must point out here that I made it clear to the complainant right from the beginning that since this was a matter of promotion I could not intervene at the level of the Public Service Commission which body is excluded from my jurisdiction under the Constitution but that I would follow up the matter at the level of the Ministry to see to it that administrative procedures were not unduly delayed.

In the end the complainant thanked me for the "concern" I had shown.

HOUSING AND LANDS

C/202/99

Problems galore, temporary solutions found

This is an own-motion investigation opened by me after I had taken cognizance of an article in the issue of "Le Mauricien" dated 1 June 1999. The title of the article was as follows - "*Cité-Perdue: 67 familles dans des conditions inhumaines*" and it concerned the various problems faced by the inhabitants of temporary shelters at Richelieu. The main problem was the sanitary conditions obtaining at that place but there were other attendant problems one of which I considered to be very serious: the great majority of the children living there could not be sent to school precisely because of the sanitary problems.

The article revealed that there were only 4 toilets and 4 bathrooms for these 67 families. Wastewater, garbage, etc. were everywhere. Living there was a real health hazard and I could not remain insensitive to the plight of the occupants of these so-called "*temporary*" shelters. Indeed 21 of the families living in those shelters had been, as it were, "*parked*" there since cyclone Hollanda in 1994!

I immediately took up the matter with the Ministry of Housing and Lands. I was told that officials of that Ministry had already effected a site visit to look into the matter and their findings and recommendations had been forwarded to the Ministry of Urban and Rural Development. Unfortunately the latter Ministry requested that the matter be referred to the Ministry of Health as sanitation problems did not fall within its purview.

Subsequently a meeting was convened by the Ministry of Housing and Lands on 9 October 1999 with representatives of the Central Water Authority, the National Housing Development Co. Ltd (NHDC) and the Waste Water Authority to identify the problems and find their solutions.

Finally new toilet blocks were constructed (one by a private firm), repair works wherever necessary undertaken and completed by Government, refuse disposal and scavenging service provided to the occupants of the shelters by the local authority.

I am here urging all the authorities concerned to find better living conditions for these families so that they can smile again in life.

C/209/2000

Complainant gets document from Ministry on time

G.D., the complainant, had been granted a loan for the construction of his house which was to be an addition of one floor over the existing building on land belonging to the State and already leased to his father. The latter had been granted a "droit de surelevation" by Government in favour of G.D.

G.D. had to submit various documents to the lending company including a copy of the pledge of rights from the Ministry of Housing and Land Development. So he made an application to that effect to the Ministry but nearly two months later he still had not received any reply.

As there was a delay to be respected before he could obtain the loan he solicited my intervention to speed up matters.

After a site visit effected by officers of the Ministry and an amended plan submitted by G.D. the development was approved.

In a letter of thanks, G.D. wrote *"With the intervention of the Ombudsman, in fact I got my pledge of right on time and I was able to proceed with the acquisition of a loan to construct my house."*

C/210/2001

Compensation for compulsory acquisition of land finally paid to complainant

According to J.S. Government compulsorily acquired in May 1999 a plot of 84 square metres from land belonging to him for the purpose of constructing a "passerelle" on Cavendish Bridge, Ville Noire, Mahebourg.

The amount of compensation proposed by Government was Rs 166000/- which was accepted by J.S.

Unfortunately as at 15 August 2001 J.S. had still not been paid the said compensation and he therefore requested me to investigate about the delay in payment. He averred that he had suffered moral damage. He claimed the compensation owed to him plus interest.

Some two months after I started querying the Ministry of Housing and Lands a bill for the amount of Rs 180000/- was sent to the Treasury for payment to J.S. who was informed accordingly.

The Ministry agreed there had been a delay and were taking steps to pay interest accruing on that amount.

Asked to inform me once he received payment J.S. did not do so.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

C/52/2001

Bus fares refunded to complainant

Y.M., an Assistant Secretary at the Ministry of Local Government, Rodrigues, Rural and Urban Development, made a representation to me to the effect that he had not been refunded his bus fares for attending courses at the University of Mauritius where he was following a two-year part time Diploma Course in Management for which he was sponsored by the Ministry of Civil Service Affairs and Administrative Reforms where he was posted when he started following the said course and where he held the post of Acting Personnel Officer. In the meantime he was appointed Assistant Secretary and was transferred to the Ministry of Information Technology and Telecommunications.

His claim for refund of bus fares for the first semester (August 97-November 97) was accepted without any problem. On successful completion of his course in June 1999 he submitted various similar claims for refund for periods January 98 to May 98 (submitted on 03.11.99), August 98 to November 98 (submitted on 28.12.99) and January 99 to May 99 (submitted on 05.01.00). As at 13 February 2001, he had not been refunded and therefore he applied to me for redress.

On being asked for its explanations, the Ministry of Information Technology and Telecommunications gave several reasons for the long delay, the main one being the complainant's own fault in submitting his claim after a long delay whereas according to chapter and verse of the Financial Management Manual, quoted by the Ministry "*travelling expense claims should be submitted monthly at the end of each month*". That Ministry however added that if the complainant would amend his claim and furnish supporting document a case would be made to seek clearance for the refund.

The complainant did not agree with the various reasons put forward by the Ministry, arguing, inter alia, that the provision of the Financial Management Manual quoted by the Ministry applied to travel allowance which is different from refund of bus fares.

As I did not wish to add to any existing confusion and in view of the relatively small amount claimed I requested the complainant to inform me whether he had any strong objection to proceed as the Ministry of Information Technology and Telecommunications had requested.

Finally the complainant did submit an amended claim and he was refunded the sum of Rs 1192.

LAND TRANSPORT, SHIPPING AND PORT DEVELOPMENT

C/430/99

Complainant gets new licence to operate contract bus

Mrs. U's complaint was to the effect that the National Transport Authority had declined to entertain her application for the transfer of the Public Service Vehicle Licence (Contract bus licence) previously held by one V.A. on her name following her purchase of a bus belonging to the said V.A. She considered that decision to be "*unreasonable, unfair and unjust*". She therefore lodged a complaint before me.

The version of the N.T.A. was to the effect that the application could not be entertained in view of a legal impediment which we need not go into for the present purposes. The N.T.A. reckoned however that Mrs. U. faced a big problem inasmuch as she owned a bus but had no licence to operate it.

Finally Mrs. U. was requested to file an application for a **new** PSV Licence which she did. The application was approved by the Licensing Committee of the N.T.A. and subsequently by its Board. Mrs. U. was informed of the decision by the N.T.A. itself.

Although we did not hear from her again, Mrs. U's problem was rectified.

POLICE

C/108/99

Complainants satisfied with action taken by Police after Ombudsman's intervention

A letter of complaint addressed to the Commissioner of Police by a group of residents of Madame Lolo, Rose Belle, was copied, inter alia, to me. The problem was that the holder of a retail trading licence authorising him to sell alcoholic drinks on an off basis only was selling such

drinks which customers were consuming on the premises till very late in the night. The complainants alleged in their letter that despite several complaints made at Rose Belle Police Station the situation had not changed and consequently their peaceful enjoyment of life continued to be disturbed by noise, foul language, etc. coming from the premises.

One week before they wrote the letter an incident occurred involving the licence-holder and an old lady and her daughter who had complained directly to the licence-holder. The latter assaulted the two ladies: the daughter sustained fracture of an arm whilst her mother had to be admitted to hospital. Again the incident was reported at Rose Belle Police Station.

It is the contention of the authors of the letter that no action is being taken by the Police Officers who have even seen for themselves liquor being consumed on the premises after opening hours because the licence-holder is well acquainted with the police officers of the station and "is bribing the police officers concerned".

When I inquired from the Commissioner of Police about the situation I was told that the licence-holder had been prosecuted for "trading without signboard" and sentenced to pay a fine!

Totally unsatisfied about this reply I requested the Commissioner of Police to inquire into the real complaint and to make surprise checks at night. The upshot was that less than a month later the licence-holder was booked for "allowing persons to remain on licensed premises during prohibited hours".

Finally, during further inquiry, one of the complainants averred in a statement to the Police that he was satisfied with police action as the situation had gone back to normal. Thereupon I requested the Police to find out from some of the other complainants whether they too were of the same view. Indeed other complainants who live near the premises confirmed that they were satisfied.

POST OFFICE

C/191/2001

Savings account holder gets information asked for concerning her account

Miss S.N. is the holder of a savings account at Post Office Savings Bank since thirty years. She wrote to me to inform me that the balance of her account did not, according to her, reflect the real amount she had in that account. She wrote to the Post Office Headquarters about this situation and she received a reply to the effect that the record book of the savings bank had been destroyed and that she could not be favoured with a statement of account. She therefore sought my help.

The Postmaster-General was queried by me and he forwarded to me a statement of the account with detailed explanation. I informed the Postmaster-General that what he should do was to forward the statement of account to the complainant which he did within a week.

PRISONS

C/121/01

Detainee obtains document he needed

J.F.B. a detainee undergoing sentence at the Central Prison in Beau Bassin was in dire need of the civil marriage certificate of his late mother in order to protect his interest in a C.H.A. house which belonged to her and which was being illegally occupied by somebody else. All steps taken by him had been unsuccessful. So he turned to me for assistance.

Following my intervention with the Commissioner of Prisons one of the Prison Welfare Officers managed to obtain the required document in less than 10 days.

The detainee confirmed having received the document and expressed his thanks.

PUBLIC INFRASTRUCTURE, LAND TRANSPORT AND SHIPPING

C/270/2000

Ad-hoc allowance substantially reviewed

H.G.N., employed as Engineer (Civil) at the Ministry of Public Infrastructure, Land Transport and Shipping, was appointed to liaise with other ministries and departments in the context of the construction of the Second Carriageway Phoenix-Nouvelle France.

