

REPUBLIC OF MAURITIUS

OFFICE OF THE OMBUDSMAN

49TH ANNUAL REPORT
OF THE
OMBUDSMAN

OFFICE OF THE OMBUDSMAN

OMB 13/04 VOL. XLVIII

07 June, 2023

His Excellency, Mr. Prithvirajsing Roopun, G.C.S.K.
President of the Republic of Mauritius
State House
Le Réduit

Your Excellency,

In accordance with section 101(3) of the Constitution of Mauritius, the Ombudsman is required to make an Annual Report to the President concerning the discharge of his functions.

I am pleased and have the honour to present to Your Excellency the 49th Annual Report of the Ombudsman for the year 2022.

A copy of this Report is to be laid before the National Assembly.

**I have the honour to be,
Your Excellency's obedient Servant,**



**Harry Ganoo, G.O.S.K.
Ombudsman**

OFFICE OF THE OMBUDSMAN

TABLE OF CONTENTS

	Page
1. Our mission	1
2. Our commitment	1
3. Year under Review	1
4. Statistics for 2022	2
5. Strategic Plan – 2020/21 - 2024/25	8
6. Own Motion cases	24
7. Rodrigues Regional Assembly	25
8. Awareness-Raising Campaign	35
9. International Co-operation	43
10. Meetings with Authorities in connection with investigations ...	45
11. National Mechanism for Reporting and Follow-Up	46
12. A Note from the Ombudsman	47
13. Appendices	52

APPENDICES

	Page
<i>Appendix A</i>	
Chapter IX of the Constitution – The Ombudsman	54
<i>Appendix B</i>	
The Ombudsman Act	62
<i>Appendix C</i>	
Summaries of Selected Complaints	67
<u>Ministries/Departments</u>	
Blue Economy, Marine Resources, Fisheries & Shipping (1)	67
Commerce and Consumer Protection (2)	68
Education, Tertiary Education, Science and Technology (4)	70
Energy and Public Utilities (3)	75
Environment, Solid Waste Management & Climate Change (1)	78
Finance, Economic Planning and Development (1)	80
Health and Wellness (3)	82
Housing and Land Use Planning (3)	87
Labour, Human Resource Development and Training (1)	91
Land Transport and Light Rail (2)	92
Police (1)	97
Prime Minister’s Office (1)	98
Prisons (1)	99
Public Service, Administrative & Institutional Reforms (1)	100
Social Integration, Social Security & National Solidarity (<i>Social Security and National Solidarity Division</i>) (4)	101

Local Authorities

District Council of Black River (2)	...	...	...	...	...	102
District Council of Flacq (1)	...	...	...	...	...	108
District Council of Grand Port (1)	...	...	...	...	...	109
District Council of Moka (1)	...	...	...	...	...	110
District Council of Pamplemousses (1)	...	...	...	...	...	111
District Council of Savanne (1)	...	...	...	...	...	112
Municipal Council of Curepipe (2)	...	...	...	...	...	113
Municipal City Council of Port Louis (2)	...	...	...	...	...	115
Municipal Council of Vacoas-Phoenix (2)	...	...	...	...	...	118

<u>Rodrigues Regional Assembly</u> (8)	120
---	-----	-----	-----	-----	-----	-----

Appendix D

Statistical summary of complaints	130
-----------------------------------	-----	-----	-----	-----	-----	-----

Appendix E

Subject of complaints	138
-----------------------	-----	-----	-----	-----	-----	-----

Appendix F

Appreciations from Complainants	183
---------------------------------	-----	-----	-----	-----	-----	-----

Appendix G

Staffing Structure	184
--------------------	-----	-----	-----	-----	-----	-----

Appendix H

Organisational Structure	185
--------------------------	-----	-----	-----	-----	-----	-----

LIST OF TABLES

Table 1 Complaints Received for the Year 2022	2
Table 2 Comparative Table of Complaints Received Year on Year	2
Table 3 Cases Dealt with for the Year 2022	3
Table 4 Cases Investigated for the Year 2022	3
Table 5 Cases Investigated Year on Year	4
Table 6 Cases Investigated - Ministries/ Departments for the Year 2022	4
Table 7 Cases Investigated - Local Authorities for the Year 2022	5
Table 8 Cases Investigated - Rodrigues Regional Assembly for the Year 2022	6
Table 9 Statistics for the Year 2022	7
Table 10 Cases Finalised during the Year 2022	13
Table 11 Comparative Table- Finalised Cases Year on Year	13
Table 12 Timeliness of Complaints Acknowledged for the Year 2022	14
Table 13 Comparative Table - Acknowledgement of complaints within 5 working days	15
Table 14 Key Performance Indicator	15
Table 15 Comparative Table- Investigations monitored and followed Year on Year	15
Table 16 Key Performance Indicator	18
Table 17 Disaggregated Data	18
Table 18 Age Range of Complainants	20
Table 19 Complainants with Disability for the Year 2022	21
Table 20 Profession of Complainants for the Year 2022	21
Table 21 Demographic Profile of Complainants/ Visitors for the Year 2022	22
Table 22 Examples of Own Motion Cases	25
Table 23 Webinars and Training Courses attended	44
Table 24 International Covenants	46
Table 25 Staffing Structure	184

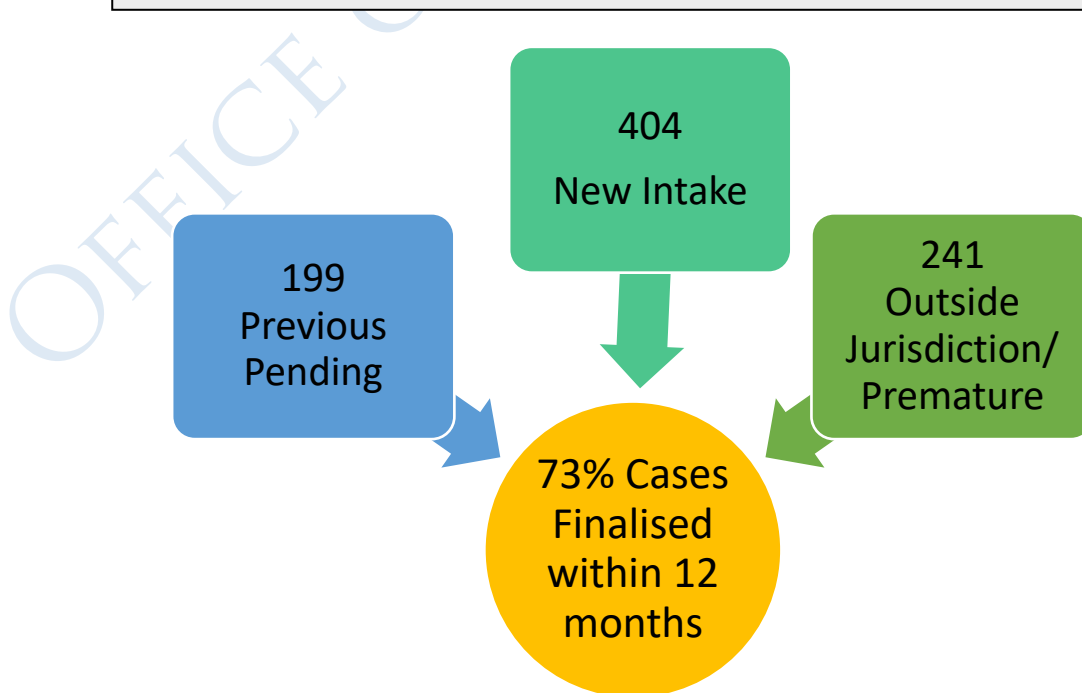
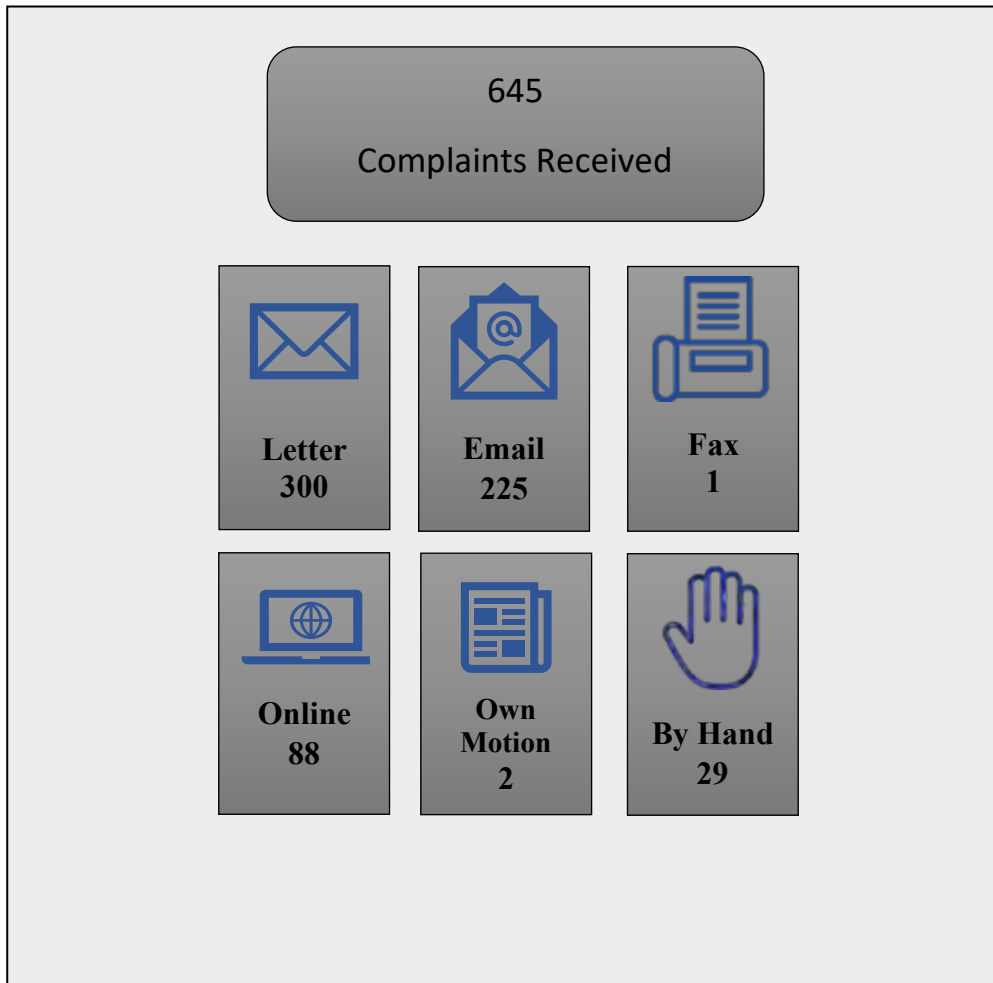
LIST OF FIGURES

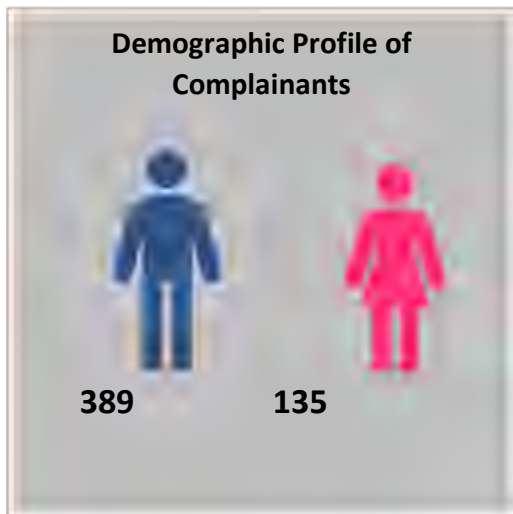
Figure 1 Complaints Received for the Year 2022.....	2
Figure 2 Cases Investigated for the Year 2022.....	3
Figure 3 Cases Investigated - Ministries/ Departments for the Year 2022.....	4
Figure 4 Cases Investigated - Local Authorities for the Year 2022.....	5
Figure 5 Cases Investigated - Rodrigues Regional Assembly for the Year 2022.....	6
Figure 6 Our Strategic Plan 2020/21-2024/25.....	10
Figure 7 5 Year Trend of Complaints Received.....	11
Figure 8 5 Year Trend of Complaints Dealt With.....	12
Figure 9 Cases Finalised during the Year 2022.....	13
Figure 10 Acknowledgement of Complaints.....	14
Figure 11 Disaggregated Data.....	19
Figure 12 Age Range of Complainants for the Year 2022.....	20
Figure 13 Complainants with Disability for the Year 2022.....	21
Figure 14 Profession of Complainants for the Year 2022.....	22
Figure 15 Demographic Profile of Complainants/ Visitors for the Year 2022.....	22
Figure 16 Service Information to Visitors.....	23
Figure 17 Organisational Structure.....	185



Brief by Mrs G.D.Kissoon-Sungsam, Investigations Officer to participants during awareness-raising campaign

Highlights





Acknowledgement Letter

99 % ≤ 5 Days

1 % > 5 Days

21 AWARENESS RAISING CAMPAIGNS CONDUCTED

1. OUR MISSION

The mission of the Ombudsman is to serve the Mauritian community by addressing issues arising from maladministration in the public sector and redressing wrongs that may be found to have been committed.

2. OUR COMMITMENT

The Office of the Ombudsman is committed to providing to all citizens a quality service that upholds their rights to a just and equitable treatment in accordance with principles of good administration.

3. YEAR UNDER REVIEW

This is the 49th Annual Report of the Ombudsman. It concerns the discharge of the functions of this Office during the year 2022 in the course of which a total of **645** new complaints were received and a total of **404 new** cases opened.

4. STATISTICS FOR 2022

Complaints Received

Complaints Received For The Year 2022	
Cases Opened	404
Cases Outside Jurisdiction or Premature	241
Total	645

Table 1 Complaints Received for the Year 2022

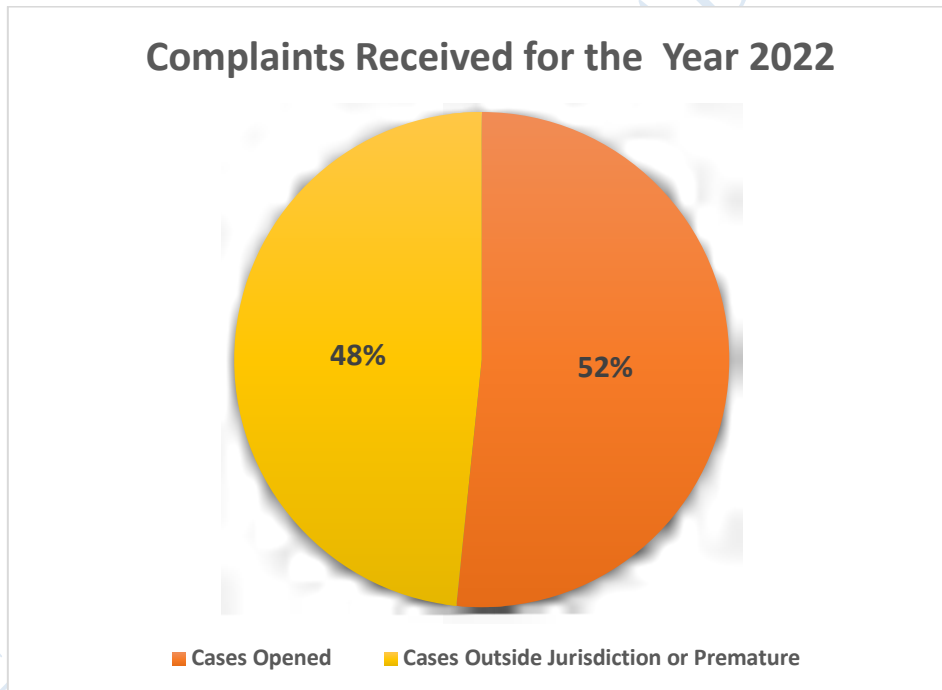


Figure 1 Complaints Received for the Year 2022

Comparative Table of Complaints Received Year on Year			
	2020	2021	2022
Complaints Received	594	686	645

Table 2 Comparative Table of Complaints Received Year on Year

Cases Dealt with and Investigated

Cases Dealt with for the Year 2022	
Ministries/Departments	300
Local Authorities	65
Rodrigues Regional Assembly	39
Pending Cases as at 30 December 2021	199
Cases Outside jurisdiction (Miscellaneous/Copies)	241
Total	844

Table 3 Cases Dealt with for the Year 2022

Cases Investigated for the Year 2022

Cases Investigated for the Year 2022	
Ministries/Departments	300
Local Authorities	65
Rodrigues Regional Assembly	39
Pending Cases as at 30 December 2021	199
Total	603

Table 4 Cases Investigated for the Year 2022

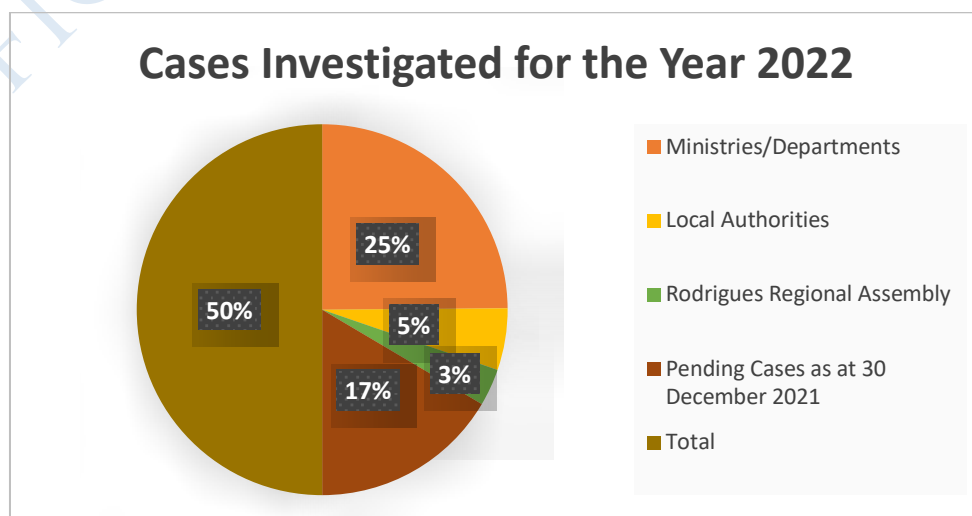


Figure 2 Cases Investigated for the Year 2022

Cases Investigated Year On Year

Cases Investigated Year on Year			
	2020	2021	2022
Ministries/Departments	246	236	300
Local Authorities	94	80	65
Rodrigues Regional Assembly	22	108	39
Pending Cases as at 31 December	168	204	199
Total	530	628	603

Table 5 Cases Investigated Year on Year

Ministries/Departments

Decision taken	Number of Cases
Explained	151
Rectified	90
Discontinued	21
Not Justified	2
Not Investigated	7
Not entertained	0
No maladministration disclosed	5
Not Sustained	2
Pending	150
Total	428

Table 6 Cases Investigated - Ministries/ Departments for the Year 2022

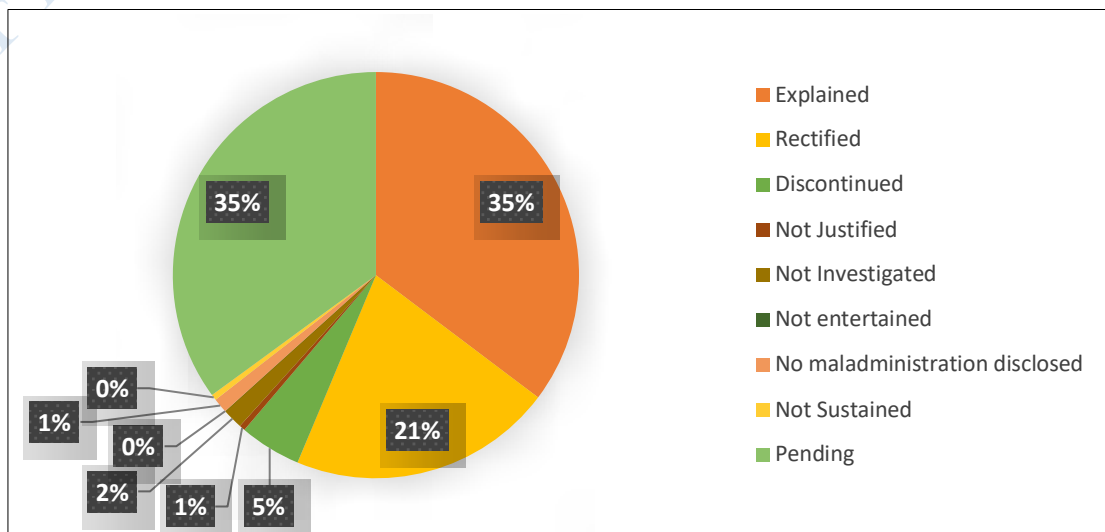


Figure 3 Cases Investigated - Ministries/ Departments for the Year 2022

Local Authorities

Decision taken	Number of Cases
Explained	27
Rectified	36
Discontinued	7
Not Investigated	0
No maladministration disclosed	0
Pending	48
Total	118

Table 7 Cases Investigated - Local Authorities for the Year 2022

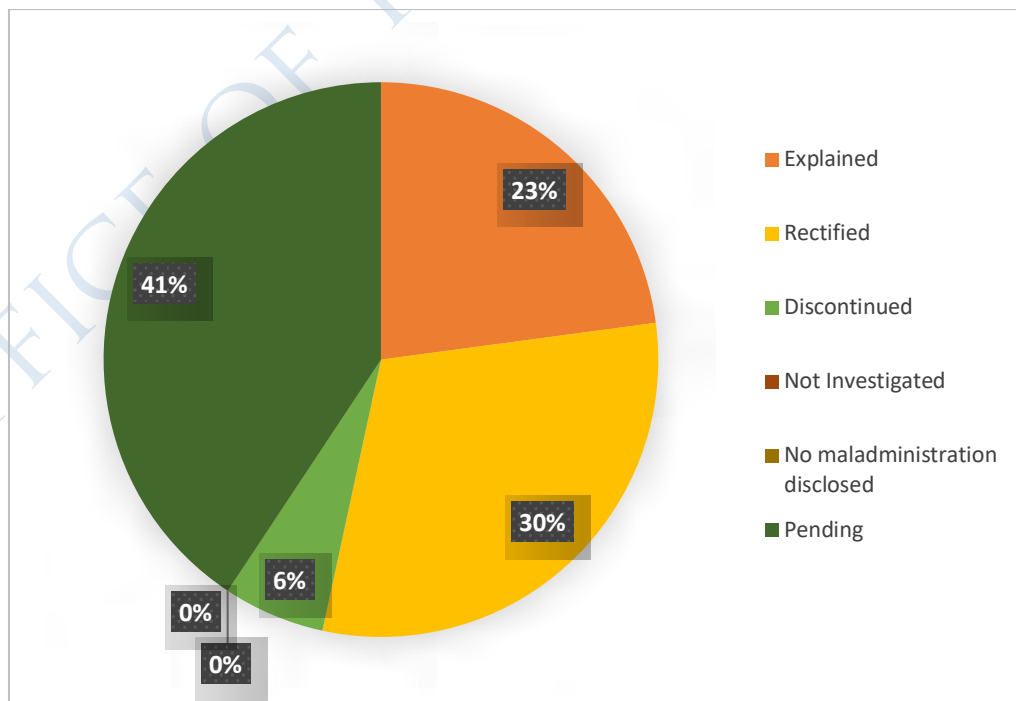


Figure 4 Cases Investigated - Local Authorities for the Year 2022

Rodrigues Regional Assembly

Decision taken	Number of Cases
Explained	13
Rectified	15
Discontinued	2
Pending	27
Total	57

Table 8 Cases Investigated - Rodrigues Regional Assembly for the Year 2022

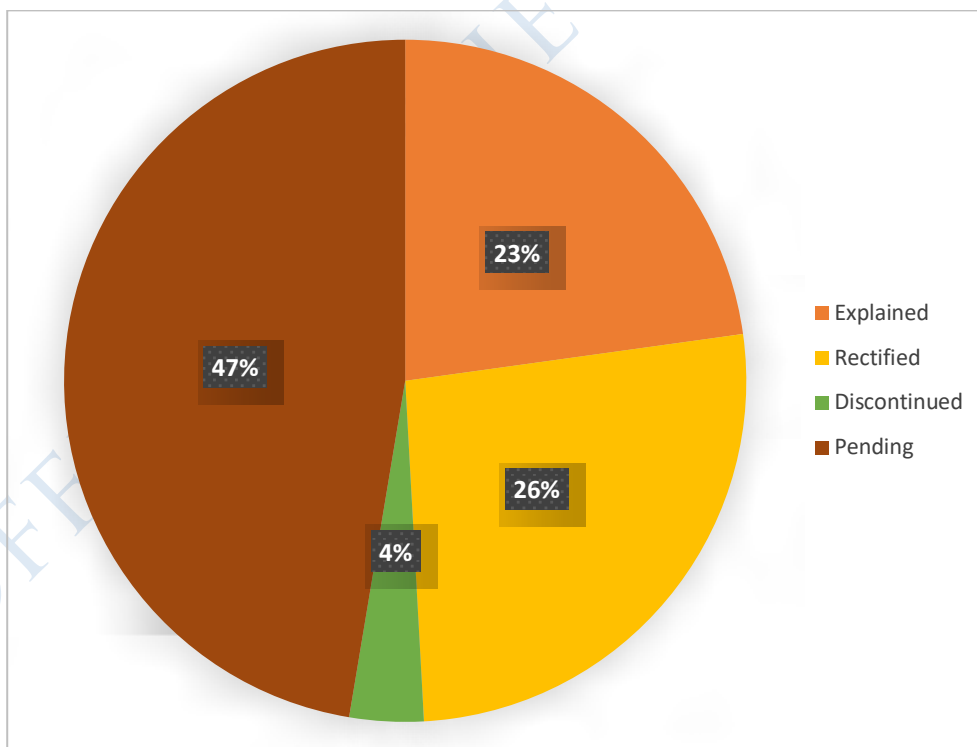


Figure 5 Cases Investigated - Rodrigues Regional Assembly for the Year 2022

An overview of statistics for Year 2022 is as follows –

Cases pending as at 31 December 2021	199
Case intake/investigated	404
Miscellaneous and copies of complaints	241
Cases dealt with	844 (includes 199 cases pending as at 31.12.2021, 404 new cases and 241 miscellaneous & copies of complaints and)
Cases rectified	141
Cases explained	191
Cases discontinued	30
Cases not investigated	7
Cases not justified	2
Cases not sustained	2
Case not entertained	0
Cases no maladministration disclosed	5
Cases pending as at 31 December 2022	225

Table 9 Statistics for the Year 2022

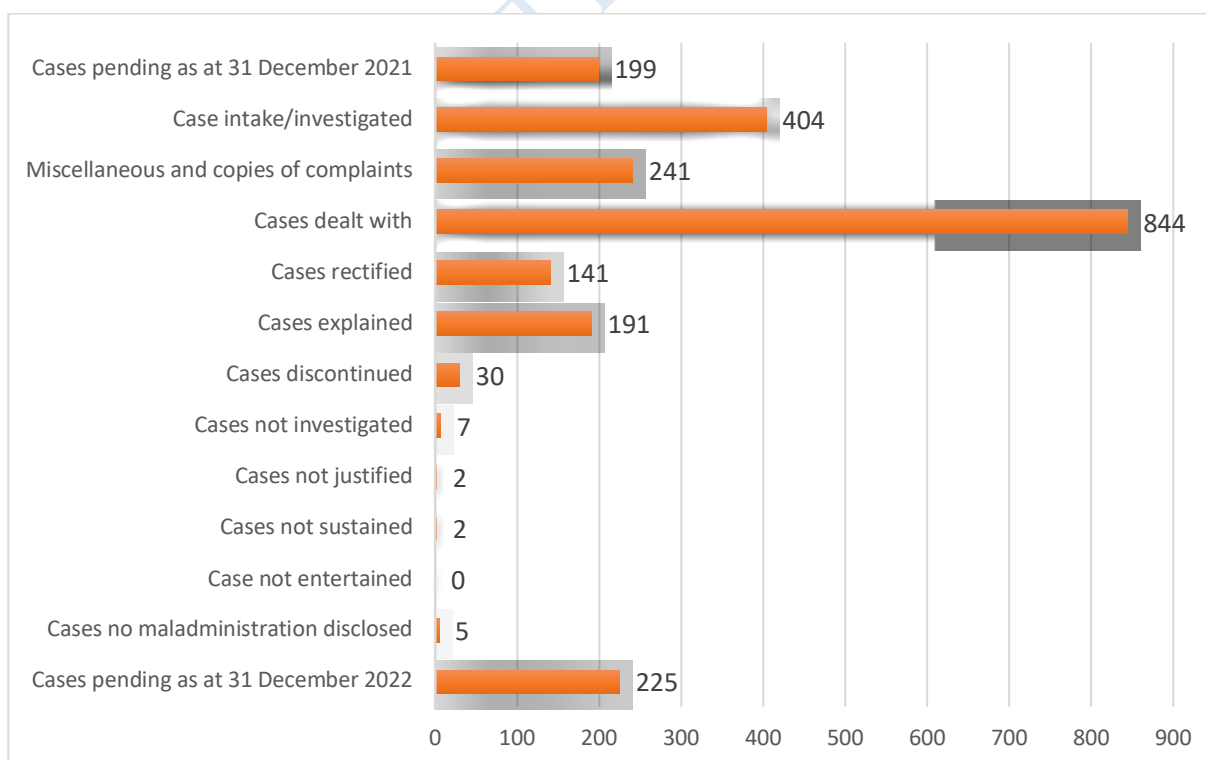


Figure 6 Statistics for the Year 2022

5. STRATEGIC PLAN – 2020/21 TO 2024/25

ACCOUNTING OFFICER'S REPORT

I am pleased to report that the Office met its objectives for the fourth consecutive year despite operating under limited human and financial resources. The score for finalized cases has decreased from **78%** in the previous year to **73%** during the reporting period.

The Office successfully resumed its working session in Rodrigues Island after two years due to the pandemic and it was an opportunity for the residents of Rodrigues to have an open access to the Ombudsman. Two awareness raising sessions were also conducted jointly with CAB Rodrigues and a Non-Governmental Organization 'Dis-Moi'.