Construction works started in January 1999 and were completed in July 2000. H.G.N.'s working hours extended beyond normal working hours and he thus performed 58.5 extra hours monthly.

In view of his salary H.G.N. was not eligible for overtime but he was entitled to an ad-hoc allowance in accordance with the PRB Report 1998. The Principal Engineer of his Ministry even made a recommendation for the payment of an ad-hoc allowance for extra hours put in by H.G.N.

The Ministry of Public Infrastructure, Land Transport and Shipping recommended a payment of Rs 1700/- monthly and the Ministry of Civil Service Affairs and Administrative Reforms approved. Considering this sum to be highly insufficient H.G.N. stated that he felt "*deeply aggrieved, demotivated and frustrated*" but nevertheless continued with his assignments in order not to cause any disruption of works.

He made several complaints to the establishment section of his Ministry. He even drew my attention to a recent case where an Engineer attached to the Third Highway Project had been paid an ad-hoc allowance of Rs 6600 monthly for the same number of extra hours and for shouldering similar responsibilities. He was of the view that his allowance should be in the range of Rs 5600 - Rs 6000 monthly for the whole project from 18 January 1999 to 19 July 2000.

I took up the matter with the Ministry of Public Infrastructure, Land Transport and Shipping and immediately the Ministry of Civil Service Affairs and Administrative Reforms reviewed the amount of the ad-hoc allowance payable to the complainant in accordance with his claim. In the process the ad-hoc allowance of a Technical Officer who had not lodged any complaint before me but who had also put in extra hours during the same period was reviewed. He therefore also benefitted from my intervention.

Subsequently H.G.N. did inform me that he had received his due.

C/129/2001

Permit to perform return trip granted

A cooperative society was formed ten years ago for the purpose of providing public transport services in the south of the island. The number of its members amounted to 40 and it has been operating 48 buses along 5 different routes. It employed more than 100 persons, comprising drivers, conductors, stand regulators and mechanics.

It appears that the society started facing financial difficulties on account of the limited potentials of the routes along which it was operating and the increasing costs of operation. I was told that the members of the society were "*just able to break-even*".

After numerous requests made to the National Transport Authority (N.T.A.) to operate on Route 200 i.e. L'Escalier - Port Louis - L'Escalier (Express Service) the society was granted a permit to operate only one trip i.e. L'Escalier - Port Louis without the return trip. Accordingly its buses were returning empty to L'Escalier.

The society again solicited the N.T.A. to be allowed to perform the return trip and to grant to it additional permits that may be found to be justified along the said route inasmuch as, according to the society's information, two permits were to be granted to another company which had either relinquished several permits or transferred same in the past.

My intervention was thus solicited by the cooperative society on 4 May 2001. Its President and Treasurer were summoned before me in order to throw more light on their complaint.

Subsequently I took up the matter with the Ministry of Public Infrastructure, Land Transport and Shipping (Land Transport and Shipping Division). A meeting was held at the N.T.A. with representatives of the cooperative society and it was decided to grant to the society the return trip along Route 200 as from 2 July 2001. As for additional trips along the same route it was decided that should the need arise the society would be contacted.

The difficulties faced by the society were thus partly alleviated.

REGISTRAR GENERAL

C/210/2000

Duty short-paid remitted

In April 1996 the complainants, who are two brothers, purchased a plot of residential land of an extent of 585.45 square metres at Flacq for the sum of Rs 125,000/-. In June 2000 they received a claim from the Registrar General's Department for the sum of Rs 27,500/- representing registration duty short-paid because a zoning certificate was missing. They applied to the Ministry of Land and Environment for the said certificate and same was issued on 10 August 2000. However the certificate was not accepted by the Registrar General's Department who required a zoning certificate issued in 1996. This the complainants could not do.

The complainants opined that neither their Notary Public nor the Registrar General's Department informed them that such a certificate was missing right from the beginning. They had no idea about such a requirement inasmuch as they were first purchasers. However they expressed their surprise as to how the title deed was transcribed in spite of the absence of the said certificate.

Finally they pleaded hardship and financial constraint and requested my intervention for the claim to be waived.

Section 45A(2) of the Land (Duties and Taxes) Act, as it stood then, indeed provided for a reduction of the sum of Rs65,000/- from the duty payable on a deed of transfer of a portion of bare land to an individual for the construction of a residential building under certain conditions. The relevant condition with which we are concerned in this case was that the deed should contain a declaration from the Ministry of Housing, Lands and Town and Country Planning that the land is found in a residential zone.

According to the Registrar General's Department the reduction was granted through error but it was later discovered that the certificate from the appropriate Ministry was missing. Hence the claim of Rs 27,500/- made on the complainants.

The Registrar General personally informed me that she had forwarded her comments on the matter to the Minister of Finance who is legally empowered to remit any duty payable.

A couple of months later the complainants were informed by the Ministry of Finance that the amount of duty short-paid had been remitted.

RODRIGUES

C/20/2001

Arrears overtime paid to officers

Two clerks posted at the Health Services in Rodrigues were performing the duties of Catering Supervisor at Mont Lubin and La Ferme Health Centres as from 1 August 1999. According to them they were being paid overtime for two hours only on Saturdays and Sundays whereas they were putting in four hours overtime. Therefore they requested my intervention to help them have their dues.

The matter was immediately taken up with the Island Secretary who explained that formerly they were being paid overtime from 7 a.m. to 9 a.m. on Saturdays. Following my intervention authority has been obtained for payment of additional overtime reckoning from 5 a.m. to 9 a.m. on Saturdays. And this with effect from 1 August 1999.

Indeed that was fully deserved because those two persons who were in charge of catering had to attend the market since 5 a.m. for the purchase of vegetables for patients for a whole week. They subsequently informed me that payment of arrears overtime had been effected and were quite satisfied.

C/60/01

Passage benefits paid to deceased public officer's heirs

The complainant, a widow from Rodrigues, informed me on 14 February 2001 that passage benefits due to her deceased husband, an ex-public officer who died in June 2000, had not been paid over to the heirs.

The matter was taken up with the Island Secretary, Rodrigues and within two months she was paid an amount of Rs 5,763.54 representing 100% allowance in lieu of passages whilst the balance of Rs 2305.40 was sent to the children in Mauritius as requested by them.

Her long wait was thus over.

SOCIAL SECURITY AND NATIONAL SOLIDARITY AND SENIOR CITIZENS WELFARE AND REFORM INSTITUTIONS

C/141/2001

Complainant gets Rs 2060 for the purchase of a pair of glasses

On 25 May 2001 one C.R. wrote to me to inform me that he was in need of a pair of glasses but could not afford to buy them in view of his meagre income. He had been to the Social Security Office of his locality but was refused same.

The initial version of the Ministry was that the complainant did not qualify under the Social Aid Act inasmuch as his income exceeded his needs. He was therefore not entitled to free glasses.

I requested the Ministry to inform me whether any social status inquiry had been carried out in respect of the complainant whereupon the Ministry informed me that such an inquiry is carried out at the request of the National Solidarity Fund ("the Fund"). As the applicant was advised to apply to that Fund for financial assistance, the Ministry, in anticipation, carried out the said inquiry and submitted its report to the Fund.

Finally, after examination, the Fund approved the application for financial assistance to the complainant for the purchase of a pair of glasses to the tune of Rs 2060/-.

The complainant received that sum on 4 September 2001.

TRAINING, SKILLS DEVELOPMENT AND PRODUCTIVITY

C/58/2001

Complainant gets his registration as Trainer with the I.V.T.B.

F.A. applied to the Industrial and Vocational Training Board (I.V.T.B.) for registration as Trainer in the fields of Labour Laws, Industrial Relations and Health and Safety since 12 May 1999 and even paid the prescribed fee of Rs 400/- but as at 19 February 2001 he had still not been registered.

He had even written to the Minister concerned on 20 July 2000 but he received no reply.

I sought the explanation of the Ministry of Training, Skills Development and Productivity under whose aegis the I.V.T.B. falls. Their version was that the case was put in abeyance inasmuch as the I.V.T.B. had been directed by the Ministry of Labour and Industrial Relations, Employment and Human Resource Development to seek their advice before granting any registration in the field of Occupational Safety, Health and Welfare. Apparently the I.V.T.B. was even requested to reconsider previous decisions taken because of the confusion over the recognition of the Certificate in Safety Management issued by the British Safety Council.

The case of F.A. was therefore referred to the Ministry of Labour and Industrial Relations, Employment and Human Resource Development but that Ministry informed the Ministry of Training, Skills Development and Productivity that they were not going to give any clearance because of the problems relating to the question of recognition of certificates, pending an amendment to existing legislation. The I.V.T.B. was thus unable to proceed further with complainant's application.

I took up the matter with the Ministry of Labour and Industrial Relations, Employment and Human Resource Development and after an exchange of correspondence between the two Ministries involved the I.V.T.B. proceeded with the registration of complainant as Trainer in the field of Health and Safety.

C/181/2001

Stipend paid to complainant

An agreement was entered into by the Ministry of Training, Skills Development and Productivity, the complainant and a private organisation whereby a scheme was set up with the aim of providing work experience to unemployed graduates.

The complainant, one P.R., an unemployed graduate, was thus attached to the organisation as a trainee in the field of accounting for a period of 12 months starting on 11 December 2000 and ending on 10 December 2001. Under the agreement and during his attachment/traineeship P.R. was entitled to a stipend meant to cover transport allowances, meal allowances and other incidental expenses, payable half by the Ministry and half by the organisation.

On 17 July 2001 P.R. wrote to me to inform me that up to that date he had not received any stipend from the Ministry as stipulated in the agreement.