As regard outreach activities, the Office has, apart from the CAB, also collaborated with the Ministry of Youth Empowerment, Sports and Recreation and the National Women Council to enable reaching out to every group of persons around the island. By the end of the calendar year, **21** awareness-raising sessions were conducted both virtually and in-person whereby **516** members of the public were lectured on the role and services offered by the Office. **1374** pamphlets were distributed to participants during the in-person sessions.

From the end of February 2022, the Office operated within an unstable environment due to the expiry of the tenure of Office of the former Ombudsman. This had an impact on our service as there were over **150** new complaints waiting to be considered. Throughout this time, the demand for our services increased and we continued to meet this challenge while simultaneously ensuring that on-going investigations were continually monitored and pursued. The list of complaints to be investigated was assessed and finalized upon the appointment of the new Ombudsman in May 2022.

The Office also laid emphasis on the continued development and capacity building of its staff in order to help them carry out their functions effectively and deliver value-based public service to the members of the public.

While the Office has continued to win the trust of thousands of the citizens of Mauritius and Rodrigues, more effort is required to enable it to honour and comply with its international obligations under the Paris Principles. These Principles require the Office to be independent in its structure, composition, decision-making and method of operation. Although, the Office recognizes and appreciates the support and collaboration of the Government, it is of the view that the Office should be provided with an appropriate level of staffing and funding.

The year under review was full of challenges and our achievements and performance are the result of our talented and dedicated staff who are well groomed on the importance of helping the victims of maladministration by public authorities or officials. I sincerely want to thank them all for their hard work and commitment. Finally, I wish to express my sincere appreciation and gratitude to all the Ministries and Departments that have directly or indirectly provided us their support in order to enable this Office to perform its constitutional mandates.

Strategic Objectives

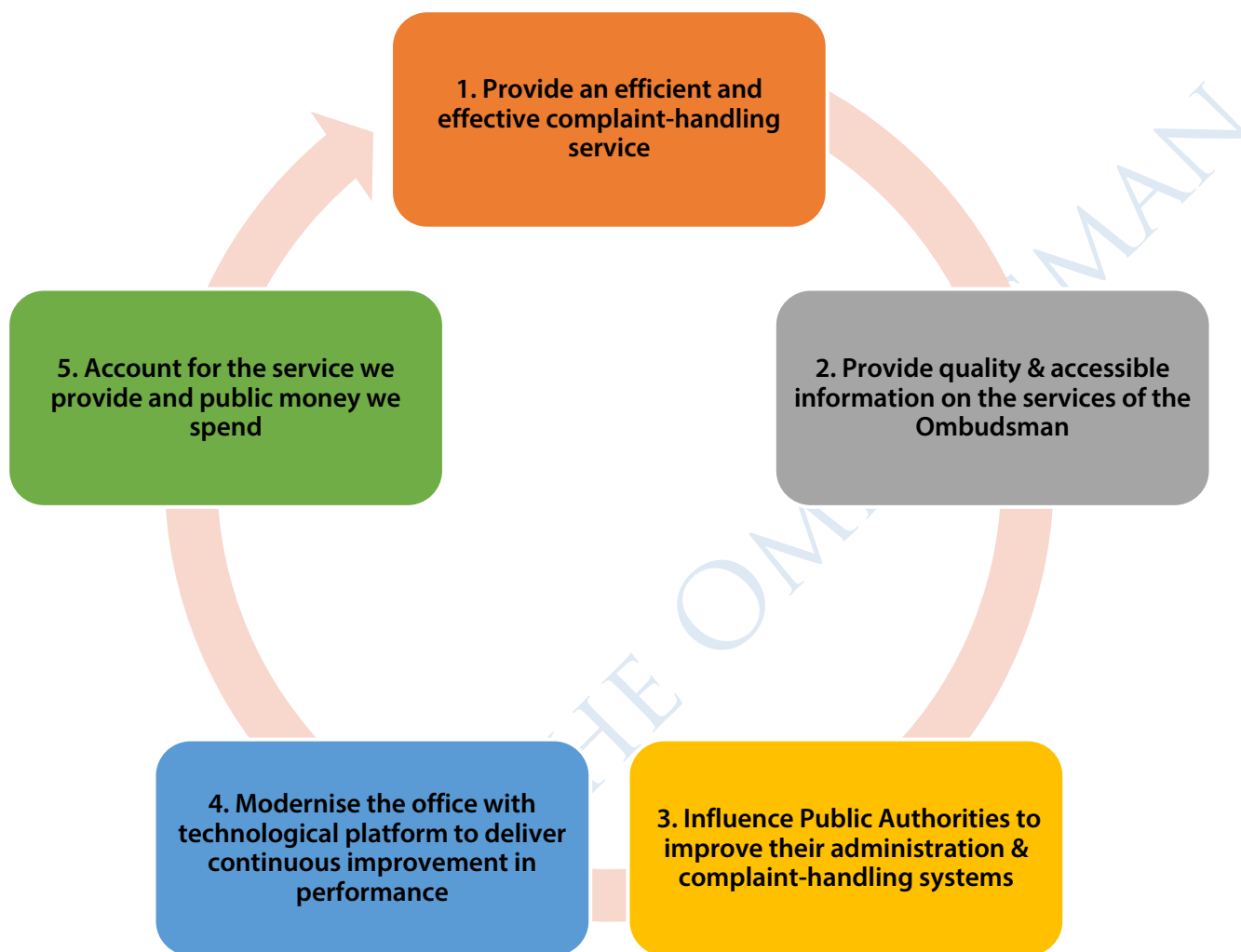


Figure 6 Our Strategic Plan 2020/21-2024/25

Performance Analysis

In 2022, the Office received a total of **645** complaints. We finalized **619** cases during the period under review. These included new intake cases, pending cases carried forward from the previous year and matters that were finalized without investigating such as no jurisdiction or premature complaints.

The Office dealt with **844** cases, **404** of which were complaints that fell within our jurisdiction i.e. against Ministries/Departments, Local Authorities and the Rodrigues

Regional Assembly, **241** cases were miscellaneous and copies of letters, (i.e. outside our jurisdiction/frivolous/trifling as well as those considered premature), and **199** were pending cases carried forward from the previous year.

The number of complaints carried forward from 2021 to 2022 was **2%** less than the number carried forward for the year before (**204**).

However, it is noted that the number of complaints which was still pending at the end of 2022 increased to **225**, i.e., an increase of **13%**. The reasons for the unresolved complaints can be attributed to complex cases, rise in demand for our services, insufficient Investigations Officers as well as the delay in approval for initiating investigations due to the absence of an Ombudsman for nearly three months.

Of the total cases (844) dealt with, the Office has finalised 619 cases (including 156 pending cases), thus representing **73%**. The remaining **27%** (i.e. 225 cases) was still pending as at December 2022.

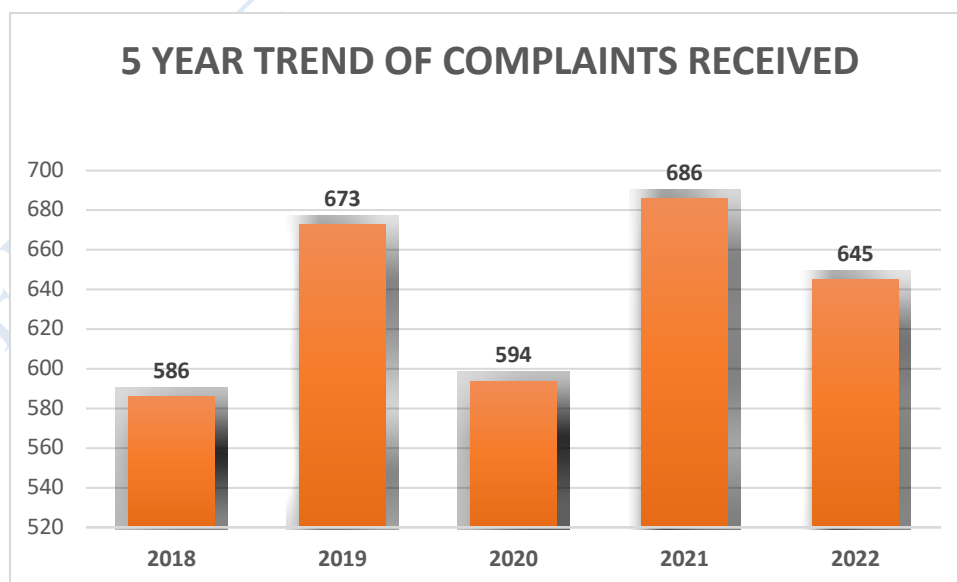


Figure 7 5 Year Trend of Complaints Received

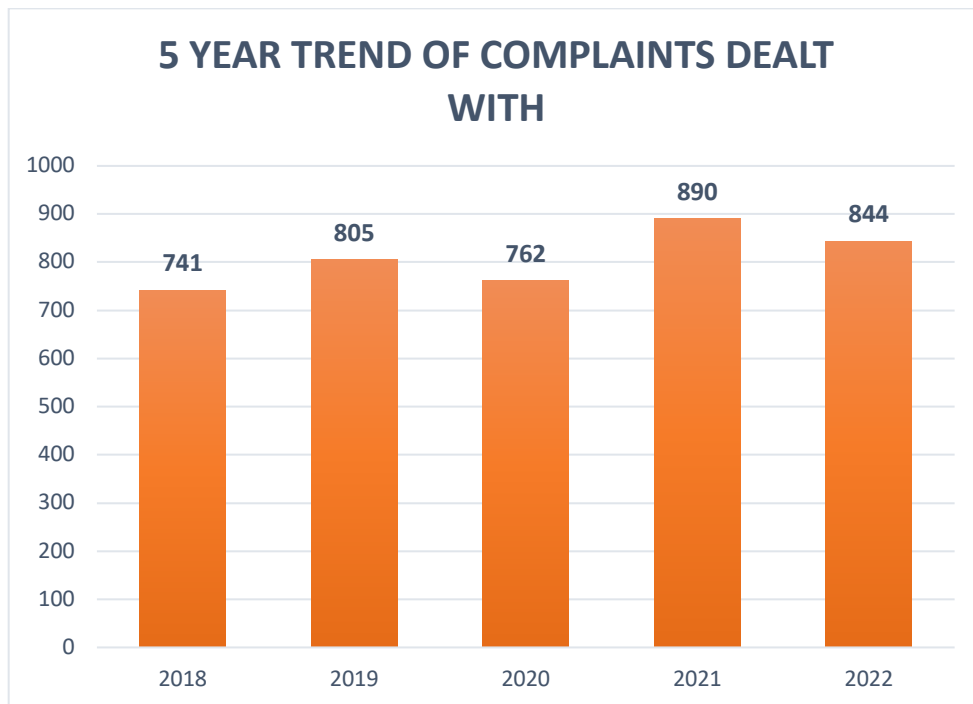


Figure 8 5 Year Trend of Complaints Dealt With

OUR KEY PERFORMANCE INDICATORS (KPIs)

We measure our performance against a set of key performance indicators (KPIs) and the scores for the year.

KPI 1: CASES FINALISED WITHIN THE YEAR 2022

A. % of cases finalised within a period of 12 months

The Office has a three-stage decision process namely:

- (a) Complaints that are assessed to be out of jurisdiction, time barred, frivolous, trivial, no sufficient interest or premature.
- (b) Complaints that are finalised after having been provided with the requested information.
- (c) Complaints where decisions are made after detailed investigations.

The data below represents the cases finalised in respect of the three-stage process.

Cases Finalised during the Year 2022	
Cases dealt with	844
Cases finalized	619
Cases pending as at 31 December 2022	225

Table 10 Cases Finalised during the Year 2022

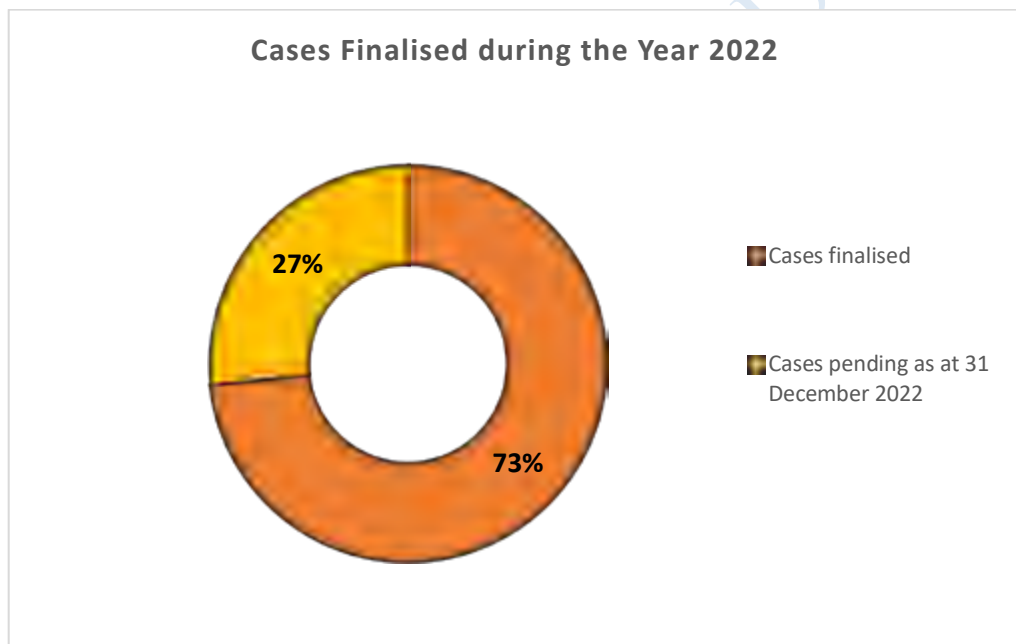


Figure 9 Cases Finalised during the Year 2022

Comparative Table- Finalised Cases Year on Year			
Target	Scores %	Scores %	Scores %
	2020	2021	2022
70%	71%	78%	73%

Table 11 Comparative Table- Finalised Cases Year on Year

KPI 2: ACKNOWLEDGEMENT OF COMPLAINTS RECEIVED FOR THE YEAR 2022

B. % of complaint letters addressed to the Ombudsman acknowledged within five working days

In 2022, of the total number of complaints received (645), 565 were acknowledged within the statutory timeframe, 7 were acknowledged beyond 5 working days and the remaining 73, being anonymous and own-motion cases, did not require any acknowledgement. The timeliness of complaints acknowledged within 5 working days has shown a constant improvement as we have achieved our target for the fourth consecutive year.

Timeliness of Complaints Acknowledged for the Year 2022	Number of Cases	Score %
Complaints acknowledged within 5 days	565	99%
Complaints acknowledged beyond 5 days	7	1%

Table 12 Timeliness of Complaints Acknowledged for the Year 2022

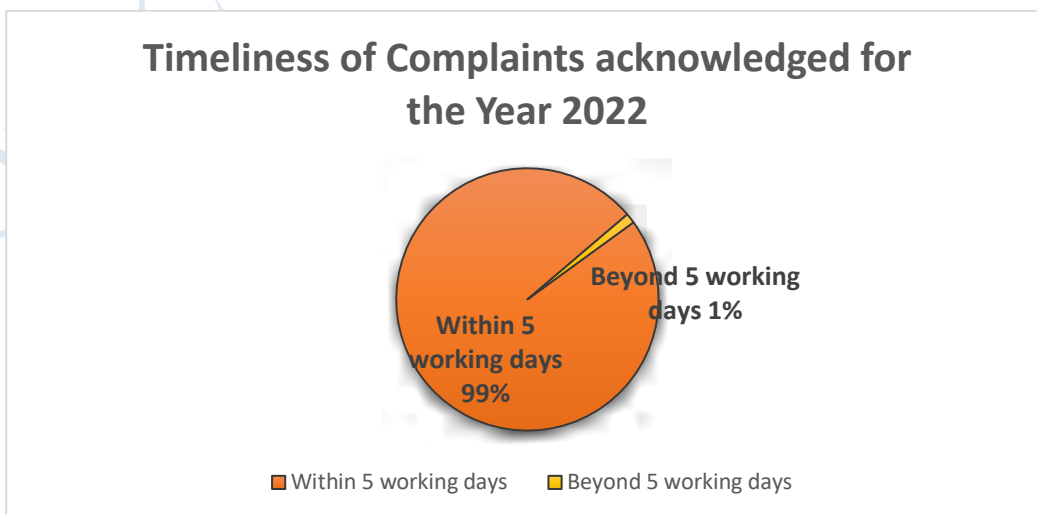


Figure 10 Acknowledgement of Complaints

Comparative Table - Acknowledgement of complaints within 5 working days						
Target	2020		2021		2022	
	No.	%	No.	%	No.	%
90%	454	95%	592	95%	565	99%

Table 13 Comparative Table - Acknowledgement of complaints within 5 working days

KPI 3: INVESTIGATIONS MONITORED AND FOLLOWED UP WITHIN THE YEAR 2022

C. % of investigations monitored and followed up within 12 months

Although the post of the Ombudsman was temporarily vacant, the Office has throughout the year continually monitored and followed up the on-going investigations with authorities concerned. The target was therefore achieved as per our KPI.

Key Performance Indicator	Target	Score
% of investigation monitored and followed up within 12 months	100%	100%

Table 14 Key Performance Indicator

Comparative Table- Investigations monitored and followed Year on Year			
Target	Score %	Score %	Score %
	2020	2021	2022
100%	85%	95%	100%

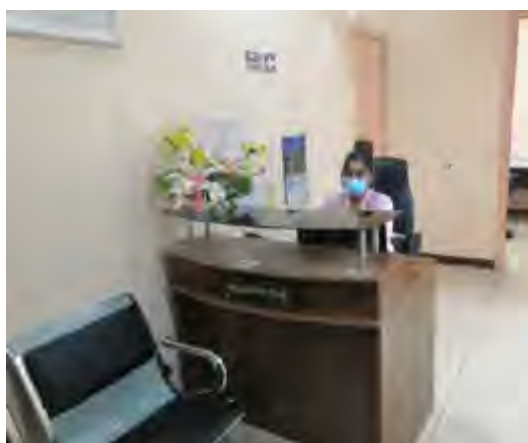
Table 15 Comparative Table- Investigations monitored and followed Year on Year

KPI 4: COMPLAINANT SATISFACTION SURVEY

The Office remains committed to providing high-quality services that meet or exceed our customer service standards. Feedback from service users helps us to identify where improvements are needed and provide guidance to staff. Throughout the year we ask members of the public who have contacted or visited our Office for assistance to tell us about their experience regarding our services.

The survey gathers feedback on areas mentioned below:

- Overall satisfaction with our customer service; and
- Overall satisfaction on service information received



In 2022, **113** members of the public visited our Office for assistance out of whom **70** responded positively to our Customer Feedback Survey whilst the remaining did not participate in the exercise as some of them were on their second visit.

Overall satisfaction with our Customer service

We asked the public to give us an indication of how satisfied they were with the level of customer service we provided, i.e. facilities put at their disposal for comfort, welcome, etc...

The survey found that **99 %** of the public who completed the survey form were satisfied with the customer service. Only one visitor expressed his dissatisfaction. However, upon

review, the Office decided to set it aside as the visitor did not indicate the area or areas where improvement was required.

Overall satisfaction with service information

We also asked the public to indicate their overall satisfaction with regard to the Service Information received from our staff during their visit.

Of all those who completed the survey, **98%** expressed their full satisfaction with regard to the service information obtained from us whilst the remaining **2%** rated not satisfied. It is noteworthy that perusal of the forms submitted by the two dissatisfied visitors neither indicated the reasons thereof nor what they were expecting as information from our Office. The Office has therefore noted their concerns and has not upheld these for insufficient evidence.

The Office also measured the timeliness of resolved new complaints. In 2022 we finalized **212**, out of **404** investigations, within a period of 6 months from receipt of the complaint to completion. At the end of the year, **181** complaints were pending and same carried forward in the year 2023. The rise in the number of complaints received, the expansion of our operational requirements and the tardy response by Authorities/Departments are some of the reasons for the unresolved complaints.

General Observation

The overall score of percentage of complainants' satisfaction survey, which provide an average of 'satisfied' or 'very satisfied' for our service, has continued to remain steady in respect of the majority of visitors.

The Office noted an increase in the level of satisfaction among those visitors i.e., **98.5%**, compared to last year's result (**84.5%**).

Key Performance Indicator	Target	Score
% of complainants' satisfaction survey which provide an average of 'satisfied' or 'very satisfied' to our service	75%	98.5%

Table 16 Key Performance Indicator

Disaggregated Data

In 2019, the Office embarked into a programme to improve its data collection in line with the Sustainable Development Goals (SDG). Understanding the diversity of the complainants who use the services of the Ombudsman can help us identify barriers to complaining and steps we can take to support the public particularly the vulnerable groups such as elderly persons or persons with disability. Records available indicate that the demographic profile of complainants has remained broadly similar to the previous year.

The Office acknowledges that it is a very complex task that requires both a dedicated and competent analyst as well as the collaboration of the public. The data below except for gender (i.e. computed on a total of 524 complaints received), represents scores for the new intake cases (i.e. 404) excluding miscellaneous, copies of letters, anonymous and own-motion for the year 2022.

Disaggregated Data	%
Male	74%
Female	26%
18 – 30 yrs	6.19%
31- 45 yrs	25.25%
46 – 59 yrs	18.81%
60 and above	13.61%
Not specified	36.14%
Disabled	1.24%
Not disabled	27.97%
Public Officers	27.72%
Private Entities/Individuals	24.01%
Retirees	7.18%

Table 17 Disaggregated Data

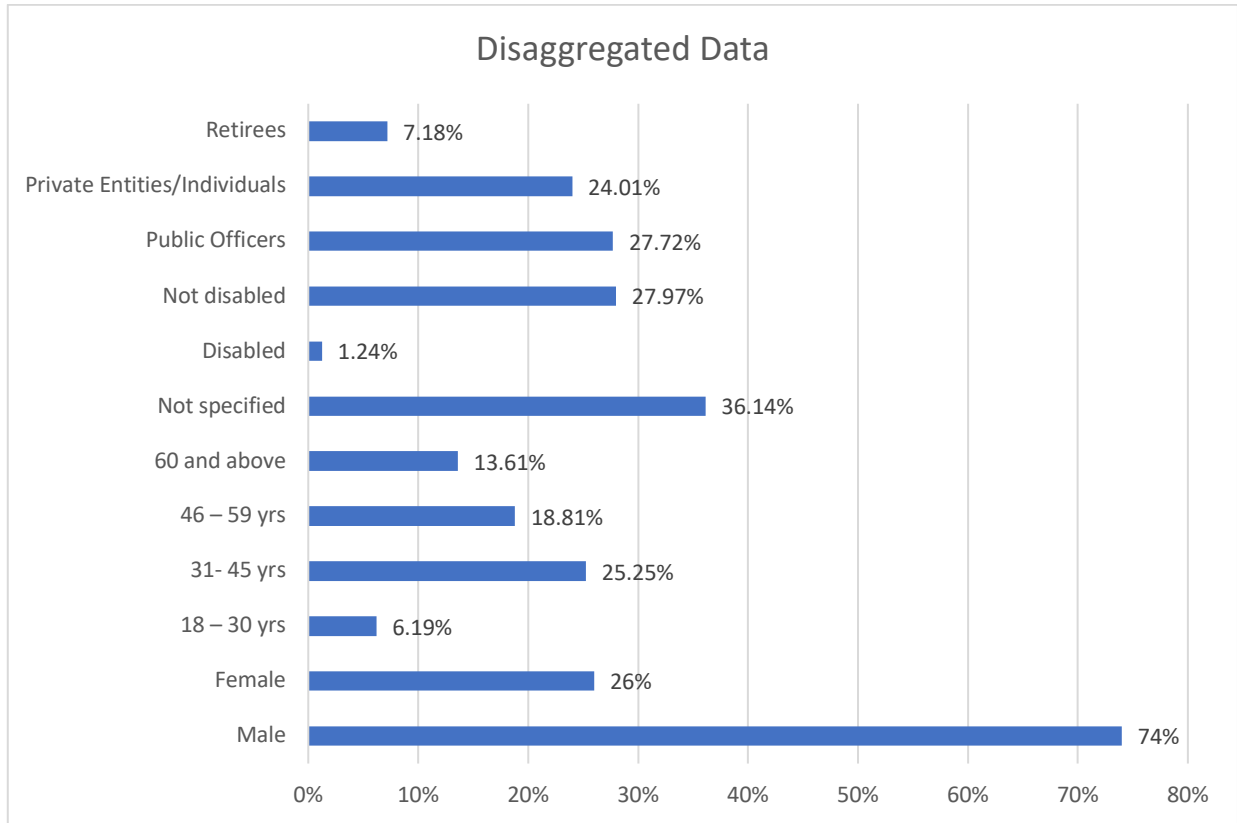
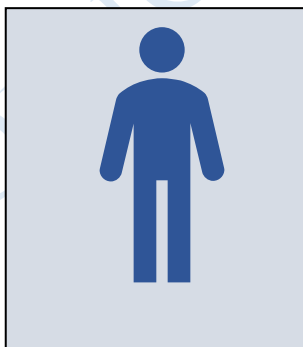
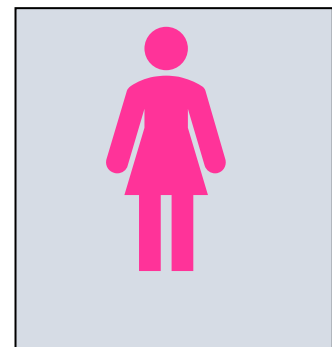


Figure 11 Disaggregated Data

A. Demographic Profile



TOTAL	
524	
Male	Female
389	135



B. Age Range

Age Range	%
18 – 30 yrs	6.19%
31- 45 yrs	25.25%
46 – 59 yrs	18.81%
60 and above	13.61%
Not specified	36.14%

Table 18 Age Range of Complainants

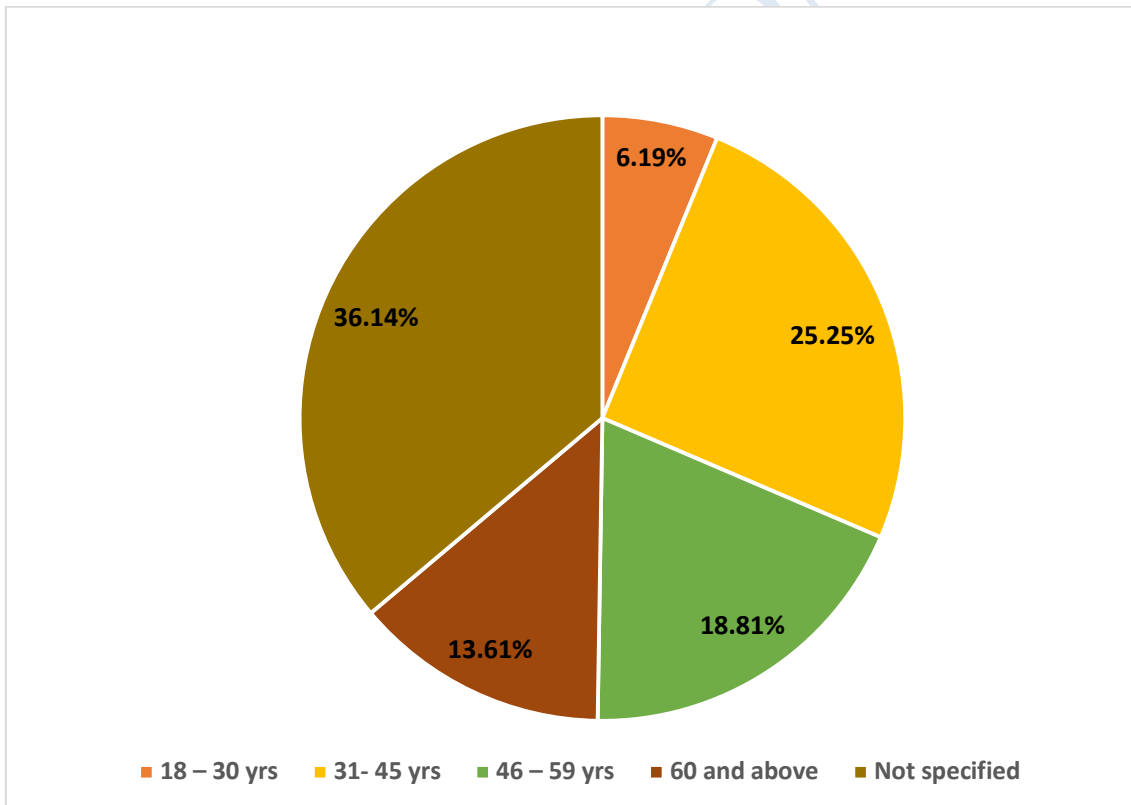


Figure 12 Age Range of Complainants for the Year 2022

C. Disability

Complainants with Disability for the Year 2022	
Disabled	5
Not disabled	113
No available information	286

Table 19 Complainants with Disability for the Year 2022

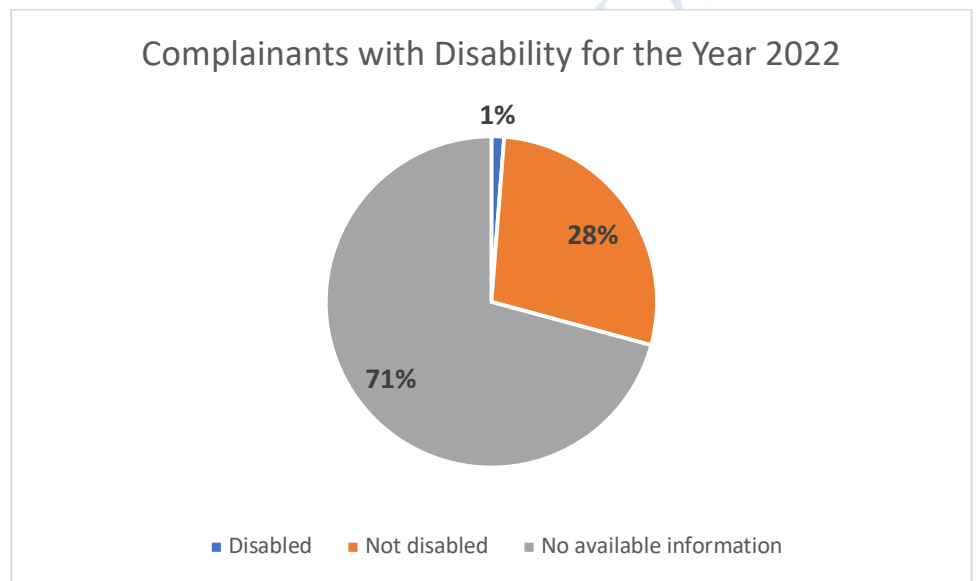


Figure 13 Complainants with Disability for the Year 2022

D. Profession of Complainants

Profession of Complainants for the Year 2022	
Public Officers	112
Private Entities	97
Retirees	29
Not specified	166

Table 20 Profession of Complainants for the Year 2022

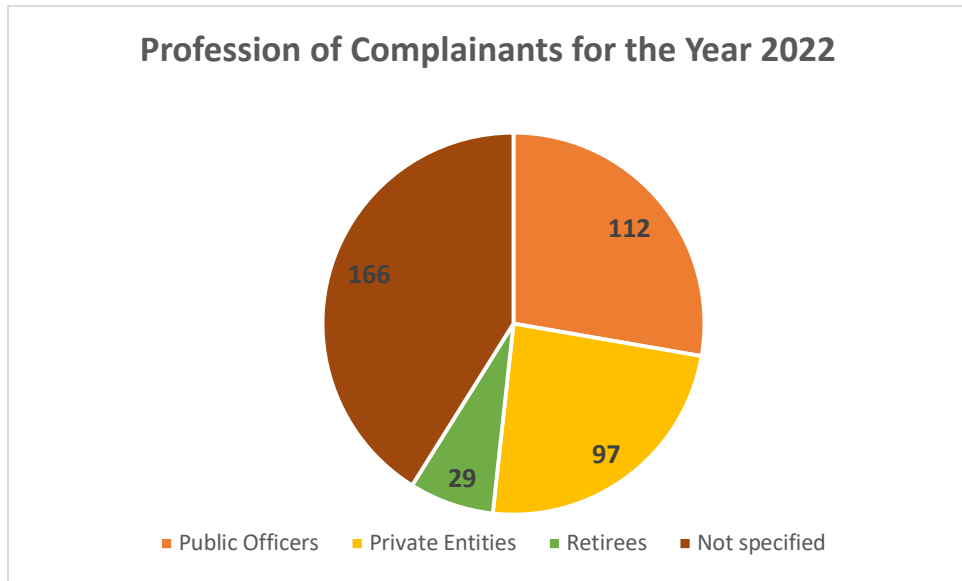


Figure 14 Profession of Complainants for the Year 2022

Demographic Profile of Complainants/ Visitors for the Year 2022		
	Visitors	Complainants
Male	84	389
Female	29	135
Total	113	524

Table 21 Demographic Profile of Complainants/ Visitors for the Year 2022

***NB. The figures for the complainants represent the number of complaints received excluding own-motion and anonymous for the year 2022.**

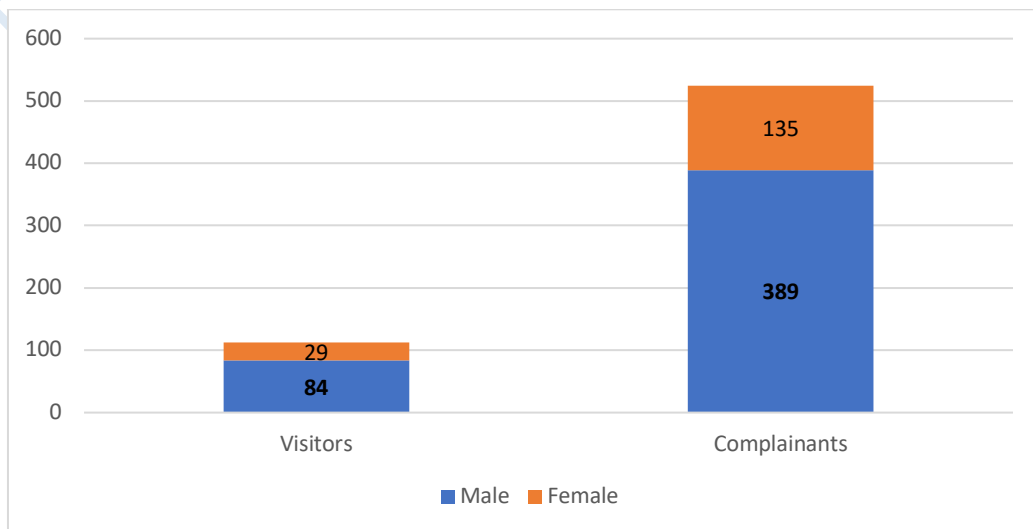


Figure 15 Demographic Profile of Complainants/ Visitors for the Year 2022

Service Information to Visitors

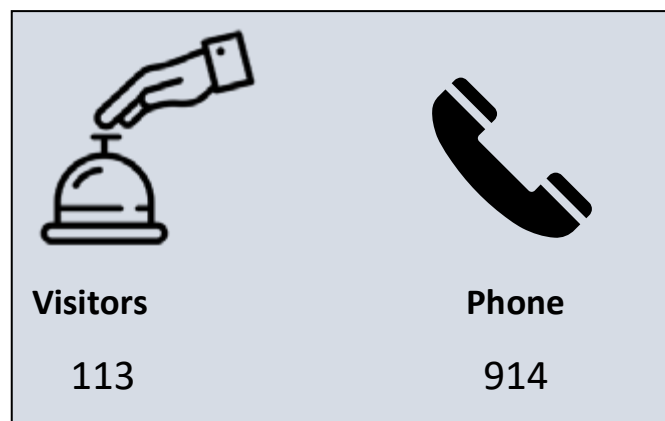


Figure 16 Service Information to Visitors

Looking Forward

In 2023, the Office will continue to focus on the following key areas:

- (a) Ensuring greater awareness of and access to the Ombudsman;
- (b) Ensuring compliance with our statutory obligations;
- (c) Enhancing our visitors' satisfaction by learning from their experience;
- (d) Improving our access to and use of data with the introduction of new technology, and
- (e) Improving the scores of our KPIs as well as timeliness of our investigations.

6. Own Motion Cases

The main role of the Ombudsman is to make certain that public authorities within his jurisdiction are held to account. This is done by ensuring that service providers put things right when they go wrong or when no services have been provided to the public.

The Ombudsman uses his own motion power to drive systemic improvement in public services. In 2022, a total of 48 own-motion investigations was initiated against Ministries, Local Authorities and the Rodrigues Regional Assembly.

Hereunder are some examples of such cases in a tabular form which establishes the identity of the Authority concerned and the problem it was called upon by our Office to look into with a view to taking appropriate remedial action.

CASE NO.	NATURE OF PROBLEM	OF AUTHORITY SEIZED	ACTION TAKEN
C/70/2022	Complainants averred that their applications for registration as specialists have not been processed as the University concerned is not listed in the Medical Council Regulations.	Ministry of Health and Wellness	Government approved the listing of the University concerned and registration of the 25 Medical Practitioners as Specialists were effected.
C/73/2022	Bank Nurse Scheme at SSRN Hospital not fairly implemented causing prejudice to some employees.	Ministry of Health and Wellness	Circular on "Rotation of Nursing Staff" revived in order to maintain equity in allocation of Bank Sessions to Nursing Staff.
C/81/2022	Harassment of staff, use of foul language, Bank Sessions not adequately used, etc. Deterioration of work environment due to attitude of Charge Nurse at Samu Department.	Ministry of Health and Wellness	The Charge Nurse transferred to harmonise the working environment at the Department.
C/82/2022	Unprofessional behaviour of Nursing Officer and Attendant towards a Patient.	Ministry of Health and Wellness	Ministry administered a verbal warning to all officers concerned while instructing them to be more reliable, cautious and customer-focused.

C/103/2022	Noise pollution by a Restaurant, operating as a Night Club during weekends.	Ministry of Tourism	Joint monitoring exercise carried out by the Tourism Authority and Police du Tourisme.
C/259/2022	Health Care Assistant/Senior Health Care Assistant not performing their duties to the standards expected at Victoria Hospital.	Ministry of Health and Wellness	Officers concerned posted to other Units of the Hospital. Regular Meetings held with Ward Managers to strengthen supervision of junior staff.

Table 22 Examples of Own Motion Cases

7. Rodrigues Regional Assembly

After two years of sanitary restrictions due to the COVID-19 pandemic, the Office resumed its working trip to Rodrigues from 06 to 10 September 2022. This also provided an opportunity for the Ombudsman to pay a courtesy call on the Chief Commissioner, Mr Johnson Roussety, GOSK on 7 September 2022 during the course of which views and ideas on fair and good public administration, delivering value-based public services and current investigations were exchanged.



Courtesy visit of the Ombudsman to the Chief Commissioner, Rodrigues Regional Assembly

The Ombudsman also met the Island Chief Executive, Mr Jean Claude Pierre Louis, O.S.K. with a view to strengthening collaboration and ensuring that the public in Rodrigues received the services they were entitled to and that any alleged inadequate services were dealt with properly and in a timely manner.



Mr Harry Ganoo, GOSK exchanging views with Mr. J.C.Pierre Louis, OSK

On 7 September 2022, a working session was held with the nine (9) Departmental Heads of the various Commissions in the presence of the Island Chief Executive, Mr Jean Claude Pierre-Louis, O.S.K.

The provisions of Chapter IX of the Constitution and the Ombudsman Act 1969 were highlighted. Emphasis was laid on the role, functions and powers of the Ombudsman and the responsibility of a public authority/ public officer to attend to any letter received from a member of the public within the prescribed delay and to work in the best interests of the service. The Departmental Heads were also encouraged to implement a Customer Service Charter in order to inspire the trust of the public through well-defined processes and procedures. They were briefed on the importance of promoting a fair and learning culture, with more accountability and openness as well as better communication with the service users.



Working Session with Departmental Heads

The Departmental Heads were reassured that the Office should not be seen as a nuisance but rather as a partner in achieving quality public service delivery. Public administration may encounter difficulties in achieving desired results in certain situations but an open dialogue would certainly help in proposing solutions for the betterment of the citizens. The administration should ensure that members of the public were listened to and treated with due care, courtesy, empathy and respect at all times and that their requests were attended to without undue delay.

At the end of the session, the Departmental Heads expressed their thanks to the Ombudsman for his flexible approach and stated that they would ensure full collaboration with the Office of the Ombudsman. A copy of our annual Report for the year 2020 was handed over to the Island Chief Executive.



Group photo of the delegation together with the Island Chief Executive and Departmental Heads

Awareness Raising Campaign

Session 1

The Ombudsman and his delegation undertook a first awareness-raising session at English Bay Youth Centre in collaboration with DIS-MOI Rodrigues with a view to sensitizing the representative members and the public on the services of the Office as well as the promotion of Civil and Human Rights. A total of 11 representatives of NGOs in Rodrigues attended the session with the media coverage of MBC Rodrigues. The participants were all provided with a copy of our pamphlet.



Extract of news coverage by MBC Rodrigues

Session 2

On 07 September 2022, a second session was organised in collaboration with the Citizen's Advice Bureau of Rodrigues at the Cultural and Leisure Centre at Mon Plaisir. The Honourable Jean Francisco Francois, Member of the National Assembly and Parliamentary Private Secretary attended the session and encouraged the participants to reach out to the Office of Ombudsman whenever they felt that they were victims of maladministration on the part of public authorities.

A total of 26 representatives of different Associations attended the session and they welcomed the initiative of our Office. It was indeed a fruitful session as the participants were happy to receive the answers to their questions. They were invited to share the information acquired with the members of their Association. At the end of the session, they expressed their satisfaction and thanked the delegation.



Participants listening carefully to the presentation



Group photo with the Honourable Member of the National Assembly and CAB's Officer

Access to the public

One of the objectives of the working trip was to provide access to the public and an opportunity for the inhabitants to voice out their concerns and experience of public service. In spite of the busy schedule of the delegation, the Ombudsman received a total of 43 members of the public in connection with new complaints or existing ones. Sixteen new cases were received and opened while the remaining persons who had a valid complaint were requested to write to us as early as possible after following the statutory procedures.

As regard on-going investigations, Departmental Heads of the different Commissions were invited to provide a status report thereon. The face-to-face interactions proved beneficial as significant progress was made in that certain cases were resolved and the remaining pending ones started to be processed on the spot.

The Ombudsman was pleased to put on record his appreciation of the positive attitude of the Departmental Heads who showed their engagement and commitment in addressing complaints. He also recognised that some complaints which were considered as ‘bread and butter’ were resolved very promptly and others that were complex in nature, such as State Land Lease etc., took longer to process.



A member of the public calling on the Ombudsman

Site Visit at Roche Bon Dieu

The delegation also effected a site visit at Roche Bon Dieu in connection with inconveniences caused to the inhabitants of the locality consequent upon the construction of a Stadium by the Commission for Youth and Sports there. According to complainant the development was severely affecting the health of her sick son who suffered from chronic respiratory problems, and no proper arrangement had been made by the authority concerned to provide them with a suitable access to their house.

The Departmental Head, Commission for Youth and Sports, Officers of the Deputy Chief Commissioner's Office, Cadastral Office as well as Representatives of the Contractor were invited for the joint site visit in order to undertake a visual assessment of the prevailing situation and to assess action taken by the authorities to abate nuisances reported.

The site visit revealed that an access had been provided but it was adjacent to the houses and the volume of dust generated by the construction activity was indeed an on-going nuisance which had not been addressed. The fencing (charlon) installed by the contractor to mitigate the impact of dust nuisance was found to be improperly secured and torn off at various parts and was thus ineffective in maintaining a sound environment within the vicinity.

The following recommendations were made:

- (a) To identify a separate access preferably away from the residence of the inhabitants, for vehicular movements and provide the inhabitants with a new and separate access;
- (b) To consider the temporary or permanent relocation of complainant and her family on humanitarian and medical grounds;
- (c) Within two weeks to restore the 'charlon' fencing in order to better address the dust nuisance caused to the inhabitants;
- (d) To convene a meeting with complainant and other affected residents with a view to assessing the issue individually and come up with the best possible solution in an amicable manner;

- (e) To take such other remedial action in order to continually mitigate the dust nuisance and
- (f) To make appropriate arrangement for a drainage system as the construction had interfered with rain water evacuation.



Exchange of views between the Ombudsman and authorities concerned



Interaction of the inhabitants with the Ombudsman



Arrangement for a separate vehicular access to the Contractor



Separate Access with 'Charlon' fencing provided to the residents of Roche Bon Dieu

The trip to Rodrigues proved to be beneficial as it not only reassured complainants that due consideration was given to their cases but it also reinforced the collaboration with the Administration for a more satisfactory service delivery.

Moreover, we were able to promote our services through awareness-raising campaigns, the MBC channel and face-to-face interactions with members of the public. A total of 400 pamphlets were distributed during the working trip.

8. AWARENESS-RAISING CAMPAIGN

In 2019, the Office launched its first awareness raising campaign in line with the Paris Principles. The aims of the outreach activities are to promote civil and human rights and enlighten members of the public on the services offered. Subsequently in 2020, we collaborated with the Citizen's Advice Bureau of the Prime Minister's Office in order to reach a maximum number of people. In 2022, the Office expanded its collaboration and cooperation with the Ministry of Youth Empowerment, Sports and Recreation and National Women Council with a view to reaching every group of persons around the island and ensuring that no one was left behind.

On a positive note, the Office witnessed the participation of some Members of the National Assembly who demonstrated a keen interest in raising awareness of the population about the services at its disposal.

The Office expresses its sincere gratitude to all public officials and Authorities for their valuable collaboration and unconditional support throughout the campaigns. We look forward to more collaboration in the coming years.

The Office is pleased to report that our active engagement with stakeholders and the public was successful and resulted in positive outcomes. A total of twenty-one (21) sessions,

both virtual and face-to-face, were carried out at different strategic areas of the country including Rodrigues. These sessions enabled us to brief more than 516 persons (comprising Women's Associations, Young Adults, Disabled and Retired persons, Representatives of Associations and the public at large.)

The Office will continue to engage with Civil Society and a range of stakeholders to provide support, advice and drive improvements in standards of complaint-handling and contribute to public sector improvement.

A total of 1374 pamphlets were distributed to all participants.

Awareness Raising Campaign at Rose Belle



Address by Mr Harry. Ganoo (G.O.S.K), Ombudsman

Awareness Raising Campaign at Quartier Militaire



Group photo with Participants

Awareness Raising Campaign at Bois Pignolet



Address by Mr Harry Ganoo (G.O.S.K), Ombudsman

Awareness Raising Campaign at Saint Croix



Address by the Honourable (Mrs) Marie Joanne Sabrina Tour, MP.



Group photo of Officers of the Office of the Ombudsman, CAB Office and the Honourable (Mrs) Subhasnee Luchmun Roy, MP

Awareness Raising Campaign at Goodlands



Presentation by Mr A. Ramtahul, Senior Investigations Officer

Awareness Raising Campaign at Beau Champ



Group photo with Participants

Awareness Raising Campaign at L’Amaury



Awareness Raising Campaign at NEF, Garden Tower, Port-Louis



Awareness Raising Campaign at Pailotte



Comments/Feedbacks received from members of the public during the Awareness-Raising Campaigns

“Very important. Require more session like that”

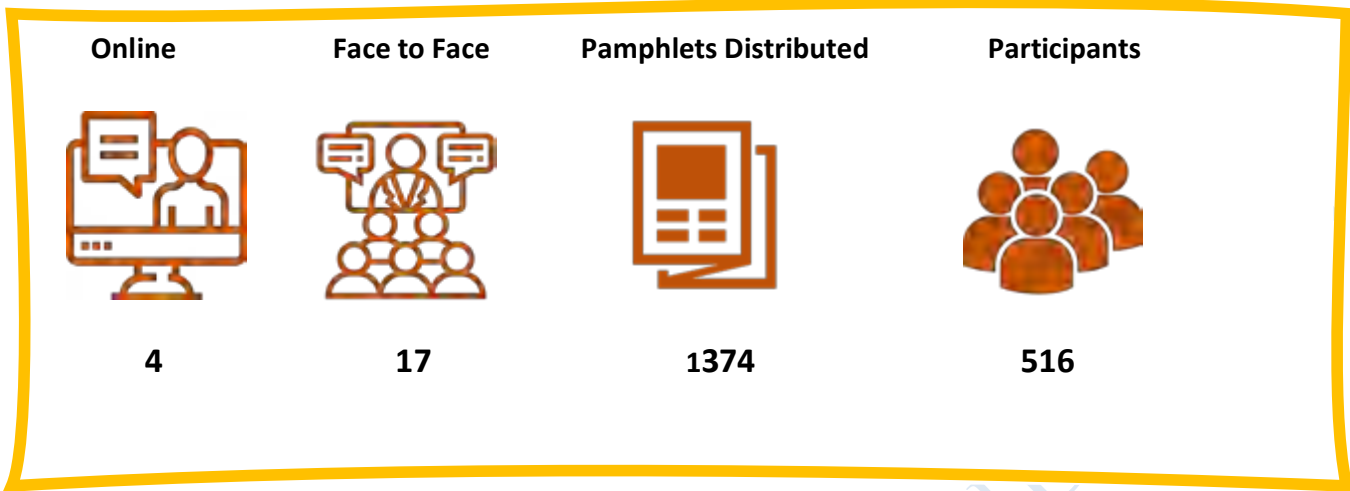
“The campaign was excellent and fruitful. This institution will ease many people to find solution”

“Very interesting. Was not aware of the office”

“Interesting. It is a facility and opportunity for children”

“Very informative and very well explained. Excellent communication and interaction”

“It was very helpful. For the citizen and needy person”



OFFICE OF THE OMBUDSMAN

9. International Co-operation

The Office continued to be an active participant in the virtual webinars hosted by the International Ombudsman Institute (IOI) and African Ombudsman and Mediators Association (AOMA). This enabled us to share good practices and continue to build links with Ombudsman Institutions around the world.

The Office is thankful to its international collaborators for the valuable and insightful training courses in the field of public administration, fairness and equity.

The table below shows the number of webinars and training courses attended by the Investigations Officers, Support Team and other staff in 2022:

SN	Topic	Host
1	Webinar-Complaint Handling	AORC
2	Comparative Study “ Digitalization of public services and the role of the Ombudsman”	IOI
3	Webinar-Complaint Handling	AOMF
4	Webinar-Leveraging the Venice Principles and UN Resolutions on the Role of Ombudsman to promote and protect Ombudsman’s Organisation.	IOI
5	Webinar-Seeking Higher Ground- Values and Ethics of the Ombudsman	AORC
6	Webinar-21 st Session of CEPA on “ Transforming Institutions and Governance to Build Forward Better Towards 2030”	UN- Sustainable Development Goals
7	Webinar “Managing Evidence”	AORC
8	Webinar- “ People centered governance in a post pandemic world “	SDG 16 CONFERENCE
9	Webinar-Effective Investigations Strategies- Building Blocks, Methods/Tools	AORC
10	Showcasing Sectorial Ombudsman (Municipal ,Police and Military Ombudsman)	AORC
11	Webinar – IOI Ombuds day	IOI

12	WEBINAR - Dealing with Challenging Behaviour	AORC
13	AOMA, the IOI and the value of being a member	AORC
14	Document Storing and Archiving	AORC
15	UN Resolution – Venice Principles – OR Tambo Declaration	AORC
16	Mediation	AORC
17	National Mechanism for Reporting and Follow up (NMRF)	Ministry of Foreign Affairs, RI and ITD (Human Rights Division)
18	Induction Course for Newly Recruited Management Support Officer	<u>CSCM</u>
19	Capacity Building and Capability Development Programme for yr 21/22- (Support Staff)	<u>CSCM</u>
20	Training Programme on Microsoft Excel	<u>CSCM</u>
21	Training Programme on Registry Procedures	<u>CSCM</u>
22	Training Programme on Risk Management	<u>CSCM</u>
23	Training on Effective Service Delivery	<u>PMO</u>
24	Training Programme for Support Staff	<u>Sponsored by MPSAIR</u>
25	Training Programme for Frontline / Supervisory / Technical grade	<u>Sponsored by MPSAIR</u>
26	Training Programme on Safety and Health at the Work place	<u>Sponsored by MPSAIR</u>
27	Safety and Health in practice at the workplace for OAs/SOAs	<u>Sponsored by MPSAIR</u>
28	Training on Gender Mainstreaming	<u>CSCM</u>
29	Training on Tender preparation and Evaluation	<u>CSCM</u>
30	Professional Development programme for WPOs/ SWPOs	<u>Sponsored by MPSAIR</u>
31	Training on Registry Procedures	<u>CSCM</u>

Table 23 Webinars and Training Courses attended

10. Meetings with Authorities in connection with Investigations

Chapter IX of the Constitution confers upon the Ombudsman the sole discretion to determine how to resolve a dispute of alleged maladministration as well as the format and procedure to be followed in conducting investigations with due regard to the circumstances of each case. In order to secure fair and equal treatment to all individuals and drive broader improvement in public services, the Ombudsman, where appropriate, convenes the Heads or Senior Officials of the Authorities concerned for more clarifications or enlightenment in connection with investigations underway.

During the year 2022, ten meetings were held with the following Authorities:

- (a) Ministry of Health and Wellness (02);
- (b) Traffic Management and Road Safety Unit (01);
- (c) Local Authority (01); and
- (d) Rodrigues Regional Administration (06).

It is clear from the above that the Office convenes public officials only in a limited number of cases. This is, however, not indicative of a wider improvement in public services. Nevertheless, the outcomes of these meetings demonstrate the importance of setting up standards in delivery the public service and provide a helpful guidance to all public officials in regard to the conduct and behaviour expected of them by law.

However, even when the Office does not convene such meetings, it uses its investigations as a means to promote good practice and this is done by continuously reminding public authorities being investigated of their legal obligations under the Constitution, the Ombudsman Act 1969 and other related legislation.

These meetings provided an opportunity to this Office to raise awareness of the concept of good public administration and the need to treat the public fairly and equally by public service providers.

11. National Mechanism for Reporting and Follow-up

The Office regularly provides its inputs in relation to international human rights treaties to the Secretariat of the National Mechanism for Reporting and Follow-up, Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division). It is the duty of this Office to comply with the provisions of international agreements and to constantly work to improve the quality of life of our citizens. We therefore strongly advocate the necessity of effectively implementing the recommendations contained in the Concluding Observations with a view to ensuring that the human rights of our citizens are duly respected and protected and that the rule of law and good governance prevail. In 2022, the Office processed and submitted its inputs/views in respect of the International Covenants/Papers tabled below:

International Covenants
Implementation of the Recommendations on the International Convention on the Elimination of all forms of Racial Discrimination (CERD)
Role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law.
Sustainable Development Goal 16- provide peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all level

Table 24 International Covenants

12. A Note from the Ombudsman

The observation has from time to time been made that the powers devolving upon the Ombudsman by the Constitution and the Ombudsman Act 1969 are restrictive in nature and that he should be endowed with more authority to enable him to perform his duties in line with the standards set by the International Community. In an article which appeared in the Journal of Global History (2021 16:2:207-226) entitled "An Ombudsman for Mauritius? Decolonisation and State Human Rights Institutions in the 1960's", Dr James Kirby of La Trobe University Victoria, Australia, highlighted, *inter alia*, the following:

"Mauritius had a pivotal role in the evolution and spread of state human rights institutions in the 1960's. The island offered an influential model for how an Ombudsman, a Scandinavian mechanism, could be transported to post-colonial, economically developing and multiracial countries. Mechanisms like the Mauritius Ombudsman were a foundation precursor to current-day national human rights institutions such as "Human Rights Ombudsman", or "National Human Rights Commission". The Ombudsman spread outside Scandinavia during the 1960's via discussions on human rights at the United Nations and through the advocacy of the International Commission of Jurists. The global dissemination of the Ombudsman was inter-linked with the process of decolonisation through Mauritius."

In Mauritius, the initial pre-independence proposal was for the setting up of a "High Powered Tribunal" which would be "an institution that would address an expansive set of issues related to rights and social justice and would secure individual protections, democratic freedoms, integrity in Government and reductions in inequality".

Although, Mauritius served as an example for post-colonial territories, the country itself adopted an Ombudsman "with more limited powers and a narrower mandate" than the High Powered Tribunal would have had. According to Dr Kirby, the Office of the Ombudsman was set up as a safeguard that would not impede the sovereign authority of Government and the consolidation of executive power. That could explain, in part, why although the Constitution provided for an Ombudsman in 1968, the Office itself came into

operation in 1972. “Post-Colonial Governments, wishing to insulate executive authority fostered the appearance rather than the substance of a rights respecting state”. I wish to highlight that this is not the case as the Office of the Ombudsman in Mauritius has stood the test of time as evidenced by the number and nature of complaints received over the last fifty years of our existence. In Mauritius the Office of the Ombudsman is commonly seen as an independent and impartial institution that acts as a watchdog on public administrative actions and decisions.

In fact, Professor de Smith, Constitutional Commissioner for Mauritius in the sixties, envisaged, in his 1964 Report to the Mauritius Legislative Assembly that “An Ombudsman for Mauritius would be essentially an independent public officer charged with the duty of investigating and reporting on allegations of maladministration (including unfairly discriminatory acts) made against public authorities and their officials. He would have no power to annul or vary any act or decision, but he would be empowered to make recommendations to the competent authority for granting redress to an aggrieved complainant. He would conduct his inquiries informally and privately; he would not be entitled to single out individual public officers for condemnation. In his published reports, he would screen the public service from unjustified criticism, and he would acquire a body of information which would enable him to act as an impartial adviser to the administration. He would, in fact, provide a link between Government and the governed which is at present lacking in Mauritius”.

At present the role of the Ombudsman Institution, in strengthening good governance, providing redress against administration violations in public administrations and control over state power and resources is internationally recognized and over time, the Ombudsman institution has been high on the agenda of different international organisations.

Indeed, the United Nations has adopted several Resolutions relating to the role of the Ombudsman in the promotion and protection of civil and human rights, the main one being The United Nations Resolution on Ombudsman and Mediators (Paris Principles). So

have the European Commission for Democracy through Law (The Venice Principles) and the African Ombudsman and Mediators Association (OR Tambo Declaration).

In a webinar organised on the occasion of Ombudsman Day 2022 by the African Ombudsman Research Centre (AORC) on the theme “The OR Tambo Declaration on minimum Standards for an Effective Ombudsman”, John R. Walter former Ombudsman of Namibia stated that “The Principles must reside in us, they must be written on our hearts and minds and woven into the fabric of who we are (...) keeping these Principles alive is firstly the responsibility of the incumbent, he/she must ensure that he/she attains the highest possible standard of performance without bias and with complete integrity. Secondly it is the responsibility of Government for continually creating and maintaining the requirements necessary for the effective functioning of the Office.”

Section 97 of the Constitution of Mauritius provides that the Ombudsman may investigate on the following Authorities and Officers:-

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prisons 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) the Rodrigues Regional Assembly or any officer of the said Assembly;
- (f) any Local Authority or any officer of such Local Authority;
- (g) such other officers or authorities as may be prescribed by Parliament.

However, we are not allowed to investigate the following:

- (a) The President and his personal staff.
- (b) The Chief Justice.
- (c) Any Commission established by the constitution or its staff.

- (d) The Director of Public Prosecutions or any person acting in accordance with his instructions.
- (e) 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.

It must, however be pointed out that the Constitution provides that for the purpose of investigation, 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 an investigation to furnish any such information or produce any such document.