Upon my intervention the Ministry agreed two months later to pay the outstanding amount due to P.R. who was to continue his training as per the agreement.

The following year P.R. thanked us profusely for our intervention but sought to be also paid end-of-year bonus by the Ministry, alleging that the organisation had paid half of that amount. Unfortunately P.R. was not entitled to same as he was not in employment by the Ministry in December 2001.

I was satisfied that whatever was due to P.R. had been paid to him.

APPENDIX D

STATISTICAL SUMMARY OF COMPLAINTS

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Investigated	Pending	Total No.
Accountant General	-	-	-	2	2	-	-	4
Agriculture, Food Technology and Natural Resources	1	-	1	2	-	-	2	6
Arts and Culture	-	-	1	-	-	-	-	1
Civil Service Family Protection Scheme Board	-	-	-	-	1	-	-	1
Civil Service Affairs and Administrative Reforms	1	-	-	2	1	-	4	8
Commissioner of Income Tax	-	-	-	-	-	1	-	1
Comptroller of Customs	-	-	-	1	-	-	-	1
Controller of Insurance	-	-	-	-	-	-	1	1
Economic Development, Productivity and Regional Development	-	-	-	-	-	-	1	1
Education and Human Resource Development	-	-	-	-	2	-	2	4
Education and Scientific Research	10	-	4	8	3	1	10	36
Environment, Human Resource Development and Employment	1	-	-	-	-	-	-	1
Environment and Urban and Rural Development	-	-	-	-	-	-	1	1
Environment	1	-	-	1	-	-	3	5
External Communications	-	-	-	-	-	-	1	1
Finance	3	-	-	-	1	-	-	4
Financial Secretary	1	-	-	-	-	-	-	1
Carried Forward	18	-	6	16	10	2	25	77

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Investigated	Pending	Total
Brought Forward	18	-	6	16	10	2	25	77
Fisheries	-	-	-	-	-	-	1	1
Foreign Affairs and Regional Cooperation	-	-	2	1	-	-	-	3
Health and Quality of Life	7	1	2	10	1	-	21	42
Housing and Land Development	-	-	-	1	-	-	1	2
Housing and Lands	4	-	-	2	2	-	12	20
Income Tax	-	-	-	-	1	-	-	1
Information Technology and Telecommunications	1	-	-	-	-	-	-	1
Judicial	-	-	1	-	-	1	1	3
Labour and Industrial Relations, Employment and Human Resource Development	-	-	-	1	-	-	1	2
Labour and Industrial Relations	-	-	-	3	-	-	1	4
Land Transport, Shipping and Port Development	1	-	-	-	-	-	-	1
Local Government and Urban and Rural Development	1	-	-	-	-	-	-	1
Local Government and Rodrigues	2	-	-	-	-	-	1	3
National Transport Authority	-	-	-	-	-	1	2	3
Police	10	1	1	15	-	1	16	44
Post Office	1	-	-	-	-	-	-	1
Carried Forward	45	2	12	49	14	5	82	209

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Investigated	Pending	Total No.
Brought Forward	45	2	12	49	14	5	82	209
Prime Minister's Office	-	-	-	-	-	-	3	3
Prisons	4	-	4	18	3	-	5	34
Public Infrastructure	2	-	-	2	-	-	1	5
Public Infrastructure, Land Transport and Shipping	3	-	-	6	4	-	4	17
Public Infrastructure and Public Safety	-	1	-	1	-	-	-	2
Public Utilities	1	-	-	-	1	-	2	4
Registrar of Associations	-	-	-	2	-	-	-	2
Registrar General	1	-	-	-	-	-	-	1
Rodrigues	65	1	31	73	9	3	194	376
Social Security and National Solidarity	1	-	-	-	-	-	-	1
Social Security, National Solidarity and Senior Citizens Welfare	1	-	-	-	-	-	-	1
Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions	1	-	-	1	-	-	2	4
Training Skills, Development and Productivity	2	-	-	1	-	-	-	3
Total	126	4	47	153	31	8	293	662

APPENDIX E

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
ACCOUNTANT GENERAL		
C/190/97	Complainant avers he is the holder of first prize Government lottery ticket. His claim for payment has been rejected.	Discontinued
C/39/99	Length of service not properly computed.	Explained
C/12/2000	No reply to letter regarding anomaly in pension.	Explained
C/94/2000	Request to refund Government by instalments turned down.	Discontinued
AGRICULTURE, FOOD TECHNOLOGY AND NATURAL RESOURCES		
C/434/99	Anomaly in salary.	Rectified
C/75/2001	Sick leave taken by complainant erroneously reckoned as casual leave.	Not justified
C/93/2001	Claim for compensation following excision of a portion of land leased to complainant by Government.	Explained
C/132/2001	Refusal by Ministry to transfer lease of land from complainant's name onto his sister-in-law's name.	Explained
C/250/2001	Request for conversion of land for residential purposes rejected.	Pending
C/283/2001	State land allocated to complainant and which she has toiled now being taken away from her.	Pending
ARTS AND CULTURE		
C/238/2000	Claim for allowance for management of project and taking charge of books not considered.	Not justified
CIVIL SERVICE AFFAIRS AND ADMINISTRATIVE REFORMS		
C/145/2000	Proposed scheme of service contested by complainant as it causes him prejudice.	Discontinued
C/220/2000	Group of doctors allege that they are each entitled to a self-driven official car. Request made to authorities concerned but not entertained. Seek intervention of Ombudsman.	Pending

APPENDIX E — *continued*

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
CIVIL SERVICE AFFAIRS AND ADMINISTRATIVE REFORMS— <i>continued</i>		
C/32/2001	Application for sponsorship by Ministry for studies turned down.	Explained
C/47/2001	Claim for ad hoc allowance for additional hours of work turned down.	Rectified
C/66/2001	Application for sponsorship to follow MBA Course at University of Mauritius turned down.	Explained
C/107/2001	Anomaly in salary.	Pending
C/313/2001	Request for adjustment of amount paid as ad hoc allowance turned down.	Pending
C/326/2001	Request for adjustment of salary.	Pending
CIVIL SERVICE FAMILY PROTECTION SCHEME BOARD		
C/1/2001	Widow of contributor to Civil Service Family Protection Scheme claims pension after husband's death.	Discontinued
COMMISSIONER OF INCOME TAX		
C/288/2001	Refusal by Commissioner to provide information.	Not investigated
COMPTROLLER OF CUSTOMS		
C/227/2000	Goods not released by Customs on the ground that no import permit has been submitted.	Explained
CONTROLLER OF INSURANCE		
C/167/2001	Road accident cases referred to Controller of Insurance not progressing to complainant's liking.	Pending
ECONOMIC DEVELOPMENT, FINANCIAL SERVICES AND CORPORATE AFFAIRS		
C/114/2001	No concrete action taken by Controller of Insurance against insurance company.	Pending
EDUCATION AND HUMAN RESOURCE DEVELOPMENT		
C/135/98	Delay in dealing with application by complainant for the recognition and equivalence of his certificate in Computer Based Information Systems awarded by Mc. Gill University.	Discontinued

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
EDUCATION AND HUMAN RESOURCE DEVELOPMENT— <i>continued</i>		
C/229/98	Complainant avers that he feels victimized by a parastatal body falling under the aegis of the Ministry.	Pending
C/319/98	Complainant not paid allowance for extra work since six months.	Discontinued
C/325/98	Complainant who is a pensioner of the Private Secondary Schools Authority has not received any increase in pension for financial year 1997-1998.	Pending
EDUCATION AND SCIENTIFIC RESEARCH		
C/218/99	Injuries sustained by complainant whilst on duty. Compensation not yet paid to him.	Rectified
C/69/2000	Benefits due to retired officer not yet paid.	Pending
C/123/2000	Application for registration of pre-primary school not yet finalised after eight months.	Rectified
C/162/2000	Complainant requested to work in Rodrigues whilst her husband is working in Mauritius and her children are attending school in Mauritius.	Rectified
C/218/2000	Complainant avers that she is being victimized as she has been transferred from one school to another for the fourth time this year.	Not justified
C/233/2000	Request for transfer declined.	Discontinued
C/243/2000	Anomaly in complainant's salary.	Rectified
C/247/2000	Letter reporting incident at school never reached Ministry	Explained
C/248/2000	Complainant's daughter not allocated school of his choice.	Not justified
C/269/2000	Application for incremental credit rejected.	Pending
C/276/2000	Anomaly in salary.	Rectified
C/283/2000	Complainant's son not allocated school of his choice	Rectified