The powers conferred upon the Ombudsman by the Constitution are therefore wide-ranging and reflect the balance between executive authority and redress of maladministration. There are, nonetheless, certain areas of concern that could impact upon the function of the Office of the Ombudsman. During the AORC webinar, referred to earlier, John R. Walters identified four such important principles of the OR Tambo Declaration. These are: -

- (a) Independence and Autonomy
- (b) Accessibility
- (c) Resources
- (d) Accountability and Reporting

- (a) Independence and Autonomy- An institution that cannot operate independently cannot be effective. The key to and proof of independence lie in the institution's actions and the incumbent authority. The institution must make its decision independently without fear or favour. Our Office has, since its creation, never been subject to directions from the Government in regard to investigations and the decision-making process.

- (b) Accessibility- The right to complain to the Ombudsman is a right in itself that every citizen is entitled to. The Office of the Ombudsman should be easy to get to and must be accessible to one and all. Our Office is easily accessible physically as well as through letters, electronic communications and face-to face meetings. We do not have any qualm on this question as we go even further by organising regular outreach activities on our own and without any prodding.
- (c) Resources- To function effectively, the Ombudsman must be provided with an appropriate level of funding to guarantee its independence and its ability to freely determine its priorities and activities. It must be pointed out that in spite of non-interference in our work, we are not totally financially independent, although admittedly most of our requests for support are approved by the Government.
- (d) Accountability and Reporting- Ombudsmen are required to discharge their accountability and reporting responsibilities to the State and the public by preparing and presenting Annual Reports to Parliament. In Mauritius, the Constitution provides that the Ombudsman should submit an Annual Report to His Excellency the President and to the National Assembly. However, the legislation is silent on what the Presidency or the Legislature should do with the Report.

Finally, it must be emphasized that the Paris Principles, the Venice Principles and the OR Tambo Declaration are not binding on Governments. Nor are the decisions and recommendations of the Ombudsman. It is, however, the duty of both the State and the Ombudsman to comply fully with these Principles in order to ensure that the rights of citizens are respected. Moreover, the power conferred upon the Ombudsman, under Section 100 of the Constitution of Mauritius to redress any maladministration, is to report his opinion and make a recommendation to the Authority concerned. Where no action is taken within a reasonable time after the report is made, the Ombudsman 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.

Ultimately, it is for the Government to give due consideration to these decisions and recommendations and to initiate appropriate remedial action.

My earnest hope, therefore, is that the active collaboration between Public Authorities and the Office of the Ombudsman continue to prevail in the best interests of the State and of the Citizens we are required to serve.

OFFICE OF THE OMBUDSMAN

13. 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 Ministries/Government Departments, Local Authorities and the Rodrigues Regional Assembly.

Appendix D is a statistical summary of the complaints received according to the Ministry/Department or Local Authority concerned as well as the Rodrigues Regional Assembly.

Appendix E gives a quick idea of the nature of the complaint, the authority concerned and the result of the case.

Appendix F demonstrates some notes of appreciation received from Complainants.

Appendix G provides information regarding the staffing structure of the Office of the Ombudsman.

Appendix H indicates the Organisational Structure of the Office of the Ombudsman.

It should be underscored that at times a particular Ministry falls under different appellations, e.g., formerly Ministry of Civil Service and Administrative Reforms and now Ministry of Public Service, Administrative and Institutional Reforms. This is mainly due to the fact that changes are made in the attribution of responsibilities of certain Ministries. For the purpose of this Report, however, the appellation of Ministries at the time of opening of files has been maintained. The Office would also wish to highlight that certain cases the outcome of which have been noted as “Explained” were however rectified after 31 December 2022. These cases will be marked as “Rectified” in the 2023 Report.

07 June 2023



**Harry Ganoo, G.O.S.K.
Ombudsman**

CHAPTER IX OF THE CONSTITUTION - 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) the Rodrigues Regional Assembly or any officer of the said Assembly;
- (f) any local authority or any officer of such local authority;
- (g) 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 anybody of persons whether incorporated or not, not being -

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

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

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

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

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

Provided that –

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied

that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and

- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.

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

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

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

(9) The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.

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

98. Procedure in respect of investigations

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

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

99. Disclosure of information

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

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

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

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

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

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

100. Proceedings after investigation

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

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 Investigations 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) Every complaint made to the Ombudsman shall be in writing.

(2) Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is in legal custody or who 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 immediately forward the letter, unopened, by registered post to the Ombudsman.

- (3) No complaint shall be entertained by the Ombudsman unless the complainant –
- (a) has, before making the complaint, made a written representation to the relevant department or authority and not received within 5 working days –
 - (i) a written substantive reply; or
 - (ii) a written reply in which the department or authority states the action it is initiating and the date by which a substantive reply shall be made, such date being not more than 45 days of the date of receipt of the written representation by the department or authority;
 - (b) is dissatisfied with any reply given to him by the department or authority;
 - (c) has sufficient interest in the subject matter of the complaint;
 - (d) specifies the nature of the complaint, the reasons for his grievance and the redress being sought; and
 - (e) encloses every document or other information which is relevant to the complaint.
- (4) Where a department or authority receives a written representation under subsection (3), it shall make a written reply or written substantive reply, as the case may be, within the time limit specified in that subsection.
- (5) (a) On receipt of a complaint under this section, the Ombudsman shall, within 5 working days of the date of receipt –
- (i) make a written reply to the complainant, stating the action the Ombudsman is taking; and

- (ii) where the department or authority has failed to comply with subsection (4), order the department or authority concerned to make, not later than 7 working days from the date of the order, a substantive reply to the complainant.
- (b) The department or authority shall –
 - (i) comply with an order under paragraph (a)(ii); and
 - (ii) at the same time, forward a copy of its reply to the Ombudsman.
- (6) In the discharge of his functions relating to an investigation, the Ombudsman may order a department or authority to submit comments and to provide such information and documents relating to the investigation, within such time as may be specified in the order, and the department or authority shall comply with the order.
- (7) Where a department or authority fails to comply with subsection (4) or an order under subsection (5)(a)(ii) or (6), the Ombudsman shall request the principal officer of that department or authority to take such action as he considers appropriate.
- (8) In the discharge of his functions relating to the report of his opinion and reasons pursuant to his investigation, the Ombudsman shall endeavour, within 45 days of the date of receipt of a copy of the written reply under subsection (5), to forward the report to the principal officer of the department or authority concerned.

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.

5A. Annual Report

In the discharge of his functions relating to his annual report, the Ombudsman shall, not later than 30 June in each year, make the report in respect of the preceding year to the President.

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

MINISTRIES/DEPARTMENTS

BLUE ECONOMY, MARINE RESOURCES, FISHERIES & SHIPPING

C/105/2022

Non-payment of dues by Mauritius Oceanography Institute (MOI) for construction of coral nurseries

Complainant, Director of a private company, lodged a written complaint with the Ombudsman on 28 June 2022 wherein he alleged that he had delivered goods as per contractual agreement under the e-Procurement Systems to the Mauritius Oceanography Institute (MOI) on 23 May 2022 but that he had not received any payment after the expiry of the prescribed time limit, that is, 21 working days from receipt of invoice after supply of the goods.

He added that despite his numerous letters addressed to MOI and assurance given by the Officer-in-Charge, Procurement, that payment would be made in due time, he was still awaiting.

He considered that MOI had not respected the contractual obligation and sought the Ombudsman assistance to secure payment.

After the intervention of this Office the MOI Board approved the payment for the manufacture and delivery of eight coral nurseries to the company on 04 July 2022.

On 27 July 2022, Complainant confirmed that payment had finally been made and thanked the Office for its intervention.

C/202/2022

Unjustified complaint against the Consumer Protection Unit

An online complaint from Mrs Q.W. was received on 23 September 2022, averring that she had not received any feedback to a statement made to the Consumer Protection Unit on 04 July 2022 regarding a newly purchased car which was allegedly defective. She stated that she had been unfairly treated by the Authority and no action was ever taken to address her problem.

Contrary to what had been stated, the Ministry reported that a meeting was held on 14 July 2022 with Mrs Q.W and the trader, whereby the former agreed to the proposal made to repair the car. The repairs had been effected free of charge by the trader but some repairs remained outstanding due to the unavailability of spare parts and were due to be completed by the end of November of the same year.

This Office was satisfied that there was no maladministration on the part of the Authority and the complainant was apprised accordingly. She was also informed that the trader, being a private company, falls outside our purview. However, Mrs Q.W. kept sending us emails stating that the product sold was fake and asking us for “an answer”.

In a final attempt to inform Mrs Q.W. of the extent of our mandate, a reply dated 19 December 2022 was made to her, to the effect that our Office would not intervene further in this matter but this did not stop her from continuing to writing to us.

Payment of Higher Qualification Incentive effected after our intervention

Mr P.J, Consumer Affairs Officer wrote to us on 09 October 2022 regarding the tardy processing of his applications for increment and Higher Qualification Incentive (HQI) made in December 2021 and June 2022, respectively. He subsequently informed us on 17 October 2022 that the payment of increment had been effected but he was still awaiting the payment of the HQI.

On 01 November 2022, we took up the matter with the Ministry of Commerce and Consumer Protection and were apprised that his application for HQI had been submitted to the Ministry of Public Service, Administrative and Institutional Reforms on 17 May 2022, after receipt of all relevant information and was still under consideration.

Finally, on 07 December 2022, we were informed that the Ministry of Public Service, Administrative and Institutional Reforms has approved the grant of a lump sum in respect of the HQI to Mr P.J and the payment was to be effected in the same month.

Mr P.J was informed accordingly on 19 December 2022 but did not revert to our Office.

C/28/2021

Complainant, an over-aged student re-admitted to Grade 11 on the basis of an injury sustained at school

Ms C.K., a School Certificate(S.C.) student wrote to us on 09 February 2021, stating that social aid was sought for the payment of her examination fees following an injury sustained at school on 10 January 2018. In order to process her application, she requested an attestation from her school regarding the injury sustained, as per the requirement of the Ministry of Social Integration, Social Security and National Solidarity but was then informed that there was no record of her injury neither at the school nor at the Ministry of Education, Tertiary Education, Science and Technology. She also submitted a copy of the Medical Report from the SSRN Hospital, to the effect that she was transported from her school to the hospital after alleged history of slip and fall with trauma to lower back.

Upon enquiry, the Ministry of Education, Tertiary Education, Science and Technology informed that the case was not reported to the administration. Ms C.K.'s attendance was also irregular for the years 2019 and 2020-21 and therefore did not satisfy the eligibility conditions to meet Government's Policy of full payment of S.C. Examination Fees. However, the school collected funds to help her meet the cost partially and Ms C.K. sat for the examinations in May-June 2021.

This Office pursued the matter with the Ministry as the Ombudsman had requested an enquiry into the incident. On 09 September 2021, the findings were submitted to our Office. We were apprised that Ms C.K. fell down at the school but the school administration had not been made aware of the incident. It could not be ascertained who called the SAMU on the date of the incident.

Meanwhile, Ms C.K. informed us that she wished to pursue her education but was unable to do so as she was now over-aged. The Ombudsman convened a meeting at our Office with Officers of the Ministry on 04 October 2021 to further enquire into this issue and also

into the safety risks involved at the school concerned as well as the provision of required support to the student under the National Education Counselling Services.

On 20 December 2021, the Ministry informed us that Ms C.K. has been re-admitted to Grade 11 but the latter stated that she would have preferred to be admitted to Grade 10 instead of 11 as she had not completed the syllabus. The comments of the Ministry were sought and we were informed that, in accordance with the provisions of existing legislation, a pupil who is born between 2000 and 2015 and who attains the age of 21 during the period 01 January to 31 May in a school year, may remain at a Government secondary school up to the end of that school year. Ms C.K., born in July 2001 had attained the age of 21 years and could not remain in school for an additional year as per the law. The Ministry also informed that Mrs C.K had finally accepted the seat in Grade 11 at the school, which had been requested to provide her with all support and assistance.

Ms C.K. was also informed of the above by this Office.

OFFICE OF THE OMBUDSMAN

Payment of salary effected to a supply teacher after our intervention

On 04 October 2021, Ms B.E., a supply teacher in a private secondary school since 2017, wrote to us to complain that payment of her salary was being effected in an irregular manner by the Private Secondary Education Authority (PSEA). She explained not having been paid her salary since the renewal of her employment on 21st June 2021.

The matter was immediately taken up with the Ministry of Education, Tertiary Education, Science and Technology but whilst a reply was still being awaited, Ms B.E. again wrote to us stating that she had been asked by the PSEA to wait until December to receive her salary.

In the circumstances, the Ministry was ordered to submit a reply to our Office within a set deadline, failing which the Principal Officer of the Ministry would be summoned for explanations.

We immediately received a reply, enclosing a letter from the PSEA, to the effect that the payment of salary was only possible upon submission of claims by the private secondary school. Since she was employed on a temporary basis, the claim was submitted at the end of each month of employment, accompanied by a return of absences for the month. Payment of salary was then effected by the 15th of the following month, contrary to employees on the permanent establishment of schools whose salary was paid at the end of each month.

Finally, upon submission of the relevant documents on 18 November 2021, Ms B.E. was on 17 December 2021 paid for the period 21 June to 31 October 2021 and payment for the remaining period was effected during the same month.

On 14 January 2022, we asked Ms B.E to confirm whether she had received the payment but no reply was received. It is therefore assumed that she did receive her dues.

C/59/2022

Application for Vacation Leave Not Approved

Complainant, an Educator complained to the Ombudsman on 01 June 2022, that his application for 12 days vacation leave with effect from 06 June 2022, to enable him to recover from post Covid-19 trauma, had been turned down.

Following this Office investigation, the complainant's request to review the decision was acceded to and he was granted 7 days' vacation leave with effect from 13 June 2022.

Complainant expressed his thanks to the Office for its intervention.

OFFICE OF THE OMBUDSMAN

Repairs & Electrical works at D. Hurry Govt School, Goodlands, not being undertaken

Complainant, President of the PTA of D.Hurry Govt School complained to the Ombudsman on 21 July 2022 that on 14 April 2022 he had reported that some repairs and electrical works had to be undertaken by the school but did not receive any reply.

In brief, he drew our attention on the following points reported to the School:

- i. The balustrade on the staircase was too low and the rods had fallen off at few places thereby creating a wide gap.
- ii. Tiles in many classrooms were broken thus representing a real danger to both students and teachers due to the uneven floor.
- iii. Unconnected device due to no power supply.

The Ministry concerned informed that the minor repairs of the balustrades would be carried out by the school, the issues of broken tiles had been attended to and that the Energy Services Division of the Ministry of National Infrastructure and Community Development had already been informed of the issue of unconnected device in Grade VI. Materials for the repair works had already been purchased.

Complainant was apprised of the action taken by the Ministry and he did not revert to us.

ENERGY AND PUBLIC UTILITIES

(Central Water Authority)

C/231/2021

No action taken in respect of Excessive bills from the Central Water Authority

Complainant, a resident of Quatre Bornes complained to the Ombudsman on 22 December 2021 that she had registered a complaint of “Excessive Bill” at the Central Water Authority (CWA) on 08 November 2021 but no action had been taken thereon.

The Ombudsman initiated an investigation on 24 December 2021 and after continuous follow-up with the CWA, this Office was informed on 31 January 2022 that the water bills for period October and November 2021 had already been amended from 95m³ and 76m³ to 24m² to 26m² respectively.

Therefore, the initial amounts claimed by CWA, that is MUR 2,100 and MUR 1,492 were revised to MUR 218 and MUR 252 respectively.

The Authority further informed that Complainant would not be charged for any surcharge amount.

Complainant was apprised of the outcome of our investigation but she did not revert to us.

Reinstatement of the road

On 09 February 2022, Mrs G.A. addressed an email to different Authorities including our Office, stating that following excavation works, carried out by a contractor, appointed by the Central Water Authority (CWA), along Sagar Lane, Camp Caval, Curepipe, neither a temporary nor a permanent reinstatement had been effected, resulting into several potholes on the road.

Upon taking up the matter with the CWA on 14 February 2022 and after two reminders, a reply was received on 11 April 2022, to the effect that the reinstatement works had already been carried out by the Municipal Council of Curepipe.

Mrs G.A. was informed accordingly and confirmed the above, while expressing her thanks for our intervention.

C/50/2022

Reply not received from the Authority although as requested the water connection was effected

On 10 March 2022, we received a complaint from Mr O.F regarding the “dilly dallying” attitude of an Officer of the Central Water Authority to process an application for water supply on a residential plot made since 21 July 2021. He explained that his brother had applied for a new water supply and had been continuously following up the matter with the Officer handling the application, who initially informed that the delay was due to problems being encountered with contractors. After some time, he was informed that a fee should be paid to the local authority. Although he complied with the request, the water supply was not connected even after eight months. Meanwhile, the construction on site had to be stopped and the problem was compounded as the price of construction materials hiked up.

On 02 June 2022, the CWA was requested by our Office to submit its comments on this matter but even before we could follow up with the Authority, the complainant wrote to us, informing us that a few weeks after lodging his complaint with us, the water connection was effected.

We do appreciate that the complainant reverted to us to update us on the situation since no reply was ever received from the CWA in respect of this complaint.

C/162/2022

Action finally taken against rearing of animals in a residential area

In an online complaint submitted to this Office on 11 August 2022, Mr A.D. stated having contacted various Authorities concerning an illegal breeding of cattle in a residential area since December 2021. However, action had not been taken.

The Ministry of Agro Industry and Food Security was in the first instance requested to submit its comments in this matter and by way of a letter dated 26 September 2022, we were informed that several site visits were conducted at the premises of the breeder and it was observed that no shelter was available to protect the animals thereat from adverse weather conditions, which was in breach of Section 3 (1) (b) of the Animal Welfare Act. The breeder was therefore advised to make the necessary provisions for the animals as per the Act and the Ministry reported that it was outside its ambit to address the other issues raised by Mr A.D, i.e. illegal operation of the activity and sanitary nuisance.

We, therefore referred the matter both to the Ministry of Health and Wellness and the District Council of Riviere du Rempart. The former reported that no sanitary nuisance was noted during site visits. However, following a joint site visit together with the Ministry of Environment, Solid Waste Management and Climate Change, an Eyesore Abatement Notice was served upon the son of the breeder to dismantle an illegal structure, to cart away manure/ other items and tyres on 23.09.2022 and same was complied with.

The District Council of Riviere du Rempart later reported that the activity was exempted from application of a Building and Land Use Permit as per the Local Government Act and did not warrant the payment of a trade fee as the number of heads did not exceed twenty. Nonetheless, it did not comply with the Environmental Guidelines No. 29 of 2018 inasmuch as it was being carried out within the settlement boundary. Therefore, since it did not constitute an offence under the Local Government Act, the Council could not

initiate legal action and it should be referred to the Ministry of Environment, Solid Waste Management and Climate Change.

The complaint was subsequently referred to the Ministry of Environment, Solid Waste Management and Climate Change on 17 November 2022, which promptly replied to us, stating that a joint site visit was conducted with the Police de l'Environnement on 24 November 2022. The conditions imposed in the Eyesore Abatement Notice previously served, were complied with and no odour or other environmental nuisances were perceived. Mr A.D. was also contacted by phone on the same day and he verbally informed that there were no further issues with the site or the animal rearing activity.

This Office was further informed by the Ministry of Environment, Solid Waste Management and Climate Change that since the Local Government Act did not provide that a Building and Land Use Permit was required for breeding of animals above 20 heads and not below, the Ministry proposed to develop guidelines to address complaints arising from backyard animal husbandry or the rearing of animals as pets.

Mr A.D. was informed of the outcome of the actions taken by the Ministry of Environment, Solid Waste Management and Climate Change on 20 December 2022 but he did not revert to our Office.

It has to be underscored that very often, the citizen is confronted with the dilemma of which authority to contact to attend to his problem. As evidenced in this case, an investigation had to be initiated with four different Authorities before a conclusion could be reached.

(Registrar of Companies)

C/246/2020

Complainant's company finally removed from the register after two years

Mr S.R.'s complaint was to the effect that the decision of the Registrar of Companies in November 2020 to remove his company from the Register of Companies on the basis of Section 309(1)(b) of the Companies Act was unfair as he had already initiated dissolution procedures since December 2019 under Section 309(1)(d) of the Act but action had not been taken by the Department.

We took up the matter with the Department, which reported that a letter dated 29 December 2019 was in fact received but all legally required documents had not been submitted, i.e., the application form and a copy of the notice published in the Government Gazette. However, it stated that it can still proceed with the removal of the company provided that the statutory requirements were complied with.

This Office could not find any evidence that the documents had been submitted and Mr S.R. was therefore requested to submit the additional documents on 08 July 2021.

On 18 January 2022, Mr S.R. finally submitted the required documents and explained that the delay was due to his ill health. We subsequently followed up the matter with the Registrar of Companies Department, which confirmed receipt of the documents on 04 February 2022 and informed us that it would soon proceed with the removal of the company from the Register and the company would be notified accordingly.

This Office informed the complainant accordingly and closed the matter, but, to our surprise, Mr S.R. wrote back on 24 November 2022, averring that necessary action had not

yet been taken. Indeed, a search on the online portal of the Department revealed that the company's status still appeared as "live".

We queried the Authority on the reason for the delayed removal of the company and soon after were apprised that it was due to an issue regarding the company's registration fee for which financial clearance had to be sought. The company was finally removed from the Register on 05 December 2022 and a notice was also sent to the company.

In an email dated 30 December 2022, Mr S.R. confirmed the above and added ***"I (...) am indeed very grateful to your Office intervention in this matter"***.

OFFICE OF THE OMBUDSMAN

HEALTH AND WELLNESS

C/157/2019

Several nuisances caused to neighbouring residents by rearing of livestock

Some residents of Plaine des Papayes complained to the Ombudsman on 24 September 2019 that they had reported several nuisances caused by rearing of livestock in the vicinity of their residence at the Sanitary Division, of the then Ministry of Health and Quality of Life but no remedial action had been taken.

In the course of our investigation, the Ministry explained that following receipt of a complaint on 21 February 2019, Officers of Pamplemousses Health Office had effected an inspection whereby they had observed a shed with 19 goats. At the time of the inspection, the shed was clean and no foul smell was noted. The owners however acknowledged that they had no permit from the District Council to operate the activity.

The matter was thereafter taken up by this Office with the Local Authority which reported on 20 December 2019 that the owners had been operating the activity for the past two years and they had a valid Breeder's Card issued by the Small Farmers Welfare Fund. While they agreed that the activity was not permissible within a residential area, they were not ready to immediately stop the operation and relocate the livestock. They had therefore requested for a delay of 6 months to enable them identify an appropriate site with the assistance of Food and Agricultural Research and Extension Institute (FAREI). The Local Authority had instructed them to produce all relevant documents from FAREI to enable it take a decision. Having taken cognizance of the correspondence from FAREI, in February 2020 the Local Authority decided to seek the advice of the Ministry of Agro Industry.

After continuous follow-up, the Local Authority replied that since no advice had been obtained, the Permit and Business Monitoring Committee decided to serve a Compliance Notice upon the operators. Consequent upon the Notice, they informed the Local Authority on 01 June 2020 that they had already acquired a plot of land and would submit an application for BLUP for livestock rearing. They also informed the Local Authority

that they would relocate the activity after the obtention of the BLUP and completion of the necessary infrastructural facilities.

In August 2020, Council informed that the operators had applied for BLUP but these were turned down on two occasions as some discrepancies were noted and applicant did not meet the compliance standards. Eventually, on 18 September 2020, the operators obtained the BLUP and at the same time requested a delay of 6 months to construct the shed.

On 09 August 2021, this Office was apprised that the operators did not comply with the Pulling Down Notice served on them and Council started compiling the relevant prosecution information to be forwarded to the Ministry of Local Government and Disaster Risk Management for vetting as requested by the Circular letter of 14 July 2021.

On 16 September 2021, Council reported that Notice of Intended Prosecution had already been issued to the operators and information sent to the DPP's Office for vetting prior to lodging the case before the District Court.

On 07 December 2021, Council informed that its Prosecuting Officers' would undergo a working session at the DPP's Office on 'drafting of information for prosecution'. Consequently, the case would be lodged after the session.

On 14 February 2022, Council informed that following the working session with DPP's Office, the Local Authority had been advised to review the information for prosecution and to have it vetted by its Legal Adviser prior to lodging any case of illegal development.

On 11 May 2022, Council informed that the case was scheduled for Proforma on 14 June 2022.

On 05 August 2022, Council reported that site visit carried out on 13 June 2022 had revealed that all Corrugated Iron Sheet (CIS) structures had been demolished and the livestock rearing activity had ceased. Hence the site had been restored and the case lodged before District Court had been struck out.

The Environmental Guidelines on livestock rearing issued by the Ministry of Environment clearly indicates that:

- (a) Livestock rearing up to 20 cattle heads, 50 goat heads and 50 sheep heads does not require a Preliminary Environmental Report (PER)
- (b) It requires a Building and Land Use Permit and a Trade Permit under the Local Government Act
- (c) Livestock rearing has to be carried out in accordance with the provisions under the Planning Policy Guidance and Outline Planning Scheme;
- (d) The site shall be located at least 200 m away from settlement boundaries, sensitive land uses such as schools, dispensaries, hospitals, any domestic borehole and slaughter house.

The Ombudsman can only conclude that had there been adequately trained Prosecution and Enforcement Officers at the Authority concerned, the nuisances could have been abated much earlier and members of the public would not have had to experience that stressful situation.

C/22/2022

Non-refund of unspent balance of social benefits to Brown Sequard Mental Health Care Centre (BSH) patient

On 21 June 2022, complainant, Mr. L raised concerns about the delay in processing an application made in 2020 under Section 30 of the Mental Health Care Act 1998 on behalf of his father, a patient at the Brown Sequard Mental Health Care Centre, in order to enable him use his father's unspent balance of inmate allowance to meet the latter's personal expenses.

He also averred that despite having already forwarded the requested legal document that is an affidavit on 07 December 2021, he was still waiting for a decision in this matter. He added that he was informed that the case had been forwarded to the State Law Office.

The investigation found that the processing of the application has taken almost 2 years, of which significant time was spent in replying to complainant's first request made in January 2020. In February 2022, Complainant was again requested to provide further information in order to enable the Mental Health Care Accounts Committee to reach a decision.

On 22 April 2022, the Ministry of Health and Wellness inform us that Complainant had been paid one-quarter of the unspent balance of his father's allowance.

Complainant who was contacted confirmed receipt of the Payment and expressed his satisfaction for our intervention.

Medical Board rescheduled to assess complainant's fitness to discharge the duties of his post

Mr V.G., reckoning 23 years of service in a Local Authority, wrote to us on 28 January 2022, stating that he had attended a Medical Board at the Victoria Hospital on 03 August 2021 but was still awaiting the report. He explained that he had made a request to be examined by the Medical Board since he was unable to perform his duties due to his poor health.

Upon taking up the matter with the Ministry of Health and Wellness, we were informed on 07 March 2022 that the Medical Board had concluded that he was temporarily unfit to discharge the duties of his post for two weeks and that a second Medical Board had been scheduled for 15 March 2022.

A copy of report of the Medical Board held on 15 March 2022 was submitted to this Office, wherein it was mentioned that Mr V.G. was temporarily unfit for one month. After following up the matter with the Ministry, it was reported that another Medical Board was held on 10 May 2022, whereby Mr V.G. was found fit for duty.

Mr V.G. was informed of the reports of the Medical Boards but did not submit any comment thereon.

C/232/2021

Complainant avers he has been waiting since ...16 years for his final contract in respect of his “deed lease grant” from the Ministry

On 12 December 2021, Complainant, a resident of Olivia, Bel Air Riviere Seche, complained to the Ombudsman that he had been waiting for the finalisation of his contract for State Land Lease during the preceding 16 (sixteen) years.

He solicited the Ombudsman’s assistance to help him secure the title deed as his several attempts to obtain an update from the Ministry concerned were all in vain.

The investigation found that Complainant was among some twenty-two squatters who were occupying part of State Land within Olivia Housing Estate without any authorisation from the Ministry of Housing and Land Use Planning. In order to regularise their situation, they were granted Building Site leases subject to some of the illegal occupiers removing their outbuilding so as to provide adequate access to the lots and satisfy planning requirements.

The lease agreement of Complainant could not be finalised as one of the illegal occupiers had not removed his CIS house, despite being requested to do so on several occasions. Subsequently, a notice to squatter was served upon the illegal occupiers on 07 March 2017.

During a joint site visit held in July 2017 with representatives of the Ministry of Social Security and National Solidarity and the National Empowerment Foundation, it was reported that the alleged illegal occupier was under dialysis and he was drawing an invalidity pension. Therefore, it was decided to allow him to build his house on the land with the help of the National Empowerment Foundation (NEF) prior to the demolition of the illegal structure.

Around February 2022, the Ombudsman was informed that a fresh inspection carried out on site had revealed no encroachment. Subsequently, in April 2022, the Ministry confirmed that the Lease agreement was ready for signature.

In June 2022, complainant had, in a letter addressed to the Ombudsman expressed his thanks while mentioning *inter alia* that “we have taken a lot of time, but thank to the Ombudsman, we have succeeded. Thank you very much.”

OFFICE OF THE OMBUDSMAN

Application for transfer of lease finally acceded to

On 18 February 2022, we received a complaint from Mr O.M., averring that an application for transfer of lease had been made to the Ministry since 14 September 2021 and additional information requested for had been submitted on 03 November 2021 but in spite of several calls made to the Ministry, he was never informed of the status of his application.

On the same day, a letter was sent to Ministry, requesting for an update on the application and on 18 March 2022, we were informed that approval had been obtained for the transfer of the lease and an even dated letter was addressed to Mr O.M.

We informed Mr O.M. of the reply received and requested him to apprise us if he accepted the conditions mentioned in the Ministry's letter but no reply was received from him.

OFFICE OF THE OMBUDSMAN

Financial Assistance for casting of slabs in respect of house construction not yet effected although approved

On 20 November 2022, Complainant, an inhabitant of Pont Bon Dieu, Brisee Verdiere complained to the Ombudsman that she had not obtained payment although approval for financial assistance for the Casting of slab had been granted since 18 September 2022. She therefore solicited the Ombudsman's assistance in order to investigate with the authority concerned the reason for the delay.

This Office was informed by the Ministry of Housing and Land Use Planning that complainant had been requested in a letter dated 07 December 2022 to call at NHDC, Rose Hill on 12 December 2022 to collect her cheque.