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
EDUCATION AND SCIENTIFIC RESEARCH— <i>continued</i>		
C/27/2001	Teacher not allowed to move up with her class from Std. IV to Std. V.	Explained
C/28/2001	Unjust transfer from one school to another.	Explained
C/31/2001	Complainant avers that she has been “down-graded” through the allocation of a class lower than she expected.	Discontinued
C/41/2001	No action taken on complainant’s request to transfer his son from one school to another.	Not justified
C/43/2001	Anomaly in salary.	Explained
C/44/2001	Complainant’s son not admitted to school of his choice.	Rectified
C/70/2001	Complainant applied for transfer of his two children from one school to another. Only one child transferred. Hardship caused to other child.	Explained
C/97/2001	Complainant’s application for transfer of her daughter to another school rejected.	Rectified
C/99/2001	Complainant, secondary school teacher, claims he is the victim of an unjust transfer.	Rectified
C/102/2001	Not selected to be trained as Information Technology Specialised Teacher in spite of his experience.	Not justified
C/103/2001	Complainant, a seamstress posted at the School for the Blind, refused access by Headteacher etc.	Not investigated
C/111/2001	Request for transfer from one school to another on medical grounds not entertained.	Discontinued
C/168/2001	Terms of agreement between Ministry and union representing complainants not respected.	Rectified
C/172/2001	Anomaly in salary.	Pending
C/185/2001	No allowance paid to complainant for shouldering additional responsibilities.	Pending
C/222/2001	Applicant who is employed temporarily as Extra Teaching Assistant has applied to register for courses leading to Teacher’s Certificate. Not considered.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
EDUCATION AND SCIENTIFIC RESEARCH— continued		
C/225/2001	Temporary Primary School Inspectors not yet appointed in a substantive capacity.	Explained
C/244/2001	Complainant (teacher) avers that her transfer to another school is unjust.	Explained
C/267/2001	Claim for refund of deductions made from complainant's salary although he had requested to stop such deductions.	Pending
C/291/2001	1 st Transfer from main island to Rodrigues island will cause great inconvenience to complainant. 2 nd Motivation allowance not paid to complainant since July.	Pending
C/301/2001	Confusion as regard the duties of school caretaker.	Pending
C/309/2001	Denied incremental credit because of long delay of the National Accreditation and Equivalence Council to give its clearance.	Pending
C/320/2001	Complainant denied part of his passage benefits.	Pending
C/328/2001	Complainant, urdu teacher, alleges that he has been transferred to a school different from the one he requested. Alleges that all his past transfers have been made to harass and harm him.	Pending
ENVIRONMENT, HUMAN RESOURCE DEVELOPMENT AND EMPLOYMENT		
C/175/99	Overflow of waste water represents health hazard.	Rectified
ENVIRONMENT AND URBAN AND RURAL DEVELOPMENT		
C/110/2000	Air pollution and noise nuisance posed by factory.	Pending
ENVIRONMENT		
C/37/2001	Pollution of the sea caused by effluents.	Rectified
C/82/2001	Noise nuisance caused by complainant's neighbour. No action taken by authorities concerned.	Explained
C/112/2001	Vacant plot of land giving rise to numerous nuisances.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
ENVIRONMENT—<i>continued</i>		
C/150/2001	Problems of refuse collection etc.	Pending
C/263/2001	Noise and dust pollution by stone crushing plant. No follow up action by authorities concerned.	Pending
EXTERNAL COMMUNICATIONS		
C/13/97	Complainant alleges that decision not to fill vacant post causes him prejudice.	Pending
FINANCE		
C/95/99	Claim for adjustment of pension benefits.	Rectified
C/36/2001	No reply to request for remittance of surcharges and interest on campement sites tax.	Discontinued
C/84/2001	Anomaly in salary.	Rectified
C/85/2001	Complainant interdicted since five years. Charges against him dismissed since six weeks. Not yet reinstated.	Rectified
FINANCIAL SECRETARY		
C/24/2001	Application for purchase of duty-free car rejected.	Rectified
FISHERIES		
C/231/2001	Request for transfer of professional fisherman card from Mauritius to Rodrigues not yet considered.	Pending
FOREIGN AFFAIRS AND REGIONAL COOPERATION		
C/254/2000	Responsibility allowance not paid to complainant.	Not justified
C/287/2000	Readjustment of foreign service allowance not granted.	Not justified
C/180/2001	Complainant demotivated for not being posted overseas.	Explained
HEALTH AND QUALITY OF LIFE		
C/431/98	Air and noise pollution caused by complainant's neighbour.	Pending
C/84/99	Smell nuisance caused by pigsty.	Pending
C/410/99	Complainant does not agree with the finding of the Injuries Committee in respect of his permanent incapacity etc.	Partly Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
HEALTH AND QUALITY OF LIFE— continued		
C/148/2000	Request for refund from the Trust Fund for Treatment Overseas in respect of medical expenses incurred abroad rejected.	Rectified
C/176/2000	Noise nuisance caused by printing machines operating illegally. Complainant avers that no action has been taken by the authorities concerned.	Pending
C/205/2000	Noise pollution caused by bakery next to complainant's house. No action taken by authorities concerned.	Rectified
C/208/2000	Acting allowance etc. not paid to complainant.	Explained
C/225/2000	Factory and dormitory for foreign workers next to complainant's house. Problems of noise, air pollution etc. No action by authorities concerned.	Pending
C/230/2000	Factory and dormitory for foreign workers near complainant's house. No action taken by authorities concerned in spite of complainant's objection.	Pending
C/249/2000	Noise caused by clinic adjacent to complainant's house	Explained
C/251/2000	Application for leave remains without reply.	Pending
C/256/2000	Post mortem report not sent to complainant whose husband passed away.	Rectified
C/281/2000	Request to consider period of absence as study leave without pay.	Discontinued
C/286/2000	Smoke and odour nuisances harmful to health and environment.	Pending
C/288/2000	Arrears not paid to complainant.	Explained
C/25/2001	No reply to application for study leave without pay.	Explained
C/29/2001	Failure by Ministry to adjust complainant's salary in the wake of the PRB Report 1998.	Explained
C/49/2001	Complainant's request for a medical report on his father, patient at mental hospital, ignored.	Explained
C/61/2001	Complainant's husband ill-treated by doctor at hospital.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
HEALTH AND QUALITY OF LIFE— continued		
C/71/2001	Noise nuisance caused by complainant's neighbour. No action taken by authorities concerned.	Explained
C/72/2001	Nomination for scholarship not processed.	Explained
C/78/2001	Complainant avers that his wife did not receive appropriate medical treatment etc.	Pending
C/81/2001	Complainant avers that his daughter has been penalised in connection with her application for the post of Pharmacist as she had not been registered with Pharmacy Board at time of application.	Explained
C/86/2001	Medical negligence	Pending
C/89/2001	No action by Ministry following report of abusive cattle rearing.	Rectified
C/91/2001	Cannula left in patient's arm upon discharge from hospital.	Pending
C/98/2001	Noise nuisance caused by water pump of complainant's neighbour.	Rectified
C/122/2001	Noise pollution caused by complainant's neighbour, a cabinet maker.	Rectified
C/149/2001	Complainant requested to effect a tour of service to Rodrigues for 12 months whereas he has already done so in the past and there are other colleagues who have never been asked to do so.	Not justified
C/165/2001	Injustice caused to complainant by Ministry regarding appointment of Principal Community Health Nursing Officer.	Not justified
C/173/2001	Noise and other nuisances caused to complainant by neighbour operating workshop.	Pending
C/190/2001	Application by owner of enclaved land to use part of State land in order to access public road still not considered	Pending
C/204/2001	Application for leave not considered by Ministry.	Pending
C/208/2001	Noise pollution caused by social gatherings in nearby hall.	Pending
C/213/2001	Application for study leave without pay rejected.	Pending

APPENDIX E — *continued*

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
HEALTH AND QUALITY OF LIFE— <i>continued</i>		
C/215/2001	Noise nuisance caused by complainant's neighbour.	Pending
C/216/2001	Not yet appointed Consultant, General Surgery, three months after vacancy occurred, whereas in another case this has been done within three weeks.	Rectified
C/218/2001	Complainant contests the effective date of the offer of his appointment as Radiographer (Diagnostic).	Pending
C/219/2001	Complainant contests the effective date of the offer of her appointment as Radiographer (Diagnostic).	Pending
C/277/2001	No action taken by authorities in respect of odour nuisance reported by complainant.	Pending
C/286/2001	Complainant has been overpaid salary. Now states that it will be difficult for her to refund. Seeks my intervention.	Pending
C/303/2001	Odour nuisance and river pollution caused by nearby factory.	Pending
HOUSING AND LAND DEVELOPMENT		
C/321/97	Application for lease of State land turned down. Complainant avers that his is a hardship case.	Explained
C/363/98	Rent offered by complainant in respect of lease of State land turned down by Ministry after more than 10 years.	Pending
HOUSING AND LANDS		
C/457/98	Association of cooperative societies fears that State land allocated to them may be reduced.	Pending
C/133/99	Complainant has been waiting for six years for a lease of a portion of State land.	Pending
C/202/99	Sanitation problems at Richelieu.	Rectified
C/58/2000	Complainant required to refund whole amount of five-year bond he subscribed in favour of Government although he served for more than four years.	Pending

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
HOUSING AND LANDS— <i>continued</i>		
C/67/2000	No reply to application for authorisation to subdivide land made more than a year ago.	Pending
C/73/2000	Government resumes possession of land leased to complainants without compensation etc.	Pending
C/142/2000	Application for sub-division of land made since three years. No reply yet.	Discontinued
C/199/2000	No reply to application for State land.	Discontinued
C/209/2000	Delay in processing complainant's papers thus hampering his application for a loan.	Rectified
C/279/2000	Complainant has been waiting for eight years for the survey of his plot of land for which he has already paid.	Explained
C/42/2001	Complainant's plot of land acquired compulsorily more than 6 years back. Not yet paid for it.	Pending*
C/53/2001	Application for morcellement permit not considered after more than one and a half years.	Pending
C/104/2001	Complainant avers that she is being unjustly claimed arrears of rent by Ministry.	Pending
C/161/2001	Application for plot of State land not processed after lapse of one year.	Explained
C/210/2001	Compensation not yet paid for compulsory acquisition of complainant's land more than two years ago.	Rectified
C/224/2001	Not considered for ex-gratia payment for ceasing to work as salesman for sand carrier cooperative society in the wake of the prohibition against removal of sand.	Rectified
C/270/2001	Ex-sand extractor not listed for compensation following interdiction to extract sand.	Pending
C/274/2001	Application to renew lease of State land not entertained.	Pending
C/284/2001	Non-renewal of leases by Ministry.	Pending
C/321/2001	Offending structures put on State land causing inconvenience to complainant.	Pending

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
INCOME TAX		
C/108/2001	Complainant avers that he has been taxed arbitrarily by Commissioner of Income Tax.	Discontinued
INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS		
C/52/2001	Refund of travelling not effected.	Rectified
JUDICIAL		
C/246/2000	Complainant's gun stolen. Deponed in court to identify same. Case over five years ago. Gun not returned to complainant yet.	Pending
C/277/2000	Money deposited as security by complainant not yet returned to him.	Not justified
C/242/2001	Complainant claims refund of security.	Not investigated
LABOUR AND INDUSTRIAL RELATIONS, EMPLOYMENT AND HUMAN RESOURCE DEVELOPMENT		
C/70/2000	Complainant has been registering for a job since 1980. Not secured a job yet.	Explained
C/137/2000	Complainant has been regularly registering for a job for the last 22 years. Still no positive reply.	Pending
LABOUR AND INDUSTRIAL RELATIONS		
C/77/2001	No action taken by Ministry on report made by complainant against factory inspector.	Explained
C/94/2001	Responsibility allowance discontinued.	Explained
C/113/2001	Application for leave without pay turned down.	Explained
C/217/2001	Claim for outstanding rent etc. against ministry's refusal to pay same.	Pending
LAND TRANSPORT, SHIPPING AND PORT DEVELOPMENT		
C/430/99	Application for transfer of public service vehicle licence not considered by National Transport Authority.	Rectified
LOCAL GOVERNMENT AND URBAN AND RURAL DEVELOPMENT		
C/32/99	Complainant wishes to be paid the same retirement benefits as public officers who have acted in superior posts for more than three years.	Rectified

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
LOCAL GOVERNMENT AND RODRIGUES		
C/63/2001	Public drain under construction will affect neighbouring land.	Rectified
C/205/2001	No reply from the Ministry regarding complainant's application to operate as ice-cream seller along public beaches.	Rectified
C/310/2001	Open drain causes flooding of complainant's premises and is a danger to the public.	Pending
NATIONAL TRANSPORT AUTHORITY		
C/68/2001	Complainant still awaiting the decision of the National Transport Authority in respect of application for taxi licence made more than six years before.	Pending
C/311/2001	Claim for refund of sum wrongly deducted as P.A. Y.E.	Pending
C/322/2001	Detainee booked for parking offence. Avers he is innocent.	Not investigated
POLICE		
C/108/99	No action taken by Police following declaration made against licensee who operates his premises till late at night etc.	Rectified
C/137/99	Noise nuisance emanating from complainant's neighbour's illegal workshop.	Pending
C/61/2000	No action taken in respect of two declarations made to the Police by complainant.	Rectified
C/128/2000	No follow up regarding declarations made to Police.	Explained
C/197/2000	No action taken in a case of theft reported by complainant.	Pending
C/202/2000	No action by Police in respect of declarations made by complainant against his ex-wife.	Pending
C/206/2000	No action taken by Police in respect of incident which occurred nearly a year ago.	Rectified
C/212/2000	Complainant interdicted following charges against him. Charges dropped. Not yet re-instated.	Explained
C/17/2001	Complainant, a detainee, requests copy of statement he gave in connection with a plot of land allegedly belonging to him etc.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>POLICE— continued</i>		
C/18/2001	Documents relating to complainant's company seized but not returned to him after case has been dismissed.	Explained
C/30/2001	Complainant's car heavily damaged in road accident since two years. Not made aware of the outcome of the police inquiry.	Explained
C/34/2001	Complainant on remand on murder charge since 14 months without trial.	Explained
C/35/2001	Allegation of being beaten up by Police Officers to make complainant confess his guilt.	Explained
C/45/2001	Personal belongings of complainant secured upon his arrest not returned to him after trial.	Rectified
C/50/2001	No action taken following declaration of missing person made by complainant since 7 months.	Pending
C/76/2001	Complainant claims the return of his personal property secured from him by the Police upon his arrest.	Explained
C/83/2001	Noise nuisance coming from complainant's neighbour. No action taken by authorities.	Rectified
C/90/2001	Barrister-at-law avers that he has been insulted and humiliated by Police Officers.	Pending
C/116/2001	Complainant claims the return of his property seized by the Police upon his arrest.	Partly rectified
C/123/2001	Driving licence of complainant wrongly endorsed.	Rectified
C/128/2001	No follow up action by Police in a matter reported at Triolet Police Station.	Not investigated
C/131/2001	Detainee claims that his fingerprints have not been taken in connection with possession of drugs case for which he was arrested more than a month ago, etc.	Rectified
C/157/2001	Road accident occurring more than three and a half years ago in which complainant was injured. Not made aware of the outcome of the case by the Police.	Explained
C/171/2001	No action following declaration made by complainant more than two years ago.	Rectified
C/178/2001	Complainant's mauritian and french passports confiscated since 1997 and not yet returned to him.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>POLICE— continued</i>		
C/183/2001	Disturbance allowance, rent etc. not paid to police officers from Rodrigues who are on training in Mauritius.	Pending
C/184/2001	Application for bus and lorry learner's driving licence made more than six months ago. No reply received.	Rectified
C/187/2001	No action taken by Police in respect of declarations made by complainant.	Explained
C/188/2001	Belongings of detainee seized upon his arrest not returned to him.	Explained
C/193/2001	No action taken by the Police in respect of declaration against police officer.	Explained
C/223/2001	No action taken by Police regarding declaration made by complainant.	Pending
C/249/2001	Cabinet-making workshop run by complainant's neighbour is a source of dust and noise nuisances.	Rectified
C/251/2001	Heirs of deceased person claim the return of gold allegedly illegally imported by their late father and seized by Police.	Pending
C/257/2001	Complainant considers the objection of the Police to his application for a restaurant keeper's licence as unreasonable.	Explained
C/278/2001	Bail of detainee estreated and warrant of arrest issued against him through no fault of his.	Explained
C/279/2001	Complainant not satisfied with Police inquiry into homicide case against his sister.	Explained
C/285/2001	Complainant claims the return of his car which is being detained by the police since 8 months on ground that it is a stolen car.	Pending
C/289/2001	Complainant ordered to leave territorial waters at Agalega without explanation.	Explained
C/294/2001	No action taken by police following declaration made by complainant.	Pending
C/302/2001	Complainant who is a Mauritian national living in the U.K. is constantly harrassed at the airport when he comes to Mauritius.	Not justified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>POLICE— continued</i>		
C/308/2001	Illegal trespass notice put up by sugar estate which prevents access to sugar cane plantations by individual planters.	Pending
C/315/2001	Excessive noise caused by complainant's neighbour.	Pending
C/319/2001	Complainant injured in road accident since a year. No action taken yet against the defaulter.	Pending
C/325/2001	Complainant made a declaration of forgery of his signature against another person. Avers that the enquiring officer has requested him to say that the signature was his own and had not been forged.	Pending
<i>POST OFFICE</i>		
C/191/2001	Complainant refused statement of account on the ground that the record book of the Post Office Savings Bank had been destroyed.	Rectified
<i>PRIME MINISTER'S OFFICE</i>		
C/252/2000	Certificate of registration as citizen of complainant's daughter taken away from complainant and never returned.	Pending
C/202/2001	Foreigner's application for extension of stay in Mauritius and for a work permit not considered.	Pending
C/298/2001	Application for visa by complainant in respect of husband who is a foreigner turned down.	Pending
<i>PRISONS</i>		
C/332/99	Casual leave and sick leave wrongly calculated.	Pending
C/333/99	Public holiday allowance not paid to Prison Officers.	Rectified
C/98/2000	Detainee not satisfied with treatment he gets from Prison doctor.	Discontinued
C/15/2001	Detainee avers that some items of his clothings have disappeared.	Explained
C/16/2001	Prescribed knee bandage not provided to detainee.	Explained
C/33/2001	Complainant who is a gastric patient not getting proper drink.	Explained
C/51/2001	Detainee requests that remand period be reckoned as part of sentence.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>PRISONS—continued</i>		
C/62/2001	Detainee alleges that he is not being given appropriate food in view of his health problem.	Explained
C/73/2001	Letters written by detainee not sent to addressees etc.	Explained
C/80/2001	Detainee avers that he has been erroneously informed that his appeal against conviction had been rejected by the Supreme Court. Seeks my intervention so that he may benefit from remission.	Explained
C/121/2001	Detainee's request for copy of marriage certificate of his parents not met.	Rectified
C/133/2001	Detainee claims he has not received letters addressed to him by his friends and relatives.	Explained
C/134/2001	Detainee avers that he has an eye problem. Drops prescribed by Prison doctor has no effect. Wishes to be seen by eye specialist.	Rectified
C/159/2001	Detainee not receiving adequate medical treatment. Requests to be seen by a specialist.	Pending
C/166/2001	Detainee denied appropriate medical treatment.	Not justified
C/176/2001	Detainee not getting proper medical treatment.	Explained
C/177/2001	Detainee not getting appropriate medical treatment.	Explained
C/179/2001	Detainee at high security prison not allowed to receive food from relatives etc.	Explained
C/182/2001	Detainee's request to change job on account of illness turned down.	Rectified
C/186/2001	Detainee avers that the medical treatment he is being given is not helping him.	Pending
C/199/2001	Not getting appropriate medical treatment for elbow pain.	Explained
C/206/2001	Detainee avers that the treatment he is getting for injury to his knee is not appropriate.	Explained
C/211/2001	Earnings not paid to detainee.	Not justified
C/214/2001	Request by detainee to write letters not considered.	Discontinued
C/247/2001	Detainee claims there is a foreign body in his left foot. Not allowed to undergo operation.	Not justified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
PRISONS—<i>continued</i>		
C/248/2001	Detainee claims he is not receiving adequate medical treatment.	Explained
C/262/2001	Request for copies of statement and judgment turned down.	Explained
C/268/2001	Detainee with injured knee not getting proper medical treatment.	Explained
C/272/2001	Detainee who is epileptic not satisfied with medical treatment he is getting	Pending
C/275/2001	Detainee's wish to change his faith not considered. Not allowed to follow the rites of his new faith.	Discontinued
C/296/2001	Health problems etc.	Explained
C/300/2001	Application to have time spent in jail prior to judgment considered as served sentence not considered.	Explained
C/305/2001	Detainee avers that money from his account is missing.	Not justified
C/314/2001	Wrong computation of sentence.	Pending
PUBLIC INFRASTRUCTURE AND PUBLIC SAFETY		
C/210/99	Flooding risk.	Partly Rectified
C/216/99	Access road to complainant's house blocked. No action by authorities concerned.	Explained
PUBLIC INFRASTRUCTURE		
C/281/96	Drains causing flooding of complainants' properties and houses. No action by concerned authorities.	Rectified
C/30/2000	Sewerage overflow. No action taken by authorities concerned.	Rectified
C/89/2000	Complainant's neighbour putting up construction not respecting distance from boundary line.	Pending
C/160/2000	Offending building put up by complainant's neighbour. No action taken by authorities concerned.	Explained
C/224/2000	Complainant's neighbour putting up a building without leaving statutory distance. Requested by Ministry to submit memorandum of survey for action to be taken. Pleads hardship.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
PUBLIC INFRASTRUCTURE , LAND TRANSPORT AND SHIPPING		
C/250/2000	Boundary wall causing inconvenience to inhabitants in the neighbourhood.	Discontinued
C/270/2000	Non-payment of ad hoc allowance.	Rectified
C/271/2000	Complainant's neighbour putting up offending building.	Rectified
C/278/2000	Complainant's neighbour putting up illegal construction. No action taken by relevant authorities.	Discontinued
C/280/2000	Offending building put up by complainant's neighbour.	Discontinued
C/106/2001	Complainant's neighbour putting up a construction without leaving statutory distance. No action taken by authorities concerned in spite of report made.	Explained
C/129/2001	Cooperative society granted permit to convey passengers for one trip only between L'Escalier and Port Louis. Return trip denied.	Rectified
C/135/2001	Illegal construction by complainant's neighbour. No action taken by the relevant authority.	Explained
C/138/2001	Application for transfer of taxi licence rejected by National Transport Authority.	Explained
C/139/2001	Appeal against decision of National Transport Authority rejecting application for contract bus licences.	Explained
C/151/2001	Illegal construction put up by complainant's neighbour.	Explained
C/209/2001	Alleged offending building put up by complainant's neighbour.	Discontinued
C/220/2001	Application for contract bus licence rejected.	Explained
C/273/2001	Offending structures put up by complainant's neighbour.	Pending
C/290/2001	No action taken against complainant's neighbour who is erecting a building without leaving statutory distance.	Pending
C/293/2001	Nothing done by the authorities concerning offending building built by complainant's neighbour.	Pending
C/295/2001	Offending building put up by complainant's neighbour. No action taken by the authority concerned.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
PUBLIC UTILITIES		
C/299/97	Problems arising out of state of road and irregular supply of water etc. No action taken by authorities concerned.	Rectified
C/404/98	Public employees undertaking private work to the detriment of complainant.	Discontinued
C/253/2000	Anomaly in salary.	Pending
C/95/2001	Sewerage problem at Cité Chebel gives rise to serious odour nuisance.	Pending
REGISTRAR OF ASSOCIATIONS		
C/191/2000	Refusal by Registrar to register association.	Explained
C/229/2000	Complainant contests election of Secretary of Union. Registrar has so far failed to take a decision in the matter.	Explained
REGISTRAR GENERAL		
C/210/2000	Additional registration duty wrongly claimed according to complainant.	Rectified
RODRIGUES		
C/113/95	Application for transfer of State land not considered by the administration.	Pending
C/116/95	No reply to application for lease of State land.	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/43/96	Application to amend lease of State land not yet considered.	Pending
C/135/96	Length of service not properly computed.	Pending
C/250/96	Length of service not properly computed.	Pending
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.	Explained
C/330/96	Length of service not properly computed.	Not justified
C/333/96	Complainant is the widow of ex public officer. Pension payable to husband stopped after latter's death.	Pending
C/379/96	Length of service not properly computed.	Pending