On 19 December 2022, Complainant confirmed to our Office having been granted the Financial Assistance sought. She heartily thanked the Office for its support.

C/211/2022

Stipend finally paid to trainees

On 30 September 2022, we received an email from a group of trainees under the National Training and Re-Skilling Scheme (NTRS), implemented by the Human Resource Development Council (HRDC) and the Mauritius Institute of Training and Development (MITD). They alleged that no stipend has been paid to them since three months.

This Office took up the matter with the Ministry of Labour, Human Resource Development and Training and was apprised that the stipend could not be paid to the trainees as the National Cooperative College (NCC), which was delivering the training, had not provided the HRDC with the required attendance sheets in time.

Payment of stipend was effected to forty trainees on 11 October 2022.

An email dated 01 November 2022 was sent to the trainees at the address provided and on 13 November 2022, we received a reply to the effect that **“the necessary had well been done and we wish to thank you for the collaboration. Much appreciated”**

LAND TRANSPORT AND LIGHT RAIL

(National Land Transport Authority)

C/198/2019

Complainant avers that an Officer of the National Land Transport Authority issued a ‘Certificat de Gage’ in respect of his vehicle without his knowledge or authorisation

Complainant explained to the Ombudsman on 14 November 2019 that he was surprised to learn that an Officer at the National Land Transport Authority (NLTA) had acted in a dubious manner to issue a ‘Certificat de Gage’ in respect of his vehicle without the verification of his identity card and without his knowledge and authorisation.

In essence, complainant stated that following an agreement of exchange of cars with a lady on 20 July 2018, they jointly agreed to meet at the NLTA to apply for the respective ‘Certificat de Gage’ but she did not turn up.

Although he called upon the lady to do so, she had refused to collaborate. According to him, the Officer at the NLTA had informed him that he had requested, in vain, the lady to call thereat for the Certificate. Finally, after his several visit at the NLTA, he was informed that the lady had already obtained the ‘Certificat de Gage’ and successfully registered complainant’s car in her name. He queried the Officer on how could she obtain the Certificate in the absence of his original National Identity Card. He then requested the Officer to process the ‘Certificat de Gage’ in respect of the lady’s car but the latter refused in the absence of the Vendor’s National Identity Card.

He then requested the Ombudsman’s assistance to enable him to secure the ‘Certificat de Gage’ as the exchanged car could not be registered, the insurance had expired, the road tax could not be paid and hence the car was not road worthy and was kept in a garage.

In the course of our investigation, the National Land Transport Authority informed that a notice (mise en demeure) was served by Complainant on the Authority and the matter had been referred to the Solicitor General’s Office.

After continuous follow-up, this Office was informed by the Ministry of Land Transport and Light Rail that since a reply had not yet been received from the Solicitor General, the Manager, Internal Control of the Ministry had been requested to carry out a prompt investigation on the issue.

The Internal Control made the following observations:

- (a) Lack of audit trail on issue of certificate ‘Gage sans Deplacement’, i.e no record is available on the computerised system regarding issue of the Certificate to owner or purchaser in person nor the production of letter of authorisation or original National Identity Card.
- (b) Lack of proper filing system of all letters of authorisation from owners of card.
- (c) Disorganised Archiving thus rendering retrieval of past documents difficult.

The Manager had therefore recommended to review the computerised system and ensure that official documents are classified and filed in an organised manner in the archives.

In May 2022, the Ministry informed that the above recommendations had already been implemented and the “Request for Gage’ Module in the Registration and Licensing System had been amended. Consequently, the Cashier was required to henceforth insert the following details prior to processing the issue of “Gage Certificate”:

- (a) Represented by (Vendor or purchaser);
- (b) Representee NIC; and
- (c) Representee Name

The Ministry finally stated that complainant could not register the vehicle purchased from the lady since it had to undergo repairs due to mechanical problems. This was the reason for his call at the NTA one year after the occurrence of the transaction. However, since he was not in possession of the original National Identity Card of the vendor, he could not obtain the Certificate.

Although, this Office could not help the complainant to receive the Certificat de Gage, it had been successful in enhancing the control in place in order to avoid any recurrence of such cases.

(Traffic Management and Road Safety Unit)

C/222/2022

Double Yellow lines implemented on a private road removed within three days

In an email dated 11 October 2022, Mr A.K. informed our Office that double yellow lines had been marked on a private road tarred by him, in front of his residence. The matter was taken up both with the Municipal Council of Vacoas-Phoenix and the Traffic Management and Road Safety Unit (TMRSU).

Within three days of writing to both authorities, the complainant wrote back to us stating that *“the TMRSU has removed the double line in front of my property...Thank you for your intervention.”*

Indeed, the Council later reported that the yellow lines had been overlaid by the TMRSU and a site visit carried out by its Officers at the locus on 28 October 2022 confirmed that the yellow lines had been removed.

On 08 December 2022, the TMRSU explained that the yellow lines should have been painted near the gate of a private school instead of in front of the complainant’s property.

This Office appreciates the prompt action taken both by the Municipal Council of Vacoas-Phoenix and the TMRSU in this matter.

(National Development Unit)

C/2/2022

Complainant's property damaged by the N.D.U. during a construction of a drain and restored after our intervention

Mr M.Z.'s complaint was to the effect that during the construction of drains by the National Development Unit (NDU), the fence and concrete columns at the entrance of his property were damaged, as a result of which strangers were now entering his private property. He stated that following his complaint to the Police and the Citizen's Advice Bureau of his locality, several Officers came for a site visit and took photographs of the damage caused but even after five months, the fence had not been repaired and he felt insecure.

We took up the matter with the NDU on 06 January 2022 and were informed that a site visit was effected on 22 October 2021 by Engineers of the NDU together with the Contractor, in the presence of Mr M.Z., The Contractor was instructed to reinstate, to their original state, all damages caused to the Mr M.Z.'s property and to cart away all construction debris therein. The Contractor removed all excavation materials in December 2021 but the damages caused to the property had not been attended to.

Two reminders were subsequently issued to the Contractor and during another site visit carried out on 11 January 2022, he committed himself to complete, to the satisfaction of Mr M.Z., all repairs and reinstatement works by the end of January 2022.

Nonetheless, after enquiring whether the works had been completed, the NDU apprised our Office on 18 February 2022 that the Contractor could not reinstate the bamboo fence by a metallic one of 1.5 metres height due to the objection raised by Mr Z.M., who stated that the fence ought to be of 1.8 metres height. The Contractor therefore had to re-order a metallic fence accordingly.

Finally, we were informed that reinstatement works including the installation of the fence were completed on 22 February 2022 by the Contractor.

Mr Z.M. thereafter wrote to us expressing his satisfaction with the work carried out, stating ***“had it not been with your prompt intervention, I wonder whether any repair would have been carried out as no authority was prepared to listen to my grievances”***. He also added – ***“May I hasten to add that today there is a dysfunction of nearly all institutions and the only institution that is working is the Ombudsman with the limited resources that are being put at its disposal. Bravo.”***

OFFICE OF THE OMBUDSMAN

POLICE

C/223/2020

Complainant claims the restitution of personal articles secured from him following his arrest by Police and conviction by Court

Complainant, a Tanzanian national, detained at Eastern High Security Prison, complained to the Ombudsman on 17 November 2020 that till date the Police Department had not yet returned his personal belongings, consisting of a Laptop make HP and mobile phone make Samsung although he was convicted and sentenced for 'Drug Trafficking' in October 2019.

He stated that the IT equipment had never been part of the evidence in the case under reference and his several attempts so far to restore them from ADSU yielded no result.

Following the Ombudsman's investigation in March 2021, Police wrote to confirm that the above-cited items were indeed secured from complainant for enquiry purposes and that the advice of the DPP's Office had been sought on their disposal.

On 23 February 2022, upon DPP's advice, Police returned to complainant all his personal belongings.

Complainant wrote and expressed his profound gratitude to this Office.

This Office has noted that there are similar cases which are currently being investigated.

C/99/2022

Application for Mauritian Citizenship made in 2019 by South African lady who married a Mauritian gentleman 30 years ago but not yet processed

Mrs L.P.C.S, a South African national, complained to the Ombudsman on 28.06.2022 that she had made an application for Mauritian Citizenship on 25 January 2019 but had not received any response so far. She also averred that she contracted a civil marriage with a Mauritian gentleman 30 years ago and she had since been staying in Mauritius.

After continuous follow-up with the Ministry concerned, this Office was informed on 22 August 2022 that Complainant had on 29 October 2020 applied for registration as a citizen of Mauritius under Section 7 of the Mauritius Citizenship Act and that the Ministry approved her application on 16 August 2022.

Upon being informed of the outcome, she thanked the Office for its prompt intervention and stated that she had already made the necessary financial arrangement and was awaiting the Certificate.

PRISONS

C/68/2022

Request for transfer not entertained one year after being made

Complainant, a Service to Mauritius (STM) Intern complained to the Ombudsman on 21 April 2022 that she had submitted a request to the Commissioner of Prisons for a transfer from the Mauritius Prison Service to a similar position at Mauritius Police Force or any related Organisation or Institution since 21 June 2021, but did not receive any reply.

She also stated that she was victim of harassment at her workplace which had severely impacted on her dignity and reputation at work.

The Ombudsman approved an investigation into her request for transfer but did not consider the alleged harassment at workplace as there was adequate provision in the Worker's Rights Act to deal with such cases.

The investigation revealed that her Internship Agreement had been renewed for a further period of 01 (one) year at the Prisons Service. However, after due consideration of Complainant averment, the Financial Secretary was requested to consider a change in her posting. She was thereafter posted to another Ministry.

In response to our reply to her, she apprised that the case of harassment had been referred to the Central Investigation Department.

C/183/2020

Claim for allowances due to Complainant

Complainant, a retired public officer reported to the Ombudsman on 12 October 2020 that during his tenure of Office he was responsible for the smooth implementation of the HRMIS Project at Dr A.G. Jeetoo Hospital. He received payment of allowances for extra duty for additional hours of work he performed in the supervision of the Project except for the period of July to December 2019.

An investigation revealed that the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) had informed the Ministry of Health and Wellness (MHW) that prior approval could not be conveyed and that it had to submit the application as and when the Officer performed additional hours of work over and above his normal hours. As at 15 December 2020, no official request was sent to MPSAIR and the latter Ministry informed MHW to submit the official request.

On 20 September 2021, MPSAIR informed that MHW had reiterated its request for the payment of overtime allowance to Complainant and on 09 November 2021 approval was conveyed accordingly.

In a postal card sent to this Office, complainant informed that MHW was processing his claims for payment of overtime performed during the period July to December 2019. He thanked the Office and its staff for the precious help and co-operation.

This Office found, with regret, that the misunderstanding that occurred between MPSAIR and MHW resulted in the long delays to resolving this case.

C/197/2021

Refund of National Savings Fund Lump Sum effected

On 16 November 2021, a complaint was received from Mrs C.N., alleging that her application for National Savings Fund (NSF) lump sum on medical ground was disallowed despite the production of relevant medical certificates dated 25 August and 25 November 2020.

Upon enquiry, the Ministry of Social Integration, Social Security and National Solidarity informed this Office that the criteria laid down under Section 2 of the National Savings Fund Act, stipulating that retirement on medical ground should be dully certified by a Government Medical Officer or a Medical Practitioner in the service of the employer were not satisfied. Mrs C.N. was therefore requested on 26 October 2021 to submit an appropriate medical certificate.

Mrs C.N, subsequently wrote to us stating that she attended a medical board on 21 December 2021 in respect of her request for a fresh medical certificate but did not receive any update by mid-January 2022. We therefore wrote to the Ministry of Health and Wellness requesting its comments on the matter.

Meanwhile Mrs C.N. again wrote to us stating that she had received her medical certificates and had submitted same to the Social Security Office on 19 January 2022. After following up with the Ministry of Social Integration, Social Security and National Solidarity, we were informed that Mrs C.N. now satisfied all the conditions laid and would be refunded the NSF lump sum and interest.

Mrs N.C also applied for the Basic Invalid Pension, which was initially not approved. She appealed to the Medical Tribunal on the basis of the New Medical Certificates received. She informed us on 23 June 2022 that her appeal was allowed and was being paid her pension since May 2022. She added **“I take this opportunity to thank all the staff who assisted me at the Ombudsman Office. I am very grateful for your assistance (surveys, phone call, etc) in this matter”**.

Non-payment of passage benefits to staff of the Ministry of Social Integration, Social Security and National Solidarity

Mrs B.C complained to the Ombudsman on 11 April 2022 that her application for passage benefits made on 01 December 2021 to the Ministry of Social Integration, Social Security and National Solidarity (Social Security and National Solidarity Division) had not been processed and payment thereof had not been effected.

She added that she had contacted the HR Section on several occasions but did not obtain any information about her application. She was finally informed that her file had been sent to the HR Manager for approval. However, she was subsequently apprised by the said Manager, when contacted that the latter had not received her file, which she considered inefficient and passing the buck.

Following the Ombudsman's intervention, both orally and in writing, she was paid her passage benefits at the end of April 2022. The Authority explained that the delay was due to unavailability of funds and the large number of applications.

Complainant was apprised accordingly but she did not confirm having received the payment.

Payment of Basic Invalidity Pension already effected to complainant

In a complaint dated 26 July 2022, Mr V.N. averred that the payment of his Basic Invalidity Pension was very irregular.

When queried, the Ministry of Social Integration, Social Security and National Solidarity (Social Security and National Solidarity Division) informed us that Mr. V.N. was in receipt of the Basic Invalidity Pension and Contributory Invalidity Pension since December 2020. However, the irregular payments claimed were mainly due to the changes in address of Mr. V.N. and returned cheques. It was also confirmed that all payments in favour of Mr V.N. had been effected.

Mr. V.N. was informed accordingly on 27 September 2022.

OFFICE OF THE OMBUDSMAN

Non-payment of Basic Retirement Pension (BRP) and arrears on ground of unsatisfactory residence requirement

Complainant, Mrs M.K.H., lodged a complaint on 22 September 2022 with the Ombudsman wherein she averred that following disallowance of her claim in respect of Basic Retirement Pension (BRP) by the National Pensions Officer, she appealed against the decision on 17 September 2021 but till date had not received any reply about the decision of the Appeal Tribunal.

She added that she enquired from both the Tribunal and the Ministry of Social Integration, Social Security and National Solidarity but did not obtain any satisfactory information. She therefore had no other alternative than to seek the assistance and intervention of the Ombudsman.

Our investigation revealed that the complainant did satisfy the residence requirement to benefit from the BRP and her appeal was therefore reconsidered. The Ministry of Social Integration, Social Security and National Solidarity stated that payment of her BRP would be effective as from the date of her application, that is, October 2020.

Complainant was informed accordingly but she did not revert to us.

LA/C/48/2021

Action taken to attend to the problem of flooding

An article in a weekly newspaper on 26 September 2021, entitled “Victimes d’inondation depuis 6 ans, des habitants de Flic-en-Flac déplorent l’inaction du Conseil du District” highlighted that since six years, heavy rainfall caused serious flooding at Avenue des Cacatoes due to blocked drains and no action was taken by the District Council of Black River although several letters were sent and a site visit was effected by its Officers. After inspection, the Council had also noted that a reinstatement of drains of an extent of approximately 40 metres and an extension of 7 metres were required to resolve the problem of flooding.

Our Office immediately took up the matter with the Council and by way of letter dated 11 October 2021, the latter reported that the block drains had been cleared. Moreover, 30 metres of drain had to be reinstated, for which the works would be carried out in due course. The new drains that needed to be constructed to contain the flooding problem, amounting to Rs 1.5 million, would be included in the Council’s Capital Projects for the year 2022/23.

After continuous follow up, this Office was informed on 16 February 2022 that the re-instatement works at Avenue Cacatoes have already been completed and we were satisfied that proper action had been taken by the District Council of Black River.

Request by Complainant, a retired Principal Finance Officer, for certain unpaid dues

Mr. R.L, a retired Finance Officer, of a Local Authority requested the assistance of the Ombudsman to enable him to benefit from the 2%, one-off payment as per PRB report 2016.

He stated that in January 2021, he submitted his letter of retirement from the service on the ground of age w.e.f April 2021 and approval was communicated to him in a letter of 21 January 2021.

He also averred that he opted to cash the balance of his Vacation Leave, a reduced pension and gratuity at retirement as well as one-off payment equivalent to (2%) of his annual pensionable emoluments for each completed year of pensionable service as per PRB Report 2016.

In a letter dated 12 April 2021, he was informed that his retirement would be as from 17 May 2021 instead of 01 April 2021. He was therefore advised to resume duty which he did.

The Ombudsman sought the comments of the Council which had stated that following approval of the Local Government Service Commission (LGSC), SICOM was notified concerning the grant of pension benefits to Mr. R.L w.e.f 01 April 2021.

Thereafter, SICOM informed the Council that if Mr. R.L would retire from the service on 01 April 2021, he would not be eligible for the 2% one-off payment payable as per PRB Report 2016, as he would not yet have attained the new compulsory retirement age of 65.

SICOM added, however, that the complainant would have been eligible for the said benefits had he retired on 17 May 2021.

According to the Council, the LGSC was requested to reconsider his retirement date but this was not favourably entertained. Therefore, the retirement date of Mr. R.L was maintained and hence he was not eligible for the one-off payment of 2%.

Fortunately for the complainant, PRB Report 2021 which took effect as from January 2021, recommended that-

“Post-retirement benefits offered by the pension scheme of public officers also has to be considered. Moreover, for this Report, the special provision regarding the grant of a one-off payment, equivalent to 2% of the annual pensionable emolument for each year of pensionable service to contributing officers in post as at 30 June 2008 and retiring with more than 33 1/3 years of service, has been improved to allow officers retiring as from 60 years to also benefit from same”.

It is believed that had there been proactive communications with the Officer, he could have submitted his application with the appropriate date of his retirement.

OFFICE OF THE OMBUDSMAN

DISTRICT COUNCIL OF FLACQ

LA/C/45/2022

Tardy approval of Building Permit

Complainant, Mr. A.R. an inhabitant of the District of Flacq, complained on 21 September 2022 that he applied for a Building and Land Use Permit (BLUP) at the District Council of Flacq in July 2022 and was still waiting for the permit.

He added that he enquired with the local authority but received no update.

He also averred that when he contacted the Council, he was informed to contact the Land Drainage Authority (LDA), and on so doing, he was apprised by the latter authority to liaise with the Council as the necessary clearance had already been forwarded.

On 23 September 2022, an investigation was initiated with the District Council of Flacq and on 3rd October 2022, the Council stated that the application for BLUP had been approved following clearance obtained from LDA.

On 7th October 2022, a reply was made to the complainant concerning the outcome and he was invited to state whether he was satisfied with our intervention but unfortunately, he did not revert to us. It is assumed that he obtained his permit.

LA/C/62/2021

Unnecessary delay in issuing clearance by Council to enable the Complainant, a private company, to obtain a Morcellement Permit

The Director of a private company explained to the Ombudsman the difficulties and obstacles his company was facing since 2017 to obtain the clearance for his Morcellement Permit. He added that all infrastructure works had been completed as per the approved plan except the proposed minor amendment made on 30 March 2022 to the drainage system.

He further averred that the proposal for the drain was discussed during a site visit of the Head of Works Department on 04 September 2020 and according to him, since the Head did not object to the system there was an acceptance to the cross drain system by the Officer.

In January 2021, a new Civil Engineer was posted to the Council and he ignored the acceptance of the previous one. The company made a request to carry out a water test of the drainage system but it did not receive the attention of the Engineer. However, upon request, the company submitted the required documents, i.e. :

- (a) The as-made drawing;
- (b) Certificate from Civil Engineer and
- (c) Design calculation.

Our investigation revealed that Council had, amongst other observations, informed the Company that the drains constructed on site were not as per the approved drawings.

The Permit and Business Monitoring Committee of the Council had upon receipt of a report from the promoter's Registered Professional Civil Engineer, certifying the adequacy of the as-made drainage network, decided to seek the views of the Morcellement Board.

On 22 December 2021, the Company finally obtained the necessary clearance and this was confirmed by the complainant on 24 January 2022 with a note of thanks.

LA/C/37/2022

Flooding problem attended to following our intervention

Mr S.O., an inhabitant of Laurate Road, Montagne Blanche wrote to us on 22 August 2022, averring that with every heavy rainfall, his house was flooded, causing material damage and the water was evacuated to the uninhabited bare land adjacent to his house. However, the owner now planned to construct on the bare land and he feared that the water would no longer be evacuated through the land and the consequences of the flood could be life threatening.

Upon enquiry, the District Council of Moka reported that a site visit was effected on 12 September 2022 and there was no ongoing construction on the bareland. The Council also reported that Mr S.O. was complaining about accumulation of water on his premises and was requesting for the construction of a drain to prevent run off water from the road to enter his premises, which is at a lower elevation than the road.

We were subsequently informed that a site visit had been convened with the National Development Unit(NDU) to assess whether the drain network under construction at Sans Souci would alleviate the problem of flooding.

We concurrently took up the matter with the NDU and were informed that the drain network under construction would alleviate flooding problems in the area. In addition, the Council had been requested to initiate action regarding the roof water discharges directly along Laurate Road as well as consider the construction of an absorption drain to cater for the surface runoff on the road leading to Mr S.O.'s residence.

The Council was apprised of the report submitted by the NDU to our Office and was requested to inform us on its stand. In a letter dated 14 November 2022, it informed that action had already been initiated for the removal of the waterpipe discharges and a survey was being carried out for the preparation of the design of the absorption drain to be submitted to the Land Drainage Authority for approval and funding.

Mr S.O. was informed of the outcome but did not submit any comment as to whether he was satisfied with our intervention.

LA/C/46/2022

Complainant's application approved after being informed of the grounds for which her previous application was rejected

Mrs B.G. wrote to us on 19 September 2022, contesting the decision of the District Council of Pamplemousses to reject an application made for the subdivision of a plot of land among heirs.

According to the Council, the survey plan accompanying an application made on 19 August 2022 was not appropriate as the applicable road reserve was not legible and the width of the common road was not mentioned. The applicant was requested to submit amended plans. Although the plans were amended, it now made mention of the lots as Excision and surplus, contrary to the application submitted. The application was therefore rejected on the ground that the survey plan submitted was misleading inasmuch as same related to an excision whereas the proposed development was for subdivision among heirs. No maladministration could therefore be concluded on the part of the local authority.

On 01 November 2022, Mrs B.G. was informed that the Council had stated that the development was acceptable, subject to the submission of a fresh application based on the first one along with proper plans and project description.

Shortly after, Mrs B.G. sent us an email, stating **“please accept my heartiest thanks for your letter dated 01/11/22 and early intervention on my behalf to the Pamplemousses District Council which has already approved the proposed division plan of heirs..”**

LA/C/38/2022

Illegal construction by neighbour on the boundary line finally removed

Mr T.K. wrote to us on 24 August 2022, averring having contacted the District Council of Savanne several times to report an illegal construction made by his neighbour on the boundary line. He informed that no action was being taken against the illegal construction.

Our Office immediately took up the matter with the Council and by way of letter dated 06 September 2022, the latter reported that a site visit was effected at the locus on 31 May 2022 and a Compliance Notice was issued upon the neighbour on 05 July 2022. It was further reported that a Pulling Down Notice would now be served since the construction was still standing and no application for a Building and Land Use Permit had been received for the development.

After follow up, this Office was informed on 21 October 2022 that the neighbour had removed the illegal structure and lowered the height of his boundary wall to 1.8 metres.

Mr T.K. was informed accordingly and we did not hear from him again.

LA/C/69/2021

Yellow lines repainted after our intervention

On 09 December 2021, Mr O.B. requested our intervention regarding the inaction of the Municipal Council of Curepipe to repaint the yellow lines on the public road in front of his residence since eight months. He informed that due to the fading of the yellow lines, vehicles were being illegally parked thereat causing him inconveniences to access his property.

In a reply dated 27 January 2022, the Municipal Council of Curepipe reported that a contract was awarded on 08 June 2021 for road marking within the township but the awardee encountered delays in obtaining the material required due to the COVID-19 pandemic. The works order for repainting of the road marking at the locus was issued on 22 December 2021 and was expected to be completed by end of February 2022.

In February 2022, we were finally informed that the work was completed by the Council's inhouse labour.

In an email dated 17 September 2022, Mr O.B. stated ***“I wish to express my deepest gratitude to the Office of the Ombudsman for positively considering my complaint and for resolving this problem of administrative delay/ inaction from the part of the MCC. The issue of my gate/ access obstruction by illegal parking has been solved and the reinstatement of the yellow lines has equally restored road/ traffic safety.”***

Faulty street lamps at Hawk Lane, Camp Caval Curepipe not replaced by Municipal Council

On 30 September 2022, Complainant, a resident of Hawk Lane, Camp Caval, Curepipe lodged a written complaint with the Ombudsman wherein he averred that on 6th July 2022 he made an official request through CSU Portal for replacement of defective street lighting. CSU Portal informed him on the same day, that his request had been referred to the local authority concerned, that is, Municipal Council of Curepipe, precisely to the Works Department, for appropriate action.

Two months passed by but he was neither contacted by any public official nor were the faulty street lamps replaced.

Following an investigation the Municipal Council informed that four faulty lamps were replaced by led lanterns at the said address and that action was delayed due to breakdown of the Council's Street Lighting Lorry.

Complainant was informed of the corrective action taken but did not confirm the replacement of faulty lamps to this Office.

LA/C/92/2020

**Dangerous construction of block wall near set of traffic lights reported to Council.
No action taken**

Complainant, a resident of La Butte, Port Louis lodged a complaint on 14 December 2020 wherein he averred that on 06 October 2020, he had apprised the Officer in Charge, Public Infrastructure Department, City Council of the construction of a block wall at corner Maupin Street, La Butte, Port Louis, near traffic lights which was a danger to both traffic and pedestrians.

He also averred that he had contacted the Inspector of Highway Section, City Council on two occasions but his request for the removal of the said hazards fell on deaf ears.

Following an investigation, the Council reported that upon receipt of the complaint on 24 September 2020 via the CSU Portal, a site visit was effected on 28 September 2020.

In November 2020, Council wrote and requested the assistance of the Ministry of Housing and Land Use Planning (MHLUP) to signify the name of the owner of the plots of land bordering the alleged boundary wall.

Four months passed by and despite several reminders issued to the said Ministry, Council apprised this Office that it did not receive any reply. We continued to follow-up the matter and in May 2021 Council reported that it had successfully traced out the owner of the alleged wall and had on 20 April 2021 served a notice to him in accordance with The Building Control Act 2012, to:

- i. Forthwith shore up and secure the whole length of the boundary wall and proper hoardings or fence be put up for the protection of passers-by;
- ii. repair and reinstate the whole length of the boundary wall within 30 days from the date of the notice.

However, in July 2021 the Council reported that it had been noted during a site visit at the location that the owner had failed to take corrective action and thus, it contemplated further action.

In September 2021, Council informed that the MHLUP had been requested to take necessary action to repair or pull-down part of the alleged wall which is found on the State Land.

The Council thereafter informed us that despite reminders sent to the Ministry concerned, it had received no reply. Given the seriousness of the matter, the Ombudsman decided to take up the matter directly with the said Ministry.

In November 2021, the Ministry provided Council with the ownership details of the remaining part of the block wall and informed it that it may proceed with the demolition of the wall in consultation with the Ministry of Land Transport and Light Rail, as the plot of State Land had been vested in the latter Ministry for the implementation of the Metro Express Project.

The potential hazards to road users were finally, pulled down by the Council in March 2022. The lengthy period of time taken - more than a year – in abating the hazards to road users demonstrates inefficiency and laxity in dealing with such life threatening and injury prone issues.

We however acknowledge that the issue was quite complex, involving correspondences from authorities other than the Council, but nonetheless we consider that an effective complaint handling procedure would have helped to address the problem in good time.

LA/C/2/2022

Request for the removal of wild tree not attended to

In an email dated 06 January 2022, Mr W.D. solicited our intervention regarding a wild tree on the side of a road at Camp Yoloff, which had allegedly caused damages to wastewater pipes.

According to the Municipal City Council of Port Louis, the Special Mobile Force(SMF) was requested on 25 January 2022 to carry out the removal and extraction of the wild tree since it was not adequately equipped.

On 08 April 2022, the Council reported that a survey was carried out by the SMF Engineer Squadron and it was observed that the tree did not represent any immediate danger and the felling/lopping of same should be carried out by the land owners themselves.

Upon further probing by our Office, the Council stated that the clearance of the Forestry Department should be obtained for the felling of trees and the matter was referred to the Forestry Department. According to a report submitted by the latter, the tree was growing on a private land within road reserves and if permission was granted to lop some branches, it would be possible to reduce the cause of nuisance. The lopping of branches as per conditions laid by the Forestry Services were completed by the Council on 31 July 2022.

However, Mr W.D. was not satisfied with the action taken as his request to remove the wild tree was not attended to.

It must be pointed out that very often, similar complaints are received at our Office, to the effect that action is not taken to attend such potential hazards (e.g. trees) on the ground that the owners of the land on which stand these trees/ obstructions are unknown. To add to this predicament, the Local Authorities which are legally responsible for the cleaning of bareland are reportedly not adequately equipped.

LA/C/30/2020

No action taken regarding obstruction of natural water course reported to Council

Complainants, a group of inhabitants of Camp Fouquereaux lodged a written complaint with the Ombudsman on 24 June 2020 wherein they alleged that the Municipal Council of Vacoas-Phoenix failed to take appropriate action concerning a complaint of flooding due to the construction of an enclosure wall made by a resident of the locality along the natural water course.

This Office initiated an investigation with the Council and the latter informed on 10 July 2020 that during an inspection carried out on 06 July 2020, the Officers observed that part of an enclosure wall had indeed been constructed along a water course and the remaining part of the course was backfilled.

Following a joint site visit with the complainants, Council noted that the former had dug out the dumped debris to facilitate free flow of water. Since Council was unsuccessful in tracing-out the perpetrator of the nuisance, it decided to cart away the debris as well as e-Wastes.