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/384/96	Has applied for a plot of State land to carry on a business since 1991. No reply so far.	Pending
C/459/96	Length of service not properly computed.	Explained
C/463/96	Length of service not properly computed.	Pending
C/6/97	Length of service not properly computed.	Explained
C/78/97	Length of service not properly computed.	Rectified
C/97/97	Length of service not properly computed.	Pending
C/241/97	No gratuity paid to complainant, widow of ex-public officer who has passed away.	Discontinued
C/246/97	Length of service not properly computed.	Pending
C/263/97	No decision taken concerning application for State land by complainant.	Pending
C/287/97	Length of service not properly computed.	Rectified
C/290/97	Length of service not properly computed.	Rectified
C/294/97	Complainant received no lump sum or pension upon his retirement from the public service.	Pending
C/374/97	Length of service not properly computed.	Explained
C/402/97	Length of service not properly computed.	Rectified
C/423/97	Length of service not properly computed.	Pending
C/438/97	Length of service not properly computed.	Not justified
C/32/98	Length of service not properly computed.	Explained
C/61/98	Complainant's husband an ex-police officer, passed away more than three years ago. No gratuity yet paid to his heirs.	Rectified
C/71/98	Length of service not properly computed.	Pending
C/74/98	Length of service not properly computed.	Pending
C/83/98	Length of service not properly computed.	Pending
C/88/98	Length of service not properly computed.	Explained
C/96/98	Length of service not properly computed.	Discontinued

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— continued		
C/97/98	Length of service not properly computed.	Discontinued
C/108/98	Length of service not properly computed.	Rectified
C/113/98	Length of service not properly computed.	Pending
C/115/98	Length of service not properly computed.	Pending
C/127/98	Length of service not properly computed.	Rectified
C/143/98	Length of service not properly computed.	Pending
C/151/98	Length of service not properly computed.	Explained
C/161/98	Length of service not properly computed.	Rectified
C/166/98	Length of service not properly computed.	Explained
C/167/98	Length of service not properly computed.	Explained
C/174/98	Length of service not properly computed.	Rectified
C/177/98	Length of service not properly computed.	Pending
C/201/98	Application for a portion of State land not considered since three years.	Explained
C/226/98	Application for plot of State land for residential purposes not attended to.	Rectified
C/235/98	Length of service not properly computed.	Pending
C/250/98	Length of service not properly computed.	Rectified
C/252/98	Length of service not properly computed.	Discontinued
C/253/98	Length of service not properly computed.	Pending
C/255/98	Length of service not properly computed.	Pending
C/256/98	Length of service not properly computed.	Rectified
C/267/98	Length of service not properly computed.	Rectified
C/275/98	Length of service not properly computed.	Explained
C/286/98	Length of service not properly computed.	Explained
C/293/98	Length of service not properly computed.	Rectified
C/306/98	Length of service not properly computed.	Rectified
C/317/98	Length of service not properly computed.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/322/98	Length of service not properly computed.	Explained
C/326/98	Length of service not properly computed.	Rectified
C/337/98	Length of service not properly computed.	Pending
C/339/98	Length of service not properly computed.	Pending
C/348/98	Length of service not properly computed.	Explained
C/350/98	Length of service not properly computed.	Pending
C/355/98	Length of service not properly computed.	Rectified
C/357/98	Length of service not properly computed.	Pending
C/358/98	Length of service not properly computed.	Pending
C/360/98	Length of service not properly computed.	Rectified
C/361/98	Application for State land not considered.	Pending
C/362/98	Length of service not properly computed.	Explained
C/376/98	Length of service not properly computed.	Pending
C/377/98	Length of service not properly computed.	Pending
C/379/98	Length of service not properly computed.	Explained
C/386/98	Length of service not properly computed.	Pending
C/392/98	Length of service not properly computed.	Pending
C/394/98	Length of service not properly computed.	Rectified
C/410/98	Widow claims that benefits paid to her in respect of deceased husband's service are not adequate.	Explained
C/415/98	Application for lease of State land not granted.	Rectified
C/419/98	Length of service not properly computed.	Rectified
C/422/98	Length of service not properly computed.	Pending
C/423/98	Length of service not properly computed.	Explained
C/425/98	Complainant not paid allowance for performing higher duties.	Rectified
C/434/98	Length of service not properly computed.	Rectified
C/442/98	Length of service not properly computed.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— continued		
C/444/98	No lump sum or other retiring benefits paid to retired public officer.	Pending
C/15/99	Length of service not properly computed.	Rectified
C/21/99	Length of service not properly computed.	Not justified
C/23/99	Length of service not properly computed.	Pending
C/46/99	Length of service not properly computed.	Rectified
C/62/99	Length of service not properly computed.	Rectified
C/63/99	Length of service not properly computed.	Rectified
C/66/99	Length of service not properly computed.	Rectified
C/69/99	Length of service not properly computed.	Pending
C/74/99	Length of service not properly computed.	Pending
C/88/99	Length of service not properly computed.	Pending
C/92/99	Length of service not properly computed.	Pending
C/114/99	No reply to application for development permit to operate bakery since more than two months.	Discontinued
C/116/99	Lease agreement in favour of complainant not yet drawn up despite the fact that he is paying rental since three years.	Pending
C/120/99	Complainant claims that a sum of Rs 23517 representing overtime is still due to him.	Rectified
C/122/99	No reply to application for lease of State land for commercial purposes since 5 years.	Rectified
C/124/99	Length of service not properly computed.	Pending
C/125/99	Length of service not properly computed.	Pending
C/127/99	Length of service not properly computed.	Rectified
C/130/99	Length of service not properly computed.	Pending
C/131/99	Length of service not properly computed.	Pending
C/132/99	Length of service not properly computed.	Pending
C/142/99	Length of service not properly computed.	Explained

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/143/99	Length of service not properly computed.	Not justified
C/146/99	Length of service not properly computed.	Pending
C/151/99	Length of service not properly computed.	Pending
C/154/99	Length of service not properly computed.	Not justified
C/155/99	Length of service not properly computed.	Pending
C/163/99	Length of service not properly computed.	Rectified
C/164/99	Length of service not properly computed.	Rectified
C/171/99	Length of service not properly computed.	Pending
C/172/99	Length of service not properly computed.	Pending
C/173/99	Length of service not properly computed.	Rectified
C/177/99	Length of service not properly computed.	Pending
C/183/99	No decision taken on application for State land for residential purposes made five years ago.	Rectified
C/186/99	Length of service not properly computed.	Not justified
C/187/99	Application for lease of State land not yet finalised. Nearly six years have gone by.	Pending
C/188/99	Length of service not properly computed.	Pending
C/189/99	Length of service not properly computed.	Pending
C/192/99	Length of service not properly computed.	Explained
C/194/99	Length of service not properly computed.	Pending
C/195/99	Length of service not properly computed.	Rectified
C/196/99	Length of service not properly computed.	Rectified
C/206/99	Length of service not properly computed.	Pending
C/223/99	Length of service not properly computed.	Pending
C/225/99	Length of service not properly computed.	Rectified
C/227/99	Length of service not properly computed.	Pending
C/241/99	Length of service not properly computed.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/246/99	Length of service not properly computed.	Pending
C/249/99	Length of service not properly computed.	Pending
C/255/99	Length of service not properly computed.	Not justified
C/258/99	Length of service not properly computed.	Explained
C/260/99	Length of service not properly computed.	Not Justified
C/269/99	Length of service not properly computed.	Pending
C/270/99	Length of service not properly computed.	Rectified
C/275/99	Length of service not properly computed.	Pending
C/289/99	Length of service not properly computed.	Explained
C/290/99	Length of service not properly computed.	Pending
C/291/99	Length of service not properly computed.	Pending
C/304/99	No pension paid to widow of deceased public officer	Discontinued
C/310/99	Length of service not properly computed.	Rectified
C/312/99	Complainant has been replacing another officer for five years. No appointment made.	Pending
C/315/99	Length of service not properly computed.	Rectified
C/321/99	Length of service not properly computed.	Explained
C/322/99	Length of service not properly computed.	Not justified
C/323/99	Complainant not compensated for performing higher duties.	Explained
C/337/99	Length of service not properly computed.	Rectified
C/345/99	Length of service not properly computed.	Rectified
C/349/99	Length of service not properly computed.	Pending
C/350/99	Unpaid allowance.	Explained
C/352/99	Length of service not properly computed.	Pending
C/355/99	Application for plot of State land for agricultural purposes not granted.	Pending
C/356/99	Application for lease of State land for residential purposes not granted after five years.	Pending
C/362/99	Length of service not properly computed.	Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/363/99	Length of service not properly computed.	Pending
C/371/99	Length of service not properly computed.	Pending
C/372/99	Length of service not properly computed.	Pending
C/377/99	Complainant has been working on Public holidays without any allowance being paid or time off granted.	Rectified
C/379/99	No reply to application for residential lease.	Rectified
C/380/99	No lump sum or pension paid to ex-public officer who retired some 22 years ago.	Pending
C/386/99	Length of service not properly computed.	Rectified
C/387/99	Length of service not properly computed.	Pending
C/390/99	Length of service not properly computed.	Pending
C/396/99	Length of service not properly computed.	Not justified
C/399/99	Length of service not properly computed.	Rectified
C/404/99	Length of service not properly computed.	Rectified
C/420/99	Length of service not properly computed.	Pending
C/422/99	Length of service not properly computed.	Pending
C/426/99	Length of service not properly computed.	Pending
C/428/99	Length of service not properly computed.	Pending
C/439/99	Length of service not properly computed.	Pending
C/11/2000	Length of service not properly computed.	Pending
C/18/2000	Financial assistance provided to complainant during more than three years suddenly stopped.	Explained
C/21/2000	Length of service not properly computed.	Pending
C/23/2000	Length of service not properly computed.	Pending
C/33/2000	Request for ad hoc allowance for performing higher * duties by complainant - no action taken.	Partly Rectified
C/42/2000	Length of service not properly computed.	Pending
C/44/2000	Length of service not properly computed.	Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES—continued		
C/51/2000	Death gratuity etc. not paid to deceased public officer's widow.	Rectified
C/52/2000	Length of service not properly computed.	Pending
C/64/2000	Length of service not properly computed.	Explained
C/77/2000	Length of service not properly computed.	Pending
C/82/2000	Length of service not properly computed.	Pending
C/83/2000	Not selected as heavy vehicle driver in spite of past experience whereas his juniors have been so selected.	Explained
C/95/2000	Not selected as heavy vehicle driver in spite of past experience whereas his juniors have been so selected.	Explained
C/97/2000	Length of service not properly computed.	Pending
C/112/2000	Length of service not properly computed.	Rectified
C/113/2000	Prejudice caused to complainant following promotion of another person.	Explained
C/117/2000	Bad weather allowance not paid to complainant etc.	Explained
C/121/2000	Complainant who is office caretaker not allowed to assume his responsibility of opening and closing the office where he works.	Explained
C/130/2000	Overtime not paid.	Rectified
C/133/2000	Length of service not properly computed.	Pending
C/135/2000	Length of service not properly computed.	Not justified
C/138/2000	No allowance paid to complainant for overtime performed.	Rectified
C/139/2000	Length of service not properly computed.	Pending
C/140/2000	Length of service not properly computed.	Pending
C/149/2000	No pension paid to retired public officer.	Pending
C/152/2000	Length of service not properly computed.	Pending
C/153/2000	Length of service not properly computed.	Not justified
C/154/2000	Length of service not properly computed.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>RODRIGUES—continued</i>		
C/155/2000	Complainant has been unsuccessfully registering for a job since twenty years.	Explained
C/156/2000	Length of service not properly computed.	Pending
C/157/2000	Length of service not properly computed.	Pending
C/158/2000	Length of service not properly computed.	Explained
C/178/2000	Length of service not properly computed.	Rectified
C/180/2000	Application for residential lease made since two years. No reply.	Rectified
C/181/2000	Length of service not properly computed.	Rectified
C/184/2000	Length of service not properly computed.	Pending
C/192/2000	Length of service not properly computed.	Explained
C/194/2000	Length of service not properly computed.	Pending
C/216/2000	Length of service not properly computed.	Pending
C/217/2000	Length of service not properly computed.	Not justified
C/223/2000	Allowances for performing higher duties not paid to complainant, etc.	Pending
C/234/2000	Length of service not properly computed.	Pending
C/235/2000	Length of service not properly computed.	Pending
C/255/2000	Disturbance allowance not paid.	Pending
C/257/2000	Length of service not properly computed.	Explained
C/258/2000	Length of service not properly computed.	Pending
C/259/2000	Supply of material under Housing Project to complainant stopped since four months.	Explained
C/260/2000	Arrears of allowance unpaid.	Rectified
C/261/2000	Application for lease of State land since 1995. No reply yet.	Rectified
C/262/2000	Complainant has registered for a job since 1987. Not received any offer.	Explained
C/263/2000	Payment of holiday leave long overdue.	Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>RODRIGUES—continued</i>		
<i>C/265/2000</i>	Anomaly in pension	Explained
<i>C/267/2000</i>	No reply to application for residential lease renewed yearly.	Pending
<i>C/268/2000</i>	Complainant has worked for 20 years in the Prison Service. Has now retired but has not received any gratuity or pension.	Explained
<i>C/272/2000</i>	Complainant interviewed for promotional post. No action yet taken. Has been performing duties attached to that post for last 20 years.	Explained
<i>C/273/2000</i>	Complainant interviewed for promotional post but no promotion has taken place yet.	Discontinued
<i>C/274/2000</i>	Length of service not properly computed.	Explained
<i>C/275/2000</i>	Length of service not properly computed.	Not justified
<i>C/282/2000</i>	No medical officer available at health centre.	Explained
<i>C/284/2000</i>	Complainant avers he is not responsible for the Administration's failure to trace out certain periods of his service and claim adjustment of same.	Rectified
<i>C/285/2000</i>	Length of service not properly computed.	Explained
<i>C/2/2001</i>	Complainants not made aware of result of Trade Test undergone by them. Others have received their results and have even been promoted.	Pending
<i>C/3/2001</i>	Complainant considers decision to stop paying him overtime as unfair.	Explained
<i>C/4/2001</i>	Length of service not properly computed.	Pending
<i>C/5/2001</i>	Length of service not properly computed.	Pending
<i>C/6/2001</i>	Overtime not paid to ambulance drivers.	Explained
<i>C/7/2001</i>	Length of service not properly computed.	Pending
<i>C/8/2001</i>	Land dispute at Petit Brule. Intervention of Rodrigues Administration solicited.	Pending
<i>C/9/2001</i>	Length of service not properly computed.	Rectified
<i>C/10/2001</i>	No benefits paid to complainant.	Not justified