On 25 May 2021, Council informed that Officers of the Water Resources Unit reported during a joint site visit at the site that the water course was not a listed one. Council then decided to seek clearance from the Land Drainage Authority (LDA) for the construction of a drain provided that funds would be made available.

After continuous follow-up, Council reported on 29 October 2021 that according to DEM 2019, LDA confirmed that there was a natural drain on the site. The said authority also stated that given that natural drain falls within its purview, the matter would be looked into and if needed, it would have recourse to its Legal Advisor to initiate action against the person who had blocked the drain.

On 13 December 2021, Council informed that site visit effected at Camp Fouquereaux on 15 November 2021 revealed that the natural drain had been restored.

Action finally taken against illegal sawmill generating a continuous noise nuisance to neighbours

In an online complaint dated 27 August 2021, Mrs W.K. explained that since 12 April 2019, inhabitants of La Caverne No.2, Vacoas had reported the illegal operation of a sawmill in their locality, which had remained unresolved and was generating an unbearable noise nuisance.

Upon enquiry, the Municipal Council of Vacoas-Phoenix reported that a Notice of Intended Prosecution dated 6 February 2019 had been issued to the person operating the sawmill without having obtained a Building and Land Use Permit but a new Compliance Notice had to be issued afterwards in accordance with the provisions of the prevailing legislation. The person still failed to comply with both the Compliance Notice and a Pulling Down Notice and legal advice was sought on the way forward.

Finally, the Council lodged a criminal case against the person before the District Court of Curepipe on 17 May 2022 and Mrs W.K. was also assigned as witness.

Since the case was before the Court, Mrs W.K. was informed that our Office could not intervene further in this matter and she replied stating that **“I earnestly hope the matter gets resolved once and for all and we can live in peace after that. I appreciate your kind help in this matter”**.

ROD/C/14/2020

Application for State Land Lease made more than six years ago still not attended to by the Commission.

Complainant, an inhabitant of Camp du Roi, Rodrigues lodged a complaint with the Ombudsman on 23 September 2020 alleging that he made an application for State Land Lease for residential purposes in 2014 and since then he visited the Cadastral Office on several occasions for enquiry but did not receive any explanation.

He further averred that in the year 2018, he wrote a letter to the Island Chief Executive, requesting for an update of his application but did not obtain any feedback. He explained that he was married and currently renting a house. He added that since his spouse was expecting the residential lease would enable them to build their own house and plan for a better future for their child.

In October 2020, an investigation was initiated and the Departmental Head of the Chief Commissioner's Office confirmed the complaint made but stated that complainant had been informed that applications for residential lease since the year 2013 were still being processed.

After continuous follow-up with the Commission, we were apprised in July 2021 that complainant would be offered a plot where available in a parceling which had already been surveyed and that the lease was expected to be granted during the current year, that is, in 2021.

Written follow-up with the Commission concerned yielded no positive outcome and it was agreed to raise the matter with the Departmental Head on 09 September 2022 at Port Mathurin, during the yearly Official mission of the Ombudsman to Rodrigues.

The Departmental Head met the Ombudsman and stated that a residential lease had already been granted to the Complainant. A copy of the title deed confirmed the registration of the Agreement Document with the Survey Office, Rodrigues on 16 June 2022.

The Departmental Head also expressed her apology for the time taken to finalise the matter. This was due to the recent administrative changes at Central Administration following the election of the new members of the Rodrigues Regional Assembly.

Amendments to the scheme of service finally approved after our intervention

Mr D.L. wrote to our Office on 26 August 2021, stating that **“I have been assigned duties of Principal Forest Conservation and Enforcement Officer since eleven years. I have not been promoted to the post even I have completed Diploma required”**.

According to the Chief Commissioner’s Office, Mr D.L., a Senior Forest Conservation and Enforcement Officer (SFCEO) was assigned the duties of Principal Forest and Enforcement Officer (PFCEO) for the proper functioning of the Forestry services. Upon being queried why the post of PFCEO had remained vacant since 2010, we were apprised on 03 December 2021 that action had been initiated since the year 2019 to amend the scheme of service of PFCEO because the PRB Report 2016 had recommended that appointment to the grade of PFCEO be made from Officers in the grade of SFCEO possessing *interalia* a Diploma in Forestry whilst Officers in the Forestry and Fisheries Cadres had already been sponsored to follow a combined course leading to a Diploma in Forestry and Fisheries, a requirement of the existing scheme of service. This started on 10 February 2016 and was completed in June 2018. Subsequently, the High Powered Committee agreed in June 2019 for the Diploma in Forestry and Fisheries to be included under item ‘Qualifications’ in the scheme of service of PFCEO. However, the 2021 PRB Report again recommended that the combined Diploma course be discontinued and arrangements be made for Officers to follow the appropriate course, without any exception clause.

The Chief Commissioner’s Office rightly made a request to the Ministry of Public Service, Administrative and Institutional Reforms for the filling of vacancy on the basis of the existing scheme of service as Officers in the cadre had already followed the combined course. However, his request was not accepted on the fact that it would constitute a departure from the PRB Recommendation and the High Powered Committee.

During our visit to Rodrigues in September 2022, we received Mr D.L. who explained that the scheme of service was not yet prescribed and he has now been assigned the duties of Chief Forest Conservation and Enforcement Officer (CFCEO).

In view of the unacceptable state of affairs, the attention of the Ministry of Public Service, Administrative and Institutional Reforms was therefore drawn on 22 September 2022 to the effect that Officers both on the Agricultural and Fisheries Department are being assigned higher duties of funded positions for too long period of time and that such a situation should not be allowed to prevail.

On 06 December 2022, the Ministry reported that it was agreeable that action be initiated for amendments to be brought to the scheme of service of PFCEO in order to take into account the qualifications of all those Officers who have already followed the combined Diploma Course in Forestry and Fisheries so as not to debar them from promotion to the post of PFCEO. Additionally, the Pay Research Bureau was consulted on the proposed amendments to be brought to the scheme of service of PFCEO on 28 November 2022.

Mr D.L. was informed accordingly and we consider that, had it not been our intervention, this matter would have dragged on unnecessarily to the disadvantage of all those fourteen Officers who possessed the combined Diploma and have accepted to perform higher duties for more than 10 years in some cases for the smooth running of their Department, without any opportunity to be promoted.

The Ombudsman considers that the PRB has not given proper and sufficient attention to these Officers. It must also be noted that the PRB has equally erred in its 2021 Report in recommending a Bad Road Allowance to Forestry Officers operating in the Island of Mauritius while failing to do so in respect of Forestry Officers working in Rodrigues.

Short payment of salary during seven years rectified after our intervention

On 06 July 2022, we received a letter from Mrs N.R., Financial Operations Officer/ Higher Financial Operations Officer, alleging that Officers junior to her were drawing an equal or higher salary than her. She claimed having reported the matter to the Chief Commissioner's Office since the year 2018 but had never received any reply. Mrs N.R. added that her application for a car allowance was rejected although she met the conditions made in the PRB Report.

The matter was taken up with the Chief Commissioner's Office, which reported on 21 July 2022 that no representation had been received in the year 2018 regarding the alleged salary discrepancy. However, his Office would investigate in the matter. Regarding the claim for car allowance, we were apprised that same could not be acceded to since she did not fall under the category of Officers eligible for the payment, as provided for by the Pay Research Bureau.

Finally, in October 2022, this Office was informed that after examining the case of Mrs N.R., it was observed that she had been short paid following the publication of the 2016 PRB Report. Her salary was subsequently adjusted with effect from 01 January 2016.

Mrs N.R. was informed of the outcome of her case and we did not hear from her again.

This Office was satisfied that proper action was taken by the Chief Commissioner's Office when the issue of salary disparity was raised.

Inconveniences caused consequent upon construction of Stadium at Roche Bon Dieu

On 22 July 2022, complainant, Mrs. L. lodged a written complaint with the Ombudsman wherein she averred that the Commission of Youth and Sports was constructing a Stadium near her residence and that was severely affecting the health of her family particularly her son who suffered from various allergies and diseases. She also informed that at the time of lodging her complaint, she was in Mauritius attending to the medical treatment of her son and submitted Medical Certificates, and other useful documents such as Basic Invalid's Pension Card as proof to support her representations.

She stated that the access provided to her family and other residents as a result of the construction was not readily accessible and suitable particularly to her sick child and the elderly. She therefore appealed to the Ombudsman for a prompt intervention in order to abate the daily nuisances generated by the construction activities.

Following our investigation, it was reported on 08 August 2022 that Officers of the Commission for Youth and Sports etc.. had conducted a site visit at the locus for an analysis of the situation. It was thereafter decided to explore the option of opening a new access to the east side of her residence in order to provide a direct access to her place. The Commission had undertaken the necessary liaison with the authority concerned for appropriate land clearance for the construction of the access road at the earliest.

During the official trip to Rodrigues the Ombudsman decided to convene a joint site visit in the presence of all stakeholders including the Departmental Head, Surveyor, and Project Consultant on 09 September 2022 in order to make a visual assessment of the situation as well as the efficiency of the action taken by the Commission concerned.

The site visit revealed that an appropriate access had been restored but the volume of dust generated by the construction activity was indeed an on-going nuisance which had not been addressed by the Commission. The fencing, that is 'charlon' installed by the contractor to mitigate the impact of dust nuisance was found to be improperly secured and torn off at various parts and was thus ineffective in maintaining a sound environment within the vicinity.

The Ombudsman personally drew the attention of the Commission that after the commencement of the works, regular visits should have been undertaken to verify compliance with prevailing laws in force. Instead, although formal complaints were made by the inhabitants directly affected by the nuisance, corrective action took too long.

That delay allowed the consultant to continue breaching environmental legislation. This prolonged the pollution and led to a more distressful situation and unnecessary frustration of the inhabitants.

There was therefore a dire need to improve the prevailing situation and consideration should be given as a matter of urgency to the child's health condition. The following recommendations were made:

- (a) To consider the temporary or permanent relocation of complainant and her family on humanitarian and medical grounds;
- (b) Within 2 weeks to restore the 'charlon' fencing in order to better address the dust nuisance caused to the inhabitants;
- (c) To convene a meeting with complainant and other affected residents with a view to assessing the issue individually and come up with the best possible solution in an amicable manner;
- (d) To identify a separate access preferably away from the residence of the inhabitants, for vehicular movements and provide the inhabitants with a new and separate access;
- (e) To take such other remedial action in order to continually mitigate the dust nuisance and
- (f) To make appropriate arrangements for a drainage system as the construction had interfered with rain water evacuation.

The Commission has on 12 September 2022, submitted an implementation report wherein this Office took cognizance of the action taken. A follow-up report was also obtained on 08 November 2022 intimating that a meeting was held with the complainant at the seat of the Commission for an in-depth discussion concerning her complaint. It was agreed that the construction of a drainage system will be taken on board in the second phase of the project at time when the boundary wall will be constructed. As regard the relocation of the complainant, the latter was informed that the Commission was not envisaging her relocation for the time being in view of the remedial action already taken.

Complainant was informed of the action taken by the Commission and she did not revert to this Office for more assistance.

Complainant refunded her contributions to the National Savings Fund Unit seven months after her retirement

Complainant, (Ms. R.) a retired Health Staff of Rodrigues Central Administration, complained to the Ombudsman during a working trip in Rodrigues on 07 September 2022, that although she retired from the public service on 31 March 2022 her application for the refund of her contributions to the National Savings Fund, had till date not been effected.

Ms. R. was left not knowing whether the said Unit was effectively processing her application. Upon enquiry at the Social Security Office, she was told that a delay occurred due to a problem with the MRA. The lack of proper communication caused immense distress and compounded her suffering.

An investigation was initiated on 15 September 2022 and in a letter received on 28 October 2022, Ms. R. informed the Ombudsman, “Mo fine recevoir mo larget securite social de retraite – merci pou zotte laccueille”.

Subsequently, the Ombudsman was apprised by the Commission for Health and Others, Rodrigues Regional Assembly that Ms. R. entered a claim for refund of her contributions to the NSF on 01 April 2022 and that it was sent to NSF Unit in Mauritius for processing. The finalization of the award was delayed as the Ministry concerned had to seek some clarifications from the Mauritius Revenue Authority. The Commission for Health and Others confirmed on 12 October 2022, that a lump sum was awarded and credited to the bank account of Ms. R.

This case highlights once again that all public authorities should ensure timely responses and communications to the public.

Injury leave finally granted after two years of injury sustained at work

After nearly two years of an injury sustained at work, Mr C.L., a Nursing Officer wrote to us averring that he was still unaware of the report of the two Boards set up at the level of the Commission of Health to examine his case.

We immediately wrote to the Commission of Health and while a reply was being awaited, Mr C.L. again wrote to us stating that the delay for making a reply to him debarred him from entering an action in Court as per the prescribed limitation period. The Commission was apprised accordingly and requested to submit an immediate reply in this matter.

We eventually received a reply from the Commission of Health, wherein it was mentioned that the Reports of the Departmental Board and Injury Committee had already been submitted to the Island Chief Executive and a reply was being awaited.

The matter was therefore taken up with the Island Chief Executive and we were informed that approval had been conveyed for the 36.78 days of sick leave taken by Mr C.L. to be considered as injury leave.

Mr C.L. was informed accordingly and we did not hear from him again.

Complainant informed about Long Service Increment already paid to him

On 09 September 2022, Mr L.G., a retired public Officer wrote to us stating that he joined the public service on 01 July 1976 and no additional increment was paid to him for having completed 25 years of service. He also informed that he had retired from the service in July 2021 but as at date no payment for increment had been made to him at the time of retirement.

Upon enquiry, the Commission for Health & Ors informed us that approval was conveyed for the payment of the first Long Service Increment to Mr L.G. with effect from 01 February 2021 and payment of all arrears was effected to him on 27 October 2021. A copy of the payment transaction was also submitted as proof.

We therefore wrote to Mr L.G. on 17 October 2022 to inform him accordingly but we never heard back from him.

Non-payment of Service Retirement Pension to Complainant

Complainant, Mr. F., a retired Sub Fire Officer of Rodrigues Central Administration, complained through our online Complaint Form on 21 October 2022 that he retired from the Service on 18 July 2022 but was still awaiting the payment of his monthly retirement pension. He wished to be paid his pension as early as possible.

The investigation revealed that Mr. F had been paid his pension for period July to August 2022 on 01 August 2022. Moreover, the Account Form 237 had been referred to the Accountant General for the payment of his monthly pension as from September 2022.

He was therefore informed that arrangements were being made for the payment of arrears of pension for the month of September to November 2022 through his bank account.

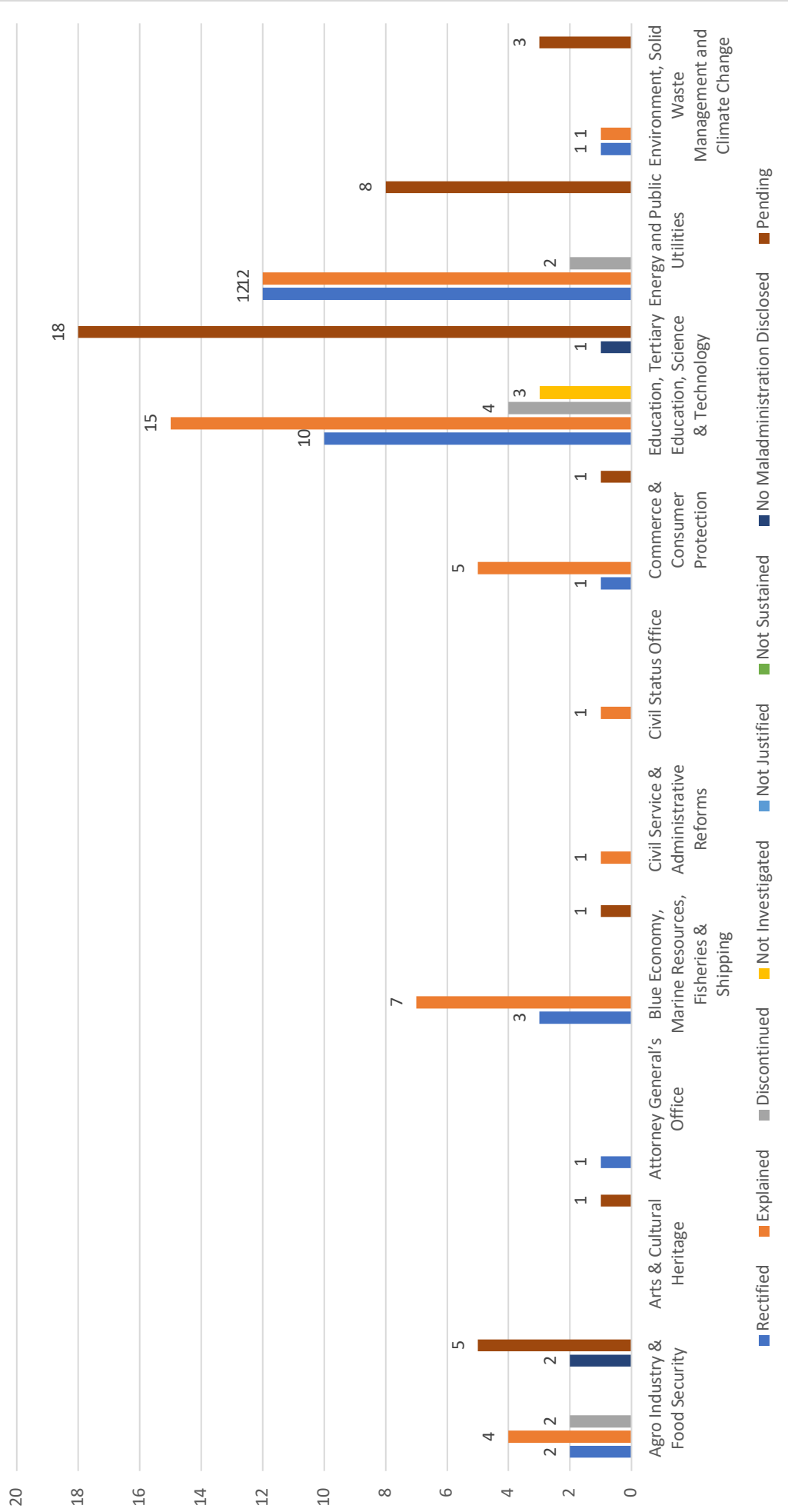
Mr. F. was apprised of the outcome on 21 November 2022 and he did not revert to this Office again.

OFFICE OF THE OMBUDSMAN

STATISTICAL SUMMARY OF COMPLAINTS

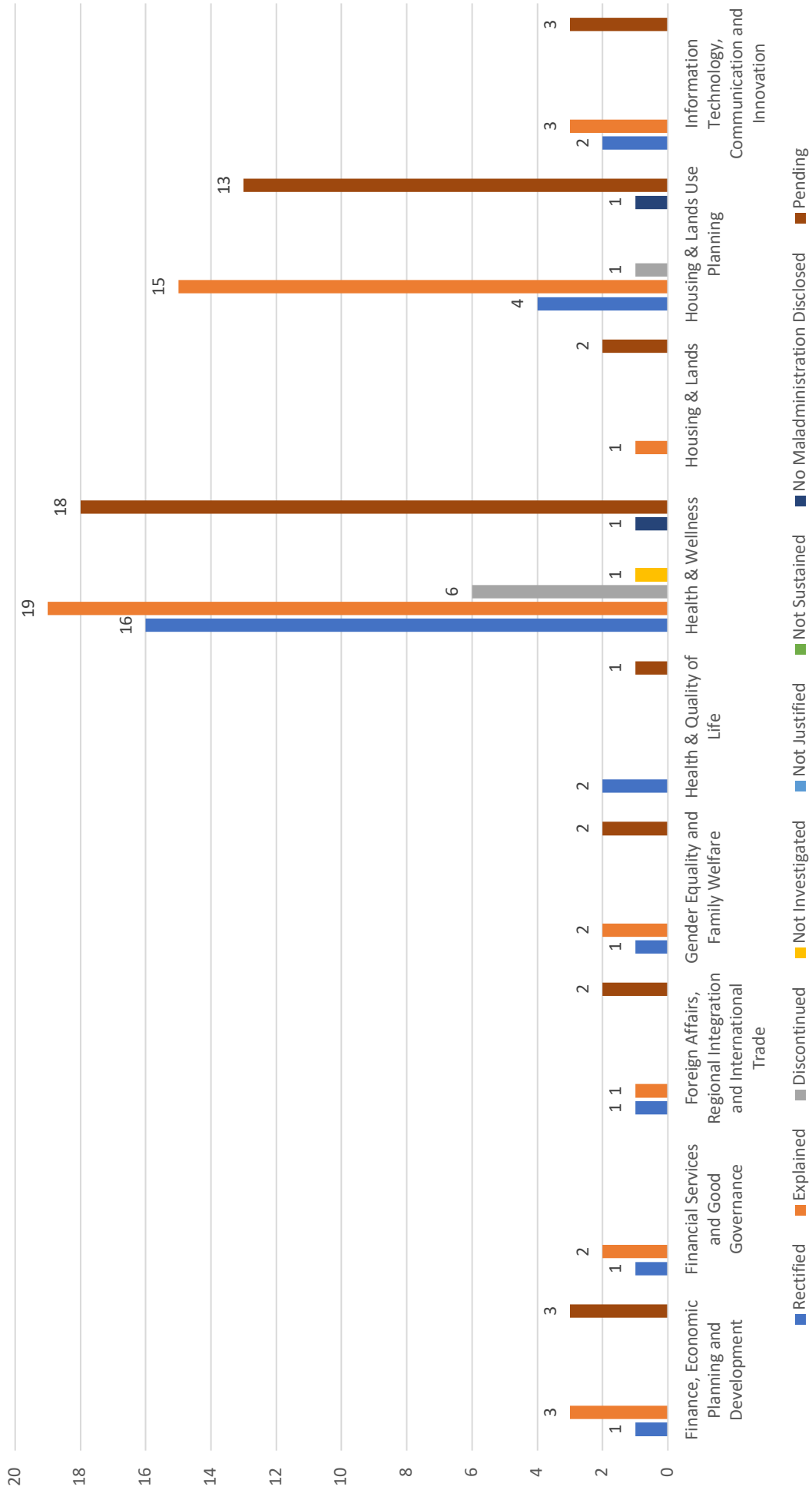
Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Justified	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Agro Industry & Food Security	2	4	2	-	-	-	2	5	15
Arts & Cultural Heritage	-	-	-	-	-	-	-	1	1
Attorney General's Office	1	-	-	-	-	-	-	-	1
Blue Economy, Marine Resources, Fisheries & Shipping	3	7	-	-	-	-	-	1	11
Civil Service & Administrative Reforms	-	1	-	-	-	-	-	-	1
Civil Status Office	-	1	-	-	-	-	-	-	1
Commerce & Consumer Protection	1	5	-	-	-	-	-	1	7
Education, Tertiary Education, Science & Technology	10	15	4	3	-	-	1	18	51
Energy and Public Utilities	12	12	2	-	-	-	-	8	34
Environment, Solid Waste Management and Climate Change	1	1	-	-	-	-	-	3	5
Carried forward	30	46	8	3	-	-	3	37	127

STATISTICAL SUMMARY OF COMPLAINTS



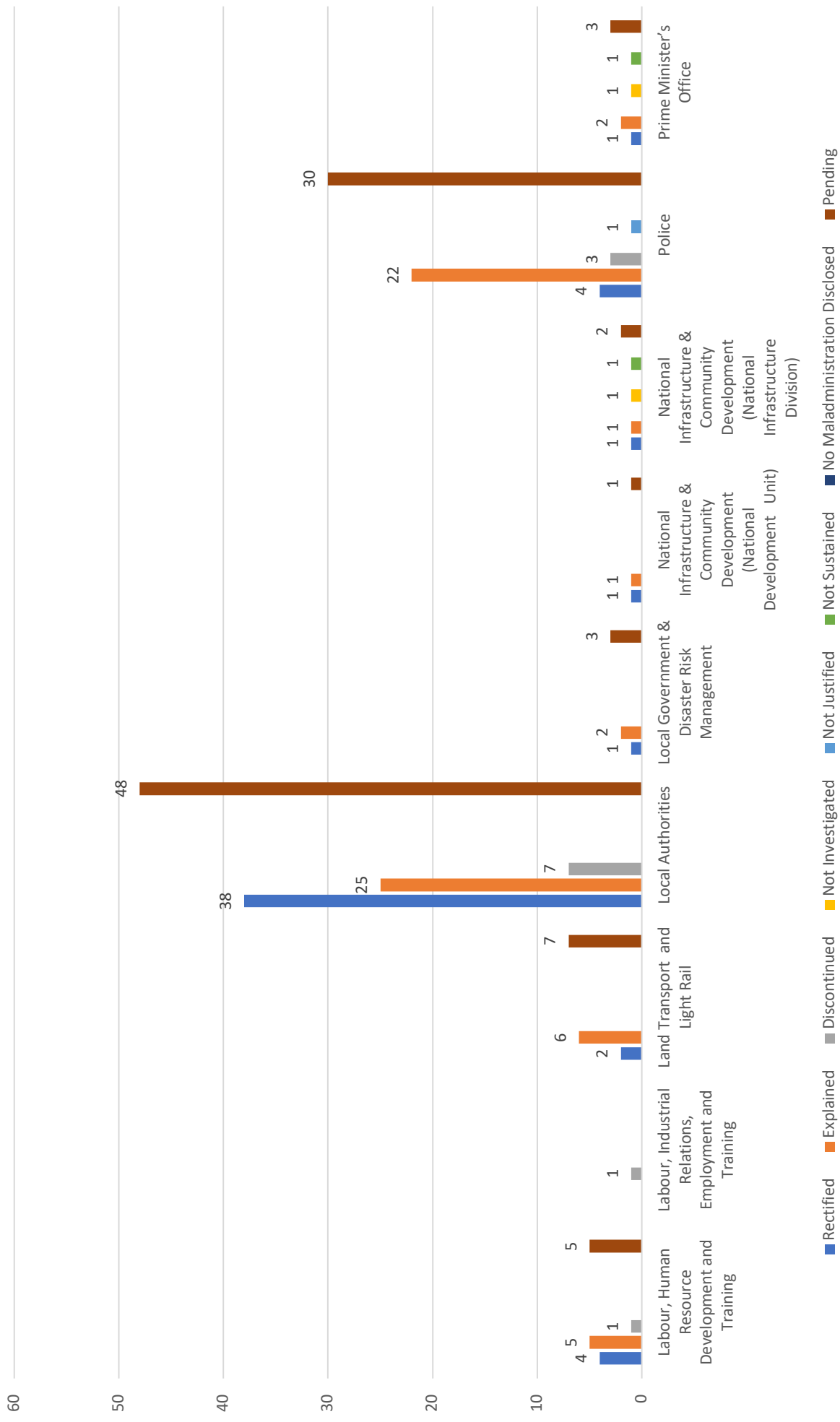
Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Justified	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	30	46	8	3	-	-	3	37	127
Finance, Economic and Development	1	3	-	-	-	-	-	3	7
Financial Services and Good Governance	1	2	-	-	-	-	-	-	3
Foreign Affairs, Regional Integration and International Trade	1	1	-	-	-	-	-	2	4
Gender Equality and Family Welfare	1	2	-	-	-	-	-	2	5
Health & Quality of Life	2	-	-	-	-	-	-	1	3
Health & Wellness	16	19	6	1	-	-	1	18	61
Housing & Lands	-	1	-	-	-	-	-	2	3
Housing & Lands Use Planning	4	15	1	-	-	-	1	13	34
Information Technology, Communication and Innovation	2	3	-	-	-	-	-	3	8
Carried forward	58	92	15	4	-	-	5	81	255

STATISTICAL SUMMARY OF COMPLAINTS



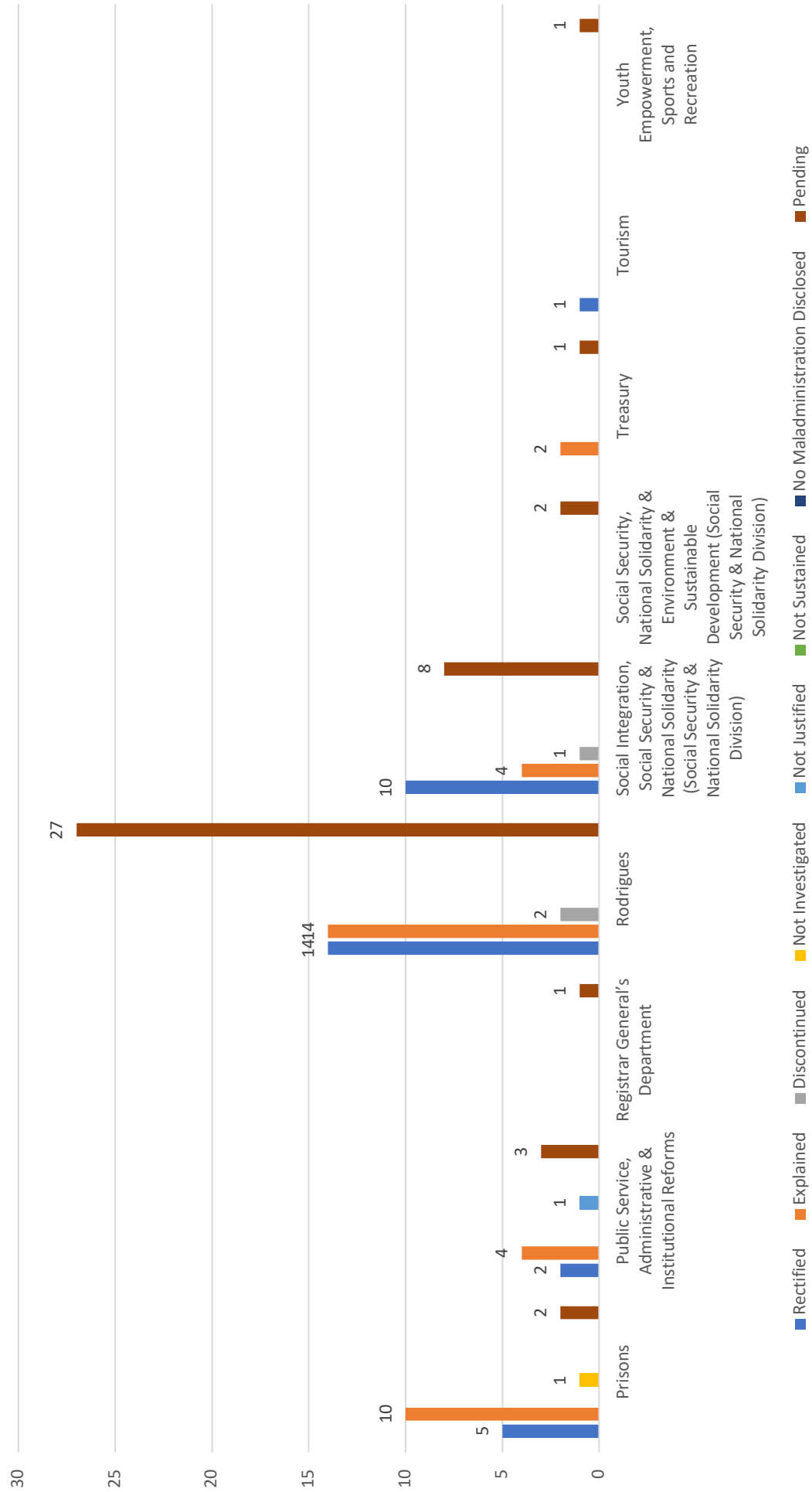
Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Justified	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	58	92	15	4	-	-	5	81	255
Labour, Human Resource Development and Training	4	5	1	-	-	-	-	5	15
Labour, Industrial Relations, Employment and Training	-	-	1	-	-	-	-	-	1
Land Transport and Light Rail	2	6	-	-	-	-	-	7	15
Local Authorities	38	25	7	-	-	-	-	48	118
Local Government & Disaster Risk Management	1	2	-	-	-	-	-	3	6
National Infrastructure & Community Development (National Development Unit)	1	1	-	-	-	-	-	1	3
National Infrastructure & Community Development (National Infrastructure Division)	1	1	-	1	-	1	-	2	6
Police	4	22	3	-	1	-	-	30	60
Prime Minister's Office	1	2	-	1	-	1	-	3	8
Carried forward	110	156	27	6	1	2	5	180	487

STATISTICAL SUMMARY OF COMPLAINTS



Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Justified	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	110	156	27	6	1	2	5	180	487
Prisons	5	10	-	1	-	-	-	2	18
Public Service, Administrative & Institutional Reforms	2	4	-	-	1	-	-	3	10
Registrar General's Department	-	-	-	-	-	-	-	1	1
Rodrigues	14	14	2	-	-	-	-	27	57
Social Integration, Social Security & National Solidarity (Social Security & National Solidarity Division)	10	4	1	-	-	-	-	8	23
Social Security, National Solidarity & Environment & Sustainable Development (Social Security & National Solidarity Division)	-	-	-	-	-	-	-	2	2
Treasury	-	2	-	-	-	-	-	1	3
Tourism	1	-	-	-	-	-	-	-	1
Youth Empowerment, Sports and Recreation	-	-	-	-	-	-	-	1	1
TOTAL	142	190	30	7	2	2	5	225	603

STATISTICAL SUMMARY OF COMPLAINTS



No.	Subject of Complaint	Result
<u>Agro Industry & Food Security</u>		
C/29/2019	No reply to letter addressed to Ministry.	Explained
C/5/2020	Forestry Surveyor acting unprofessionally.	Pending
C/171/2020	Complainant, a Senior Laboratory Auxiliary avers that his transfer within a span of 24 hours not justified and unfair.	Discontinued
C/106/2021	No decision taken regarding a request for adjustment of salary made by complainant since nearly two years.	Rectified
C/170/2021	Complainant contests the rejection of his application for a Land Conversion Permit.	Explained
C/205/2021	Application made for a Land Conversion Permit made a year ago not yet attended to.	Rectified
C/222/2021	Non-adjustment of Scientific Officer's salary.	No Maladministration disclosed
C/1/2022	Complainant, a Park Assistant, avers Mismanagement Issues.	Explained
C/54/2022	Relates to unfair dismissal from SIFB and claimed severance allowance. Case struck out in Court.	Discontinued
C/96/2022	Unauthorised use of government equipment and manpower on private property.	Explained
C/110/2022	The Irrigation Authority has made an appointment to a less qualified and experienced officer to the post of Workshop & Plant Supervisor.	Pending
C/138/2022	Application for the import of plant rejected by National Plant Protection Office.	No Maladministration disclosed
C/167/2022	Action not taken regarding continued harassment at work of a female Senior Officer by a Junior Officer working in same department as her.	Pending

C/221/2022	Complainant contests the rejection of his application for a land conversion permit at Circonstance, St. Pierre.	Pending
C/298/2022	Letter sent to the Ministry in November 2022 regarding “Ramsar Authorisation Clearance” remained unanswered after more than three weeks.	Pending
<u>Arts & Cultural Heritage</u>		
C/12/2022	Complainant not yet remunerated for assuming additional responsibilities.	Pending
<u>Attorney General’s Office</u>		
C/218/2021	No reply to letter addressed to the Attorney General’s Office.	Explained
<u>Blue Economy, Marine Resources, Fisheries and Shipping</u>		
C/161/2020	Compensation due to complainant on account of injury sustained by him whilst on duty still not paid after his retirement more than eleven months ago.	Rectified
C/130/2021	Complainant’s several appeals for the release of his Fisherman Card not attended to.	Explained
C/187/2021	Allegation of arbitrary decisions taken by the Top Management of the Ministry causing much anguish and frustration to Officers.	Pending
C/215/2021	Complainant avers retaliation following a complaint made to our Office about his unfair transfer.	Explained
C/8/2022	Refusal to approve lease extension at La Chau Barachois.	Explained
C/17/2022	Unfair rejection of authorisation to perform a part-time job.	Explained
C/48/2022	Unjustified transfer of Fisheries Protection Officer.	Explained
C/67/2022	Request for re-consideration of Transfer not entertained.	Explained
C/100/2022	Non-payment of allowances for additional dives performed by Officer of Mauritius Oceanography Institute.	Rectified

C/105/2022	Non-payment of dues for construction of coral nurseries by Mauritius Oceanography Institute more than 1½ months after delivery.	Rectified
C/275/2022	Advisor on Information matters performing technical duties of the Officer of the Fisheries Protection Service and interfering in their work.	Explained
<u>Civil Service and Administrative Reforms</u>		
C/99/2017	Objection to change Scheme of Service	Explained
<u>Civil Status Office</u>		
C/117/2022	Misbehaviour of Acting Principal Civil Status Offices during celebration of marriage.	Explained
<u>Commerce and Consumer Protection</u>		
C/17/2021	Failure by Ministry to enforce the law in respect of a defective freezer purchased by complainant.	Explained
C/143/2021	No reply to letter addressed to the Consumer Affairs Unit of the Ministry.	Explained
C/175/2021	Alleged inaction of the Ministry following a complaint made regarding after-sale service by a private concern.	Explained
C/116/2022	Non-extension of the warranty period of TV	Explained
C/128/2022	Complainants, a group of workers of STC Rodrigues, aver that they have written a letter to the General Manager of STC Rodrigues regarding their terms and conditions of service but have not received any reply.	Pending
C/202/2022	Complaint regarding sale of alleged defective car not attended to.	Explained
C/225/2022	Non-payment of Higher Qualification Incentive.	Rectified
<u>Education, Tertiary Education, Science and Technology</u>		
C/28/2020	Discrepancies in the extract of detailed record of complainant's attendance.	Explained
C/207/2020	Non-payment of incremental credits.	Explained
C/231/2020	Gross irregularities averred regarding the posting of a Deputy Rector to a State College.	Pending

C/28/2021	Request for letter re injury sustained at school not attended to.	Rectified
C/80/2021	Allegation of illicit practices causing harm to staff and students at school.	Rectified
C/127/2021	Complainant, an Educator, avers he has been compelled to carry out a task beyond his qualifications.	Explained
C/131/2021	Complainant, an Educator of the Ministry, avers her unfair and arbitrary transfer.	Explained
C/138/2021	Complainant avers “continuous harassment, humiliation, victimization and psychological stress” by the Rector of the school where she is presently working.	Discontinued
C/141/2021	Complainant, an Art and Design Educator, avers that according to the Private Secondary Education Authority, her Bachelor of Arts degree is not related to the subject she teaches.	Discontinued
C/164/2021	Complainant, an Educator, avers constant delays regarding payment of her salary.	Rectified
C/165/2021	Complainant, an Educator who contributes to a Group Pension Scheme administered by SICOM, claims not having received any reply regarding his new salary deductions.	Rectified
C/179/2021	Alleged irregularities at their workplace by non-teaching staff.	Pending
C/181/2021	Complainant, an Educator in a State College avers she is being “jeopardized” at her workplace and feels deprived of her rights.	Explained
C/188/2021	Complainant, a Senior Educator, avers that the Headmistress of the school where he work has failed to complete his final appraisal of performance (PMS).	Discontinued
C/14/2022	No reply to complainant’s request to be transferred to a school where she resides on ground of an ailment affecting her mobility.	Explained
C/29/2022	Request for action to be stayed regarding the filling of a vacancy for the post of Inspector, Specialised Schools/Day Care Centres.	Pending
C/33/2022	Appropriate action not taken regarding shortage of staff at Complainant’s workplace.	Not Investigated
C/57/2022	Action not taken regarding complaint made by a group of parents against a teacher at S. Gaya Government School, Quatre Bornes.	Not Investigated
C/59/2022	Application for Vacation Leave not approved.	Rectified

C/79/2022	Has not been provided with the opportunity to act as Foreman at the Maintenance Unit	Explained
C/98/2022	Cheating of a student during the BA (Hons) Business Accounting and Finance (cohort II) Examination at Open University of Mauritius.	Explained
C/108/2022	Vacation leave not approved by Ministry.	Discontinued
C/111/2022	Complainant, an Educator (Secondary) contests the Ministry's decision not to grant her study leave with pay to follow a Master's Course in Educational Studies.	Pending
C/113/2022	Request for Vacation Leave by Educator not approved by Ministry although internal arrangements made by Rector for work coverage.	Pending
C/120/2022	Application for vacation leave postponed although initially approved resulting in possible unnecessary expenses.	Rectified.
C/124/2022	Unfair dismissal.	Explained
C/136/2022	Repairs and Electrical works at D. Hurry Govt School, Goodlands not being undertaken.	Rectified
C/137/2022	Application to follow the BA (Hons) French of a Mature Student rejected.	Explained
C/145/2022	Teachers of Early Childhood Care & Education Authority against Management regarding filling of vacancies, decrease in pedagogical materials, replacement in other schools, etc.	Explained
C/147/2022	Disturbances during the conduct of the New Zealand Law Professional Exams at MES on 20 July 2022	Explained
C/150/2022	Harassment, Annoyance, Harm by people who are political agents.	Not Investigated
C/168/2022	Request for transfer not acceded to.	Explained
C/179/2022	The Complainant, a student contests the decision of the Open University of Mauritius to require completion of five modules instead of three for the completion of the Diploma in Social Work.	Pending
C/180/2022	Request for transfer of student from Ebene SSS to Mahatma Gandhi Secondary School Moka instead of Shrimati Gandhi State Secondary School not entertained.	Explained
C/181/2022	Lack of Amenities and Mismanagement at La Briquetterie Government School.	Rectified

C/189/2022	Request for change in posting not approved.	Explained
C/195/2022	PSEA did not consider Deputy Rector holding a Master's Degree in Educational Leadership & more than 31 years' experience for promotion to the post of Rector.	Pending
C/199/2022	Complaint against conduct, behaviour and work performance of General Worker at La Gaulette Government School.	Rectified
C/201/2022	Harassment, use of aggressive and abusive language by Rector against a School Superintendent.	Rectified
C/203/2022	Malpractices at Polytechnics Mauritius.	Pending
C/224/2022	Anonymous complaint from Educators regarding school mis-management, poor leadership and bullying in a State Secondary School.	Pending
C/233/2022	Request for Passage Benefits mishandled.	No Maladministration disclosed
C/239/2022	Complaints relating to filling of vacancies and malpractices at HRMD.	Pending
C/240/2022	Educator of Private Secondary School not paid salary by PSEA.	Pending
C/247/2022	Complaint relates to non-appointment as Chief Examiner for School Certificate Examinations.	Pending
C/265/2022	Complainant, a Primary School Educator, avers that a discrepancy in her salary has not been rectified although several letters were sent to the Ministry since 2018.	Pending
C/272/2022	Complainants, the Academic Staff Union of the Université des Mascareignes, contest the Report of the Higher Education Commission on Extra Teaching Allowances.	Pending
C/273/2022	Irregularities in promotion exercise at Hindu Education Authority.	Pending
C/280/2022	No assistance and support provided to a student, victim of sexual assault, and harassment at a State Secondary School.	Pending
C/284/2022	Complainant not satisfied with secondary school allocated to his daughter after	Pending

	completion of PSAC with five ONES(1) as results.	
C/285/2022	Primary School Educator avers that she is being overloaded with duties and responsibilities compared with her fellow educators.	Pending
<u>Energy and Public Utilities</u>		
C/74/2021	Payment of extra duty allowance still awaited by complainant.	Rectified
C/198/2021	C.E.B. Facilities Co. Ltd., a fully owned subsidiary of the Central Electricity Board, has failed to comply with an Order of the Redundancy Board.	Explained
C/216/2021	Non-payment of increment – anomaly in salary.	Explained
C/225/2021	Incorrect readings by the Central Water Authority since five years.	Discontinued
C/229/2021	Complainant avers he has been without tap water since almost one month. No action taken to remedy the problem.	Rectified
C/230/2021	Report of persistent water leakage made some five months ago not attended to yet.	Rectified
C/231/2021	Excessive bills from the Central Water Authority. No action taken in respect of complaint addressed to the said Authority.	Rectified
C/23/2022	Complainant, an Assistant Inspector at the Water Resources Unit avers he has several issues at work.	Explained
C/32/2022	No reinstatement done following excavation works carried out along a road – danger to road users.	Rectified
C/38/2022	Letter sent by some residents of Goodlands complaining about water supply on 27 December 2021 had remained unanswered by 17 February 2022.	Explained
C/39/2022	Damaged water pipe at Bathfield Road, Tranquebar.	Rectified
C/42/2022	Non-payment of remaining sick leave after resignation at CWA.	Rectified
C/50/2022	Tardy water connection at Plein Bois, L'Escalier.	Rectified

C/52/2022	New Application for Electricity Connection made to CEB since more than one year but no action taken so far.	Rectified
C/76/2022	Residents of Chamarel complain about defective water pipes which prevent regular water supply.	Explained
C/80/2022	Expensive claim by CWA for laying of pipes in connection with water supply.	Explained
C/84/2022	Complainant contests the Authority's decision to supply electricity in respect of an illegal construction for which a pulling down order has been issued by the Court.	Pending
C/86/2022	No action taken regarding "burst" water pipe near complainant's residence resulting in flooding of his yard.	Rectified
C/102/2022	CEB electric lines passing over complainant's house to provide electricity to his neighbor constitutes a danger and have to be displaced.	Rectified
C/132/2022	A broken water supply pipe causing inconveniences to complainant and neighbours.	Discontinued
C/142/2022	CWA main pipe HDPE at Impasse David, Roche Bois to be placed underground for security reasons.	Explained
C/153/2022	Delay in supplying Electricity to complainant at Goodlands following an application made one year ago.	Pending
C/160/2022	Action not taken following complaint made regarding accumulation of water within complainant's premises.	Pending
C/171/2022	Leakages from CWA water pipes at Inkerman Road, Coriolis Road and Royal Road, Rose Hill.	Pending
C/176/2022	Application for New Water Supply at St. Julien d'Hotman not entertained.	Explained
C/194/2022	Claim for off-site works for supply of water is too high and needs to be revised due to the limited scope of the works to be undertaken.	Rectified
C/196/2022	Application for water supply at Calodyne not entertained.	Explained
C/197/2022	Complainant still awaiting for a new CEB connection since 13 March 2022, date of application.	Pending

C/236/2022	Application for water supply at Pont Bon Dieu Branch Road, Brisee Verdiere not yet approved.	Explained
C/242/2022	Extension of facility to regularise names on electricity bills.	Pending
C/254/2022	No water supply at Cent Gaulettes Street, Mahebourg.	Explained
C/255/2022	Severe Disruptions in the supply of water.	Explained
C/260/2022	Malpractices at the Customer Service Department of CEB.	Pending
C/299/2022	Application for new water supply at Pointe d'Esny not entertained by CWA.	Pending
<u>Environment, Solid Waste Management & Climate Change</u>		
C/158/2022	Application for Beach Trader's Licence at Mont Choisy Public Beach not entertained.	Explained
C/162/2022	Breeding of cattle in a Residential area at Garrib Lane, Cap Malheureux.	Rectified
C/238/2022	Complainants, residents of Morcellement Blue Print, Circonstance, St. Pierre aver that constructions works at L'Avenir Smart City are causing them much inconveniences and is damaging their living environment.	Pending
C/241/2022	Action not taken by Authorities concerned regarding nuisances caused by Complainant's Neighbour.	Pending
C/274/2022	Reply not received regarding authorisation to use coal fly ash as construction material.	Pending
<u>Finance, Economic Planning and Development</u>		
C/246/2020	Complainant, Director of a private company, contests the decision of the Registrar of Companies to remove the said company from the Register of Companies.	Explained
C/9/2022	Request by a non-governmental and non-profit organisation to be registered as a charitable institution turned down.	Explained
C/188/2022	Employee of a Private Company complains that his Employer has not made any contribution in respect of his National Pensions Benefits.	Pending
C/212/2022	Request for alimony being paid to divorced wife to be deducted for income tax purposes not entertained.	Pending

C/216/2022	Request for transfer not acceded to although she has a very sick child with physical impairments.	Rectified
C/243/2022	Appointment/Promotion to the post of Principal Procurement and Supply Officer not effected.	Explained
C/253/2022	Request for change of posting of Public Officer (Procurement & Supply) nearer to his residence due to health issues.	Pending
<u>Financial Services and Good Governance</u>		
C/219/2021	No reply received to request for a meeting from the Asset Recovery Unit.	Explained
C/31/2022	No action taken since more than eighteen months regarding a request to lift a Freezing Order by the Financial Intelligence Unit.	Rectified
C/237/2022	Non-Payment of Refund of Mileage Allowance.	Explained
<u>Foreign Affairs, Regional Integration and International Trade</u>		
C/65/2022	Non-payment of telephone allowance by Ministry.	Explained
C/133/2022	Complainant not remunerated for assignment of higher duties.	Pending
C/152/2022	Non-payment of allowances during complainant's posting abroad.	Pending
C/169/2022	Former High Commissioner's complaints relate to non-payment of passage benefits and under-payment of salary resulting from miscalculation of leave taken.	Rectified
<u>Gender Equality and Family Welfare</u>		
C/152/2021	Complainant avers that her children have been victims of abuse but no action has been taken notwithstanding complaints lodged at the Child Development Unit and the Police.	Explained
C/72/2022	Request for assistance from CDU Goodlands for child Psychologist denied	Explained
C/88/2022	Building under responsibility of Ministry of Gender Equality at Goodlands left in derelict	Rectified

	state, causing nuisance to school children and the public.	
C/215/2022	Alleged harassment & malpractices at SOS Bambous Children's Village.	Pending
C/267/2022	Complainant has requested to no avail the CDU to protect her grand-daughter from abuse by her father.	Pending
<u>Health and Quality of Life</u>		
C/193/2017	Rejection of complainant's application for registration as Specialist in Obstetrics and Gynaecology.	Pending
C/157/2019	Several nuisances caused by rearing of livestock to nearby residents.	Rectified
C/185/2019	Recommendation by Ministry for complainant, who is to proceed abroad on a scholarship, to opt for leave without pay contested by complainant.	Rectified
<u>Health and Wellness</u>		
C/78/2020	Complainant not satisfied with the medical treatment received by his deaf brother at the hospital where the latter was admitted.	Pending
C/178/2020	Nursing Officer claims he has been transferred without justification – claims he has a health condition which requires him to do light duty.	Explained
C/20/2021	Continuous disturbing noise caused by complainant's neighbour's two air-conditioners. No action taken by authorities concerned.	Pending
C/44/2021	Salary, transport allowance, risk allowance and bank session not yet paid to complainant.	Rectified
C/88/2021	Noise pollution caused by carpenter's workshop opposite complainant's residence. No action taken by authorities concerned.	Explained
C/126/2021	Project for the manufacture of insecticide aerosols wrongly disapproved by the Dangerous Chemicals Control Board according to complainant.	Pending
C/161/2021	Noise nuisance reported to the "Police de L'Environnement". No action taken so far.	Pending

C/184/2021	Complaint by Nursing Officer of harassment and victimization at her workplace.	Explained
C/210/2021	Noise and air pollution caused by aluminium workshop.	Pending
C/213/2021	Physiotherapists/Senior Physiotherapists express serious concerns about ENT-COVID coverage and its serious implications.	Explained
C/226/2021	Complainant avers unfair deduction from his vacation leave in respect of a period during which he was on official mission.	Explained
C/3/2022	Harassment at workplace averred by Registered Nurse.	Not Investigated
C/5/2022	Redeployment of staff – Brown Sequad Mental Health Centre to A.G. Jeetoo Hospital.	Discontinued
C/6/2022	Management Support Officer of Bruno Cheong Hospital required to perform duties of Confidential Secretaries.	Discontinued
C/15/2022	Complainant avers that prejudice is being caused to him regarding assignment of duties.	Explained
C/21/2022	Complainant, a Trainee Nurse, contests excessive amount of bond to be refunded.	Rectified
C/22/2022	Non-Refund of unspent balance of social benefits to BSH patient.	Rectified
C/26/2022	Medical Certificate not issued five months after attending Medical Board.	Rectified
C/28/2022	Non-payment of passage benefits.	Explained
C/30/2022	Short payment for work done.	Explained
C/34/2022	Harassment and Victimization at workplace as there is no equity to fairness in Roster	Rectified
C/40/2022	Request by complainant, a Public Health & Food Safety Inspector, for the postponement of her transfer on medical grounds not entertained.	Explained
C/44/2022	Complaint against posting at Airport Health Office and Roster.	Explained

C/51/2022	Request for Medical Report of Complainant's father not acceded to by Ministry of Health & Wellness.	Explained
C/53/2022	Complainant contests the probationary period of 12 months upon her appointment as Specialised Nursing Officer after 3 years' traineeship.	Pending
C/58/2022	Complaint of professional misconduct against a doctor and a nursing officer.	Pending
C/69/2022	Questionable conduct/behaviour and unfair treatment at Long Mountain Hospital.	Explained
C/70/2022	Complainants averred that their applications for registration as specialists have not been processed as the University concerned is not listed in the Medical Council Regulations.	Rectified
C/71/2022	Mismanagement at Brown Sequad Mental Health Care Centre by Nursing Supervisor.	Rectified
C/73/2022	Bank Nurse Scheme at SSRN Hospital not fairly implemented causing prejudice to some employees.	Rectified
C/74/2022	Complainant avers that although she fully satisfied the PRB criteria, her application for leave with pay to follow a Master Course in Medical Physics under the African Scholarship Scheme has not been entertained.	Pending
C/75/2022	Complaints against irregular practices at Bruno Cheong Hospital Main Operating Theatre.	Discontinued
C/77/2022	Staff of Aids Units complaining against the Senior Specialised Aids Nurse for abuse, disrespect, insult and misuse of human resources.	Explained
C/78/2022	Health Care Assistants posted in office of Nursing Administrators misuse their authority to unfairly treat Nursing Officers.	Discontinued
C/81/2022	Harassment of staff, use of foul language, Bank Sessions not adequately used, etc. Deterioration of work environment due to attitude of Charge Nurse at Jeetoo Hospital (Samu Department).	Rectified

C/82/2022	Unprofessional behaviour of Nursing Officer and Attendant towards a Patient.	Rectified
C/90/2022	Malpractices at Souillac Hospital.	Rectified
C/106/2022	Transfer from Victoria to Jeetoo Hospital on flimsy grounds.	Rectified
C/107/2022	Complainant, a retired public officer, not satisfied with information provided to her by Ministry in respect of her salary & retirement benefits statements.	Pending
C/130/2022	Unfair transfer of cooks.	Explained
C/140/2022	Inappropriate medical treatment at Riviere du Rempart Area Health Centre besides unacceptable behaviour of treating medical officer.	Discontinued
C/151/2022	Assistance not yet provided to proceed to India for surgical operation.	Rectified
C170/2022	Application for leave with pay, not approved, to follow a Master's Course on Medical Physics offered under the African Scholarship Scheme.	Pending
C/174/2022	Lessor of building at St. Pierre has not received any reply in respect of his claim for remedial works from the Ministry concerned.	Pending
C/178/2022	Health Officers(Inspectorate Cadre) and Health Surveillance Officers complained about tardy payment of travelling allowances.	Rectified
C/191/2022	Unfair change in Posting of Nursing Officers.	Explained
C/192/2022	Unfair Treatment as regard to nomination of Medical Physicists for Training Courses.	Explained
C/208/2022	Favouritism in Posting of Nursing Staff at Mahebourg Hospital.	Explained
C/209/2022	Transfer to Victoria Hospital causing complainant many physical and mental problems.	No Maladministration disclosed
C/217/2022	Poor service at Brown Sequard Mental Health Care Centre Pharmacy.	Explained
C/227/2022	Abuses and Maladministration by Nursing Supervisor of Jeetoo Hospital, Port Louis.	Discontinued

C/230/2022	Request from Management Support Officers posted at the Finance Section to review the decision taken for them to process mileage bills.	Pending
C/245/2022	Enhanced pension benefits as a result of injury at work not paid to complainant on his retirement.	Pending
C/246/2022	Distribution of Bread in metallic containers without cover.	Rectified
C/252/2022	Request for payment of allowance in respect of the Covid-19 Laboratory Information Management System not yet approved.	Pending
C/259/2022	Health Care Assistant/Senior Health Care Assistant not performing their duties to the standards expected at Victoria Hospital.	Rectified
C/263/2022	Failure by Medical Practitioner to identify, notify, and find appropriate treatment for broken ribs.	Explained
C/266/2022	Letters of complaint addressed to Ministry regarding non-payment of allowance remained unanswered.	Pending
C/287/2022	Non-Payment of allowances to complainant, a Medical Officer, for shouldering higher responsibilities.	Pending
C/288/2022	Discrimination regarding selection of SAMU Nurses to accompany patients abroad.	Pending
C/290/2022	Refusal by Jeetoo Hospital Pharmacy to issue medication for 6 weeks although prescription stated that medication should be for that period on ground that medication is issued for 4 weeks only.	Pending
<u>Housing and Lands</u>		
C/8/2019	Complainant's request for an access road from her house to the main road not yet considered since fifteen years.	Pending
C/63/2019	1 ^o Lease agreement of complainant's father never finalized. 2 ^o Squatting reported by complainant not attended to.	Pending

C/189/2019	Deed of sale of house occupied by complainant not yet signed since some seven years.	Explained
<u>Housing and Land Use Planning</u>		
C/89/2021	Application for lease of State land made since two years has remained without any reply.	Explained
C/114/2021	No reply to application for the purchase of State land made more than two years ago.	Pending
C/139/2021	Request by complainant for renewal of his lease of a portion of State land which was originally leased to him but which the Ministry has retrieved for failure to develop same.	Explained
C/144/2021	Complainant awaiting for payment of compensation in respect of land acquired from him by the Ministry since more than three months.	Explained
C/150/2021	No compensation paid yet for land compulsorily acquired ever since May 2009.	Pending
C/154/2021	No reply made by Ministry to complainant's application to purchase a certain plot of land.	Discontinued
C/163/2021	Survey Technicians and Senior Survey Technicians aver being compelled to do some tasks outside their Scheme of Service.	Explained
C/190/2021	Request for Valuation Report made more than three months ago not yet attended to.	Explained
C/204/2021	Application for Pin Code not processed by Ministry.	Explained
C/209/2021	Application for Pin Code not processed by Ministry.	No Maladministration disclosed
C/214/2021	Reply to application for a transfer of lease made some 9 months ago still awaited.	Explained
C/228/2021	No reply to request for reinstatement of a damaged fencing near complainant's business premises.	Explained
C/232/2021	Complainant avers he has been waiting since 16 years for his final contract in respect of his "deed lease grant" from the Ministry.	Rectified

C/16/2022	No reply from Ministry concerning compensation in respect of land compulsorily acquired by Government.	Explained
C/24/2022	Complainant avers he has been waiting since two months for his PIN CODE applied for.	Explained
C35/2022	Complainant cannot have access to his property at Cap Malheureux as neighbour have constructed a septic tank on state land road leading thereto.	Pending
C/37/2022	Complainant awaiting reply to application for a transfer of lease made five months ago.	Rectified
C/135/2022	Application for financial assistance to purchase state land on which stands Ex CHA Housing Unit not approved after more than seven years.	Explained
C/143/2022	Delay in Processing Payment for Compulsory Acquisition of Land.	Rectified
C/144/2022	Financial Assistance not provided by Ministry for purchase of Ex-CHA land at Candos Housing Estate.	Pending
C/155/2022	Rejection of application for grant of “droit de sur-elevation” for daughter of Complainant to construct on existing building.	Explained
C/164/2022	Illegal construction on State land (green space) causing prejudice to inhabitants of Black River Road, Richelieu.	Pending
C/166/2022	Complainant contests the extent of land being compulsorily acquired and the quantum of the compensation.	Pending
C/185/2022	Obstruction of access to public beach at Coastal Road, Pointe aux Cannoniers.	Pending
C/186/2022	The Ministry has withdrawn a letter of intent addressed to complainant in respect of a lease for an industrial site without reasonable justification.	Pending
C/205/2022	Complainant contests the “Notice to Squatter” issued to him by Ministry of Housing for illegal occupation of State land at Railway Land, Curepipe Road.	Pending