APPENDIX E — *continued*

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/11/2001	Claim for payment of allowance for performing additional duties.	Explained
C/12/2001	Length of service not properly computed.	Pending
C/13/2001	No benefits paid to widow of ex-public officer.	Explained
C/14/2001	Length of service not properly computed.	Not justified
C/19/2001	Records Clerks threatened by Medical Record Officer.	Rectified
C/20/2001	Allowance for overtime not paid since nearly one and a half years.	Rectified
C/21/2001	Complainant who is a Substitute Female Officer since 1984 requests that her employment be guaranteed until she reaches retiring age.	Explained
C/22/2001	Length of service not properly computed.	Explained
C/23/2001	Application to operate boarding house not granted.	Pending
C/26/2001	Length of service not properly computed.	Not investigated
C/38/2001	Length of service not properly computed.	Explained
C/39/2001	Complainant has worked as Police Wardress for seventeen years. Has never been paid any retiring benefit.	Explained
C/40/2001	Length of service not properly computed.	Pending
C/46/2001	Length of service not properly computed.	Not justified
C/48/2001	Length of service not properly computed.	Pending
C/55/2001	Length of service not properly computed.	Explained
C/56/2001	Length of service not properly computed.	Pending
C/57/2001	Complainant objects to his transfer. Avers victimisation.	Not investigated
C/59/2001	Length of service not properly computed.	Pending
C/60/2001	Accrued passage benefits not paid to widow of deceased public officer.	Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— continued		
C/64/2001	Length of service not properly computed.	Pending
C/65/2001	No reply to application for plot of State land since 10 years.	Pending
C/67/2001	Length of service not properly computed.	Explained
C/69/2001	Length of service not properly computed.	Pending
C/74/2001	Length of service not properly computed.	Pending
C/79/2001	Length of service not properly computed.	Pending
C/87/2001	Lump sum paid to complainant upon retirement not correct.	Explained
C/88/2001	Length of service not properly computed.	Pending
C/92/2001	Length of service not properly computed.	Explained
C/96/2001	No reply to application for commercial lease for construction of a restaurant made more than seven years ago.	Pending
C/100/2001	Length of service not properly computed.	Pending
C/101/2001	Length of service not properly computed.	Pending
C/105/2001	Length of service not properly computed.	Pending
C/109/2001	Length of service not properly computed.	Explained
C/110/2001	Length of service not properly computed.	Pending
C/115/2001	Length of service not properly computed.	Pending
C/117/2001	Claims the return of money she has refunded as overpayment made to her.	Not justified
C/118/2001	Length of service not properly computed.	Pending
C/119/2001	Length of service not properly computed.	Explained
C/120/2001	Length of service not properly computed.	Pending
C/124/2001	Length of service not properly computed.	Pending
C/125/2001	Length of service not properly computed.	Pending
C/126/2001	Anomaly in salary.	Pending
C/127/2001	Length of service not properly computed.	Not justified

APPENDIX E — *continued*

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/136/2001	Claim for payment of family pension contributed by complainant's late husband.	Explained
C/137/2001	Length of service not properly computed.	Not justified
C/140/2001	Length of service not properly computed.	Pending
C/142/2001	Length of service not properly computed.	Pending
C/143/2001	Length of service not properly computed.	Pending
C/144/2001	Length of service not properly computed.	Not justified
C/145/2001	Complainant applied for a plot of agricultural land since April 1998. Plot given to another person.	Explained
C/146/2001	Carer's allowance stopped.	Explained
C/147/2001	Length of service not properly computed.	Explained
C/148/2001	Length of service not properly computed.	Pending
C/152/2001	Error regarding complainant's salary.	Not justified
C/153/2001	Error regarding complainant's salary.	Not justified
C/154/2001	Length of service not properly computed.	Pending
C/155/2001	Basic invalidity pension disallowed.	Pending
C/156/2001	Passage benefits and allowance in lieu of sick leave not properly computed.	Not justified
C/158/2001	Length of service not properly computed.	Pending
C/160/2001	Length of service not properly computed.	Pending
C/163/2001	Length of service not properly computed.	Pending
C/164/2001	Length of service not properly computed.	Pending
C/169/2001	Length of service not properly computed.	Pending
C/170/2001	Length of service not properly computed.	Pending
C/174/2001	Length of service not properly computed.	Explained
C/175/2001	Length of service not properly computed.	Not justified
C/189/2001	Complainant in inappropriate salary scale.	Explained
C/192/2001	Claim for responsibility allowance for driving heavy vehicles.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/194/2001	Complainant feels aggrieved by her non-selection to follow Post Basic Midwifery course in Mauritius.	Explained
C/197/2001	Length of service not properly computed.	Pending
C/198/2001	Request to transfer residential lease not entertained.	Pending
C/200/2001	Length of service not properly computed.	Pending
C/201/2001	Not issued with Professional Fisherman Card.	Explained
C/203/2001	Length of service not properly computed.	Not justified
C/207/2001	Length of service not properly computed.	Explained
C/212/2001	Length of service not properly computed.	Pending
C/221/2001	Length of service not properly computed.	Pending
C/226/2001	Lease agreement in favour of complainant not yet drawn up.	Pending
C/227/2001	Claim for meal allowance for having worked extra time.	Explained
C/228/2001	Application for transfer of lease of State land not considered.	Pending
C/229/2001	Length of service not properly computed.	Not justified
C/230/2001	Length of service not properly computed.	Pending
C/232/2001	No reason given for deduction effected from salary.	Pending
C/233/2001	New roster causes prejudice to complainants.	Pending
C/234/2001	Refund of sick leave not taken not appropriate.	Explained
C/235/2001	Complainant claims refund of outstanding amount contributed to the Civil Service Family Pension Scheme.	Not justified
C/236/2001	Length of service not properly computed.	Not justified
C/237/2001	Complainant who is a labourer doing the duty of valve operator without being paid any allowance.	Pending
C/238/2001	Length of service not properly computed.	Pending
C/239/2001	Complainant avers he obtained no compensation for his service in Rodrigues.	Not justified
C/240/2001	Complainant not being paid full responsibility allowance.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
<i>RODRIGUES— continued</i>		
C/241/2001	Length of service not properly computed.	Explained
C/243/2001	Length of service not properly computed.	Not investigated
C/245/2001	Length of service not properly computed.	Pending
C/246/2001	Length of service not properly computed.	Explained
C/252/2001	Deputy Head Teacher avers that her transfer to another school far off from her place is punitive.	Not justified
C/253/2001	Complainant interdicted since more than three years. Not prosecuted. No action taken yet as regard disciplinary proceedings against him.	Pending
C/254/2001	Sum of money owed to complainant not paid.	Discontinued
C/255/2001	Complainant's salary not adjusted upon his promotion.	Pending
C/256/2001	Complainant's salary not adjusted following report of ad hoc Committee into "alleged anomalies".	Pending
C/258/2001	Application for lease of agricultural land made since about six years. Case not yet finalised.	Pending
C/259/2001	Allowance promised to complainant for operating machine not paid to him.	Pending
C/260/2001	Drainage problem at Port Mathurin.	Pending
C/261/2001	Mileage allowance not paid.	Pending
C/264/2001	Length of service not properly computed.	Pending
C/265/2001	Length of service not properly computed.	Explained
C/266/2001	Allowance short paid.	Discontinued
C/269/2001	Length of service not properly computed.	Pending
C/271/2001	No reply to application for lease of State land for residential purposes made more than five years ago.	Pending
C/276/2001	Claim of lump sum by retired public officer.	Pending

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
RODRIGUES— <i>continued</i>		
C/280/2001	Length of service not properly computed.	Pending
C/281/2001	Length of service not properly computed.	Pending
C/282/2001	Length of service not properly computed.	Pending
C/287/2001	Length of service not properly computed.	Pending
C/292/2001	Length of service not properly computed.	Pending
C/297/2001	Allowance for performing extra duty not paid.	Pending
C/299/2001	Length of service not properly computed.	Pending
C/304/2001	Length of service not properly computed.	Pending
C/306/2001	Widow of deceased public officer claims that her pension is not adequate.	Pending
C/307/2001	Length of service not properly computed.	Pending
C/312/2001	Widow of late public officer avers she receives no pension after death of husband.	Pending
C/316/2001	Death benefits not paid to deceased officer's widow.	Pending
C/317/2001	Length of service not properly computed.	Pending
C/318/2001	Length of service not properly computed.	Pending
C/323/2001	Application for State land for residential purposes since more than six years not yet considered.	Pending
C/324/2001	Length of service not properly computed.	Pending
C/327/2001	Length of service not properly computed.	Pending
C/329/2001	Length of service not properly computed.	Pending
SOCIAL SECURITY AND NATIONAL SOLIDARITY		
C/272/99	Application for refund of lump sum under the National Savings Fund Act 1995 rejected.	Rectified
SOCIAL SECURITY, NATIONAL SOLIDARITY AND SENIOR CITIZENS WELFARE		
C/171/2000	Complainant suspended from duty since three years. Case struck out a year later. Not yet reinstated.	Rectified

APPENDIX E — continued

<i>No.</i>	<i>Subject of Complaint</i>	<i>Result</i>
SOCIAL SECURITY AND NATIONAL SOLIDARITY AND SENIOR CITIZEN WELFARE AND REFORM INSTITUTIONS		
C/54/2001	Complainant contests his percentage of disability following injury at work.	Explained
C/130/2001	Complainant avers that she never received the lump sum allegedly paid to her.	Pending
C/141/2001	Old age pensioner's application for a pair of spectacles turned down.	Rectified
C/162/2001	Confusion regarding pensions due to complainant and claim for arrears of such pensions.	Pending
TRAINING, SKILLS DEVELOPMENT AND PRODUCTIVITY		
C/58/2001	Application by complainant to be registered as "Trainer" not considered.	Rectified
C/181/2001	Complainant has not received stipend as stipulated in training agreement.	Rectified
C/195/2001	Complainant has not yet obtained a job despite registering at the Employment Office for 15 consecutive years.	Explained

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