C/218/2022	Application for Pincode for subdivision of Land delayed.	Explained
C/228/2022	Abuse of Authority by Ministry regarding conditions imposed in Letters of Intent/ Morcellement Permits.	Explained
C/231/2022	Application for PIN Code Rejected.	Pending
C/244/2022	Illegal occupation of State land by squatter causing nuisances to residents in the vicinity.	Pending
C/248/2022	Delaying Tactics and Maladministration at the Ministry of Housing Survey Division.	Explained
C/258/2022	Allegation of corrupt practices in respect of State land leases.	Pending
C/262/2022	Financial Assistance for casting of slab in respect of house construction at Brisée Verdière not yet effected although approved.	Rectified
C/283/2022	Complainant avers that he is still waiting for his morcellement permit at Engrais Cathan after an application made in 2019.	Pending
<u>Information Technology, Communication and Innovation</u>		
C/7/2022	Promotion overdue since July 2021 averred by five Lead Programme Managers.	Rectified
C/13/2022	Complaint to National Computer Board about security of information with regard to personal data of individuals.	Explained
C/93/2022	Salary of complainant was wrongly adjusted as this should have been done in accordance with PRB Report 2016.	Pending
C/97/2022	Complaint about warning for unsatisfactory conduct and behavior administered by Permanent Secretary, Ministry of Information Technology, Communication and Innovation, under Regulations 42(3) of PSC Regulations.	Explained
C/101/2022	Not receiving letters posted to complainant's address, viz, CEB/Brinks invoices and letters from MCB and other letters, etc.	Explained
C/127/2022	Non-receipt of parcels and letters sent from abroad.	Rectified

C/289/2022	Allegations of malpractices at the Ministry of Information Technology, Communication & Innovation.	Pending
C/291/2022	Letter requesting whether time-off would be granted to Officer having followed online course after working hours has remained unanswered.	Pending
<u>Labour, Human Resource Development and Training</u>		
C/33/2021	Complaint lodged at Ministry but no response is forthcoming.	Pending
C/155/2021	Complaints made at Labour Office regarding discrimination at work since more than six months not attended to.	Discontinued
C/168/2021	Complainant avers no appropriate action taken following her complaint to the Ministry alleging unjustified termination of employment.	Explained
C/233/2021	Non-payment of responsibility allowance.	Rectified
C/11/2022	Non-implementation of order of Redundancy Board to reintegrate employee.	Explained
C/19/2022	Registration of Boiler and Machine Operator not in conformity with legislation.	Explained
C/89/2022	Tardy recording of statement in relation to unjustified dismissal.	Rectified
C/104/2022	Non-issue of testimonials to YEP trainees.	Rectified
C/109/2022	Registration for employment at Employment Office has not been considered since 2005.	Explained
C/129/2022	Complaint lodged at Labour Office not entertained.	Pending
C/184/2022	Increments for years 2019/2020 not paid to complainant.	Explained
C/211/2022	Non Payment of stipend to Trainees under the NTRS Scheme of HRDC.	Rectified
C/223/2022	Complainant avers that his contract of employment has been unreasonably terminated.	Pending

C/251/2022	Complaint of unfair suspension and dismissal following intimidation and harassment at work against senior public official.	Pending
C/261/2022	Complaints of malpractices by Management regarding Union matters.	Pending
<u>Labour, Industrial Relations, Employment and Training</u>		
C/184/2019	Non-payment of additional remuneration to certain Carers and no job security.	Discontinued
<u>Land Transport and Light Rail</u>		
C/198/2019	Complainant avers that an Officer at the then National Transport Authority has established a “certificat de gage” without his knowledge or authorisation.	Explained
C/53/2020	Different approaches by Officers of the National Land Transport Authority while dealing with contraventions.	Pending
C/162/2021	Unauthorised garage construction on the road.	Explained
C/183/2021	Complainant avers an abuse of the number of convocations in connection with the operation of his bus.	Explained
C/18/2022	Request for prompt intervention concerning a matter of road safety not attended to by authorities concerned.	Explained
C/20/2022	Complainant denied access at the Office of the National Land Transport Authority (NLTA).	Explained
C/91/2022	Request for traffic control thro’ provision of double yellow lines and no parking zone not attended to (at Begue Street, Hollyrood No. 1, Vacoas).	Rectified
C/92/2022	Alternative Arrangements and agreement reached in year 2021, following a 2016 Court Order, not yet implemented.	Pending
C/115/2022	Petition from inhabitants of Bel Air Riviere Sèche to convert Balmick and Ramgatty Roads into a one-way road system not considered by District Council.	Pending
C/119/2022	Bus Conductor of CNT refused to switch off radio music from loud speaker and insulted complainant.	Explained

C/149/2022	Complainant made a statement at the NLTA but did not receive any reply despite several reminders sent to enquire about outcome.	Pending
C/165/2022	Unsatisfactory Bus Service along bus route No. 194 not resolved despite petition made by inhabitants concerned to NLTA.	Pending
C/177/2022	Complaints relate to public transport problems along route No. 18.	Pending
C/222/2022	Marking of Double Yellow Line on a Private Passage in front of Complainant's Residence.	Rectified
C/268/2022	Request for cancellation of "gage sans déplacement" already issued in respect of a total-loss vehicle, which was subsequently repaired, not entertained by the NLTA.	Pending
<u>Local Authorities</u>		
LA/C/98/2018	Report of poor sanitation and security hazard, etc. made since more than two years. No action taken.	Rectified
LA/C/24/2019	Health and odour nuisances caused by pig-breeding by complainant's neighbour.	Explained
LA/C/118/2019	Stone crushing activities near complainant's residence are a source of noise nuisance. No action taken by authorities concerned.	Rectified
LA/C/4/2020	Illegal construction put up by complainant's neighbour. No action taken so far.	Rectified
LA/C/25/2020	Complaint against an illegal dormitory made to the concerned authority more than a year ago. No action taken so far.	Pending
LA/C/30/2020	No action taken regarding obstruction of natural water course reported to Council.	Rectified
LA/C/40/2020	No reply received in respect of a complaint against a commercial property not respecting conditions imposed by Council.	Rectified
LA/C/55/2020	Illegal constructions reported to Council but no action taken.	Rectified
LA/C/59/2020	Illegal erection of wall reported to authority concerned but no reply received.	Rectified

LA/C/62/2020	Complainant contests the Notice served on him by the Council.	Rectified
LA/C/68/2020	No action taken by Council to remove or demolish an illegal construction.	Explained
LA/C/76/2020	Prejudice and disturbance caused to complainants by the erection of a barber's shop next to their residence operating in an illegal way. No action taken by authorities.	Rectified
LA/C/82/2020	Objection to the issue of a Licence of Dealer in liquor and alcoholic products.	Explained
LA/C/87/2020	Illegal building put up next to complainant's house. Matter reported to the Council but no action has been taken.	Explained
LA/C/92/2020	Dangerous condition of block wall near set of traffic lights reported to Council. No action taken.	Rectified
LA/C/8/2021	Problem of noisy slab on road where complainant lives. No action taken by Council.	Rectified
LA/C/11/2021	Food snack operating on the pavement – a source of nuisance to neighbourhood because of heavy smoke.	Rectified
LA/C/14/2021	Illegal construction re-started. Matter reported to Council. No action taken.	Pending
LA/C/18/2021	Objection by nearby residents against the installation of a technical area, comprising of transformer room, generator room, pump room, wastewater treatment plant, ICT room and water tanks in relation to a project – several nuisances averred.	Explained
LA/C/20/2021	Conversion of building into flats without authorisation. Various sanitary and other problems caused by occupants. No action taken by authorities.	Pending
LA/C/22/2021	Objection to an application for the conversion of an existing building to a storage of flour.	Explained
LA/C/34/2021	Illegal building and other nuisances reported by complainant to the Council since three months. No action taken so far.	Explained

LA/C/35/2021	No further action taken following Notice served on offender for operating a food place without the required Building and Land Use Permit (BLUP)	Pending
LA/C/40/2021	Illegal operation of car wash – matter reported to Council but no action taken so far.	Rectified
LA/C/42/2021	Constant noise emanating from illegal sawmill. Matter reported to “concerned authorities” since more than two years. No action taken so far.	Rectified
LA/C/43/2021	Objection against a proposed new mechanical workshop and car wash in a residential zone.	Rectified
LA/C/44/2021	Harassment at workplace averred by complainant, an Infant School Supervisor employed by the Council.	Discontinued
LA/C/46/2021	High risks of future flooding feared by complainant. Matter referred to Council but no action has been taken.	Rectified
LA/C/48/2021	Flooding caused by blocked drains.	Rectified
LA/C/51/2021	No action taken following complaint of illegal construction.	Explained
LA/C/53/2021	Allegation by complainant of a construction next to her property without observing statutory distance. No action taken by authorities concerned.	Pending
LA/C/54/2021	Noise and massive traffic congestion caused by lorries and construction of building without respecting statutory distance.	Explained
LA/C/57/2021	Emission of toxic and dangerous fumes from workshop.	Discontinued
LA/C/58/2021	Flooding along street in Port Louis. Matter reported to Council but no action taken.	Pending
LA/C/59/2021	Overgrown vegetation next to complainant’s house causing much inconvenience to his family and neighbours.	Rectified
LA/C/60/2021	Objection to the conversion of a residential property into a dormitory in a quiet neighbourhood – awaiting reply from the Council.	Rectified

LA/C/61/2021	Request by complainant, a retired Principal Finance Officer, for certain unpaid dues.	Rectified
LA/C/62/2021	Averment of unnecessary delay by Council to enable the complainant, a private company, to obtain a Morcellement Permit.	Rectified
LA/C/63/2021	Several modifications brought to a small watercourse on complainant's property by the Council without his authorisation.	Explained
LA/C/66/2021	Complainant contests claim for payment issued by the Council.	Explained
LA/C/67/2021	Objection to application by a third party for the construction of a dormitory in a residential area.	Explained
LA/C/69/2021	Failure by Council to repaint yellow lines as requested by complainant.	Rectified
LA/C/70/2021	Noise disturbance and other nuisances caused by stone-grinding activities next to complainant's house.	Explained
LA/C/71/2021	Complaint concerning a septic tank in front of complainant's entrance door not attended to since more than a year.	Explained
LA/C/72/2021	Illegal extension of commercial premises leased by complainant etc. No action taken by Council.	Discontinued
LA/C/73/2021	Objection to the construction of an Islamic Centre as it is feared that it will operate as a mosque.	Discontinued
LA/C/74/2021	Complaint concerning a commercial building as an extension to an existing building opposite complainant's residence poses a number of problems.	Rectified
LA/C/75/2021	Illegal construction reported to Council. Complainant not yet informed of outcome of visit effected by Officers of the Council.	Explained
LA/C/76/2021	Illegal construction of wall reported to Council. No concrete action taken so far.	Pending
LA/C/77/2021	Inaction regarding illegal construction averred by complainant.	Pending

LA/C/78/2021	Construction permit granted in spite of objection by complainant.	Pending
LA/C/79/2021	No action taken in respect of several complaints regarding an illegal cattle farm operating without permit close to a residential area thus causing great inconvenience to nearby families.	Explained
LA/C/80/2021	Complaint regarding the height of a wall being constructed by complainant's neighbour. Matter reported at the Council since a year. No action taken so far.	Discontinued
LA/C/1/2022	District Council did not take any action following a complaint made for obstructing public road at Rago Lane, Terre Rouge.	Pending
LA/C/2/2022	Request for the removal of a wild tree on the side of a road which has caused damage to wastewater pipes.	Rectified
LA/C/3/2022	Complainant contests pulling down order served on his wife.	Rectified
LA/C/4/2022	Flower box constructed by complainant's neighbour causes a number of problems. Matter reported to Council since more than two years but no action taken so far.	Pending
LA/C/5/2022	Illegal extension of building next to complainant's building. Matter reported to Council since more than a year but no action taken yet.	Explained
LA/C/6/2022	Air-conditioning system installed by complainant's neighbour causes major inconvenience.	Rectified
LA/C/7/2022	Complaint against construction of two staircases without Building and Land Use Permit at Pointe aux Sables.	Rectified
LA/C/8/2022	No action taken by Council to enforce removal of illegal construction of a gate on a public road which blocks public access in spite of Court Order.	Pending
LA/C/9/2022	Obstruction of water flow at Tipont, Sans Souci River.	Rectified

LA/C/10/2022	Illegal construction and operation of fast food outlet at Abercrombie, Ste. Croix.	Pending
LA/C/11/2022	Illegal construction by Neighbour.	Explained
LA/C/12/2022	Noise pollution by Aluminium Workshop in Residential Area at Plaine Verte	Rectified
LA/C/13/2022	Illegal rearing of goats and sheep in a residential area.	Pending
LA/C/14/2022	Illegal construction by Neighbour on Complainant's Property.	Explained
LA/C/15/2022	Action not taken to abate nuisance arising from a bareland adjacent to complainant's residence.	Pending
LA/C/16/2022	Anonymous complaint (from inhabitants of the Region) against construction of a food-processing factory in a mixed agricultural and residential area at Esperance Trébuchet.	Pending
LA/C/17/2022	Complainants, a 68 year old couple, are affected by the noise nuisance of water pump of a car wash at Beau Vallon.	Pending
LA/C/18/2022	Request for continuation of tarring of road up to complainant's residence not acceded to.	Pending
LA/C/19/2022	Action not taken to alleviate the problem of water accumulation on road during heavy rainfall at Allée Brilliant.	Pending
LA/C/20/2022	Action not taken against an illegal construction adjacent to complainant's property.	Pending
LA/C/21/2022	Discharge of rainwater on public road at R. Ollier, Quatre Bornes.	Rectified
LA/C/22/2022	Alleged illegal construction of Boundary wall on Road Reserve.	Pending
LA/C/23/2022	Discharge of water on Public Road affecting neighbourhood.	Pending
LA/C/24/2022	Complainant not satisfied with action of Authority in respect of obstruction on road access.	Explained
LA/C/25/2022	No action taken by Council in respect of conversion of an existing residential building	Pending

	into a store in a Morcellement at Reunion, Vacoas.	
LA/C/26/2022	Construction of boundary wall contrary to approved plan at Birmingham Lane, Calebasses.	Pending
LA/C/27/2022	Illegal construction and operation of a General Retailer's Shop & Victualler on complainant's property.	Pending
LA/C/28/2022	Complainant alerted Council about an illegal construction without permit but no legal action was taken against the Developer.	Pending
LA/C/29/2022	Action not taken by District Council regarding damaged property following works carried out by neighbour.	Pending
LA/C/30/2022	Unprofessional Management and favoritism practiced by Chief Executive.	Discontinued
LA/C/31/2022	Complainants contest an application for Outline Planning Permission made to the Council for the construction of a G+5 Building at Nalletamby, Phoenix.	Pending
LA/C/32/2022	Obstruction of Access Road at Queen Victoria.	Explained
LA/C/33/2022	Appropriate & Timely action not taken by the Council against an illegal development next to Complainant's Residence despite a complaint made to the Council since one year.	Pending
LA/C/34/2022	Illegal construction by neighbour who has not respected regulatory distance in breach of Building Act.	Rectified
LA/C/35/2022	Action not taken regarding illegal construction by complainant's neighbour on a common road and sanitary nuisance caused by refuse bin.	Pending
LA/C/36/2022	Illegal construction of Neighbour on boundary wall of complainant.	Rectified
LA/C/37/2022	(i) Discharge of rainwater directly on Laurate Road, Montagne Blanche by residents. (ii) Accumulation of rainwater on the Road after heavy rain due to lack of proper drainage system.	Rectified

LA/C/38/2022	Illegal construction by Neighbour on Complainant's Property at Camp Diabie.	Rectified
LA/C/39/2022	Action not taken against illegal construction carried out by complainants neighbour on the boundary wall in 2019.	Pending
LA/C/40/2022	Complainant avers that a Building and Land Use Permit issued in 1994, in respect of a building at Avenue Berthaud, Quatre Bornes cannot be considered as valid for the operation of a new snack in 2022 long after closure of first commercial activity.	Pending
LA/C/41/2022	Illegal Dumping in a Residential Area reported in the Press.	Pending
LA/C/42/2022	Free passage on a public access denied to complainants through placing of concrete blocks by neighbour.	Pending
LA/C/43/2022	No reply received regarding request for road handrail at Ville Noire.	Pending
LA/C/44/2022	Fixing of lantern at Lateral Road, Goodlands not undertaken.	Explained
LA/C/45/2022	Tardy approval of Building Permit.	Rectified
LA/C/46/2022	Subdivision of a portion of land for the benefit of heirs at Solitude (Triolet) not approved.	Rectified
LA/C/47/2022	Complainant sought the intervention of Ombudsman's Office into a case of obstruction of public road as she avers that the Council has not taken any action on her complaint.	Pending
LA/C/48/2022	Faulty street lamps at Hawk Lane, Camp Caval, Curepipe not replaced by Municipal Council.	Rectified
LA/C/49/2022	Application for Building & Land Use Permit set aside at Avenue des Talipots, Quatre Bornes.	Explained
LA/C/50/2022	Action not taken by Council on alleged illegal construction reported more than two months since complaint made.	Pending
LA/C/51/2022	Council did not take necessary action to stop the continuation of the construction, at	Pending

	Enniskillen Street, Port Louis, undertaken contrary to approved plans.	
LA/C/52/2022	Rejection of Application for Residential Development at Morcellement Bismic, Flic en Flac.	Explained
LA/C/53/2022	Illegal operation of electrical workshop on a Public Road at Curepipe.	Pending
LA/C/54/2022	Discharge of wastewater by Complainant's neighbours at Swadesh Street, Vallée des Prêtres.	Discontinued
LA/C/55/2022	Action not taken by Council for refund of Municipal Rate paid by complainant.	Pending
LA/C/56/2022	Illegal construction of enclosure wall along a private access at Teeluck Lane, Church Road, Notre Dame.	Pending
LA/C/57/2022	Complainant avers that she has reported a case of illegal construction at the Council and several other Authorities but concrete action has not yet been taken.	Pending
LA/C/58/2022	Action not taken by Council against illegal construction of building on boundary reserve.	Pending
LA/C/59/2022	Request for rental paid during lock-down period to be waived and allocated to payments for post-lockdown period.	Explained
LA/C/60/2022	Malpractices at Notre Dame Village Council.	Pending
LA/C/61/2022	Damages to Public Road and alleged construction of a boundary wall without BLUP.	Pending
LA/C/62/2022	Pollution in a residential area arising out of rearing of poultry, etc.	Rectified
LA/C/63/2022	Complainant contests the declaration of a private road into a public road at Savanne Road, Nouvelle France.	Pending
LA/C/64/2022	No reply received from Municipal Council of Vacoas-Phoenix regarding request for tarring & lights along a common access road at clairfonds, Phoenix.	Pending
LA/C/65/2022	No reply received within the statutory delay by Complainant to an email sent to the Council.	Pending

Local Government, and Disaster Risk Management

C/135/2021	Complainant, an Internal Control Officer/Senior Internal Control Officer, avers that managerial ethics have not been respected in her case thus causing her prejudice in her career prospect.	Pending
C/193/2021	Objection to a proposed development in a residential area – negative impact averred by complainant.	Explained
C/43/2022	Non-Payment of Salary and Bonus during Officer’s leave abroad.	Rectified
C/55/2022	Potential hazards from undergrowth vegetation and coconut trees in an abandoned land where owner could not be traced – next to complainants residence not removed.	Pending
C/126/2022	Unprofessional Management and favoritism practiced by Chief Executive.	Explained
C/300/2022	Corruption and malpractices by Chairman of a District Council.	Pending

National Infrastructure and Community Development (National Development Unit)

C/2/2022	Damage caused by the N.D.U. to complainant’s property during construction of a drain project. No repairs carried out since five months.	Rectified
C/41/2022	Averment by complainant that the N.D.U. has dug a big and long drain on his wife’s property without any prior notice. Requests that the property be restored to its original state.	Explained
C/295/2022	Payment of allowances, and fees due to complainant not entertained by the Authority concerned.	Pending

National Infrastructure and Community Development (National Infrastructure Division)

C/27/2022	Leave without pay for study purposes not approved.	Not Investigated
C/64/2022	Bullying of staff and Maladministration by Manager Financial Operations.	Not Sustained

C/172/2022	(i) Procedures for compulsory acquisition of land at Nouvelle Decouverte started without agreement of owner. (ii) Works will block entrance to owner's residence.	Rectified
C/173/2022	Action not yet taken against squatters illegally occupying former Government Railway Quarters at Rose Belle.	Pending
C/210/2022	Superseded in Appointment Exercise for posts of Geotechnical Specialist.	Explained
C/229/2022	Complaints of malpractices by Public Officer in Procurement Division.	Pending
<u>Police</u>		
C/161/2018	No reply to letter addressed by the complainant to the Commissioner of Police.	Explained
C/53/2019	Interdicted Police Constable not drawing any salary although the case against him has been struck out by the Court.	Rectified
C/135/2019	Application by foreign national to enter Mauritius not yet considered after more than four months.	Explained
C/196/2020	Letter addressed to the Police following a declaration made at a Police Station has remained unanswered.	Pending
C/219/2020	Complainant detained in custody since nearly four years. No charge against him yet.	Pending
C/221/2020	Foreign national arrested since more than a year in a drug-related case requests that the case against him be lodged before the Court.	Explained
C/223/2020	Complainant claims the restitution of certain articles secured from him following his arrest by the Police and conviction by the Court.	Rectified
C/40/2021	Complainant's vehicle seized by the anti-drug trafficking unit in connexion with a drug trafficking case since nearly a year and still not returned to her.	Explained
C/87/2021	Application by a Rodriguan Police Officer posted in Mauritius to be transferred to	Pending

	Rodrigues made since two years has remained without any reply.	
C/134/2021	Request by complainant for certain documents following a fatal road accident resulting on the death of her husband. No reply from the Police.	Explained
C/146/2021	Acute noise caused by complainant's neighbor whilst doing maintenance works on his vehicles affects the whole family.	Rectified
C/148/2021	Complainant avers he is still awaiting the examination of a spot where an incident took place so that he may open his premises.	Explained
C/153/2021	Trees along roadside in a dangerous state and may fall down any time causing damage/injury to persons. No action taken so far by authorities concerned.	Discontinued
C/156/2021	No update received by complainant regarding a complaint made by her since three weeks.	Pending
C/167/2021	Neighbourhood disputes reported to the Police. No improvement in the situation due to Police inaction.	Explained
C/173/2021	Request by Police Officer on the Rodrigues Establishment now serving in Mauritius to be transferred to Rodrigues not yet attended to.	Explained
C/176/2021	Heavy noise pollution caused by picnickers on public beach every week-end.	Explained
C/177/2021	Construction started by complainant's neighbour without leaving statutory distance reported to authorities concerned. No action taken.	Discontinued
C/178/2021	No consideration given to complainant's husband, a Police Constable, for a transfer from Mauritius to Rodrigues on account of family problems.	Pending
C/180/2021	Complainant avers that he has still not been contacted by the Police in respect of a plaint he registered at the Curepipe Police Station since five months.	Explained

C/186/2021	Enquiry not completed in respect of a suicide case since more than three years. Complainant avers maladministration by the Police.	Explained
C/192/2021	Risk of accidents at corner of two streets in Port Louis. No action taken by the Police so far.	Pending
C/195/2021	Complainant, a Police Constable, avers that he is victim of a punitive transfer.	Explained
C/199/2021	Murder case reported to the Police since more than eight years. Enquiry still ongoing.	Explained
C/201/2021	Complainant avers that she is being deprived of her constitutional right to marry a foreign national.	Explained
C/207/2021	Complainant avers cover up in the handling of his case reported to the Police.	Explained
C/211/2021	Complainant who is undergoing imprisonment for seven years claims the return of his cell phone retained by the Police upon his arrest.	Not Justified
C/220/2021	No action taken in respect of a report by complainant concerning the constant presence of a vehicle parked on the road which according to complainant represents a potential danger.	Explained
C/224/2021	Complainant, an untried detainee, avers delaying tactics by the Police (ADSU) in completing its enquiry in connection with a drug offence.	Explained
C/10/2022	Tardy lodging of charges by Police Department in a drug case involving a Nigerian National.	Explained
C/36/2022	“Silence” from the Commissioner of Police in respect of a declaration of larceny made by the complainant.	Explained
C/45/2022	Complainant requested the assistance of this Office to investigate the delay in completing police enquiry following statement made at Pamplemousses Police Station.	Pending

C/61/2022	No response from Police Department regarding the status of case of Forgery lodged against complainant.	Explained
C/62/2022	No reply from Commissioner of Police regarding case lodged against Complainant at Abercrombie Police Station.	Explained
C/63/2022	Reply not received to letter addressed to the Police Department concerning request for information in connection with his arrest and subsequent decision of DPP not to prosecute.	Pending
C/87/2022	Personal Belongings of Detainee not returned after his conviction by Court.	Pending
C/114/2022	Complainant is not satisfied with the Police Enquiry into a case of Cybercrime and solicited the services of the Ombudsman to investigate.	Pending
C/123/2022	Request for an update of police enquiry into a case of road accident not entertained by Police Department.	Pending
C/125/2022	Complaint from Prisons Detainee to the effect that he was remanded to prison in 2020 and is still awaiting the completion of Police Enquiry after two years.	Pending
C/141/2022	Request to Police Department about status of Police Enquiry into a Road Accident at Mapou Roundabout involving a Police Officer seemingly under influence of alcohol not entertained.	Pending
C/148/2022	Harassment by Probation Officer, Rose Hill Probation Office.	Discontinued
C/157/2022	Complainant was remanded to Prison in the year 2020 and is awaiting completion of Police enquiry.	Pending
C/187/2022	Driving Instructor's Licence and Driving School Permit not yet issued although complainants passed the Qualifying Tests since 2019.	Pending
C/190/2022	Tardy enquiry into Road Accident.	Explained

C/198/2022	Eligibility to drive all types of vehicles denied when Driving Licence was updated, although allowed under previous licence.	Rectified
C/204/2022	Request for the intervention of Police into a complaint of “rogue and vagabond” against a resident of Camp Thorel.	Pending
C/207/2022	Inaction of Police in connection with an alleged case of insult.	Pending
C/213/2022	Non-payment of benefits since complainant’s retirement from the Police Force.	Pending
C/214/2022	Detainee complains that Police has not yet returned his personal belongings after the pronouncement of his sentence.	Pending
C/256/2022	Complainant avers that he is unnecessarily detained in prison since more than one year in relation to a drug case.	Pending
C/257/2022	Requests regarding the status of police enquiry into cases of theft at Gustave Bestel Street, Curepipe reported to the Police not yet entertained.	Pending
C/269/2022	Action not taken regarding installation of surveillance cameras on a CEB pole breaching the complainant’s privacy.	Pending
C/270/2022	Complainant reported, on several occasions, cases of damaging property by tenants at Eau Coulee Police Station but no concrete action taken by Authority concerned.	Pending
C/277/2022	Request for FSL Report following a road accident not acceded to.	Pending
C/279/2022	Drug Dealing at Camp Chapelon, Pailles.	Pending
C/286/2022	No action taken against neighbor who is polluting the living environment through the spread of coal ash on his bare property.	Pending
C/292/2022	No action taken by Police for removal of car which had remained parked and unattended to at Coriolis Street, Rose Hill.	Pending
C/293/2022	Complainant was remanded to Prison in August 2022 and is still awaiting the completion of the Police Enquiry.	Pending

C/294/2022	Complaint of forgery against a Senior Police Officer.	Pending
C/296/2022	Complainant avers that she has reported several cases of assault but did not hear about the status of the Police Enquiry after a year.	Pending
<u>Prime Minister's Office</u>		
C/46/2022	Non-Renewal of Passport.	Explained
C/83/2022	Complaint against Behaviour of a Senior Public Officer.	Not Sustained
C/95/2022	Complainant, an Officer of the Probation Cadre complains about insecure working environment, including violence and threats at Probation Home.	Pending
C/99/2022	Application for Mauritian Citizenship made in 2019 by South African lady who married a Mauritian Gentleman 30 years ago not yet processed.	Rectified
C/131/2022	Employment terminated by CEB Facilities Co. Ltd contrary to provisions of Workers' Rights Act.	Not Investigated
C/159/2022	Mr. A. L former MNA has reported that following PRB Report 2021, the Retiring Allowance payable to former MNA's has not been increased.	Explained
C/235/2022	Complainant claims that payment of TV Licence fee during period he was stranded abroad because of Covid-19 is unfair and unreasonable.	Pending
C/297/2022	Complainant avers that he is being charged a TV Licence fee although he has duly informed MBC/TV that he does not have any TV set.	Pending
<u>Prisons</u>		
C/223/2021	Untried detainee since three years avers that the Police is delaying the pre-trial process.	Explained
C/227/2021	No response to detainee's request for the return of certain court documents addressed to the Judicial Committee of the Privy Council, London.	Rectified

C/235/2021	Request by detainee to give a statement to the Police not entertained by the Officer in Charge.	Rectified
C/236/2021	Request by detainee to give a statement to the Police not entertained by the Officer in Charge.	Rectified
C/47/2022	Complaint against Police Brutality and Irregular Arrest.	Explained
C/49/2022	Complaint against conditions in prisons.	Explained
C/66/2022	Remand Detainee deprived of fundamental rights and privileges.	Explained
C/68/2022	Request for transfer not entertained one year after being made.	Rectified
C/122/2022	Detainee complained that the Prisons Service has not allowed dispatch of his letters addressed to the European Union and South African High Commission.	Pending
C/139/2022	Detainee complains about his missing gold chain and that his letter addressed to his lawyer was suppressed.	Explained
C/154/2022	Conditions of imprisonment not humane and unbearable.	Explained
C/161/2022	Abusive treatment upon detainee by Prisons Officers.	Explained
C/163/2022	Non-Receipt of Medical Attention and Assistance.	Explained
C/183/2022	Refusal to give Methadone treatment to foreign prisoner.	Rectified
C/193/2022	Complainant, a detainee at Eastern High Security Prisons contests the number of visitors authorised to visit him in prison.	Pending
C/219/2022	Non-provision of medical assistance to complainant and unhygienic conditions in which food is prepared.	Explained
C/226/2022	Remand Detainee complaining of torture and violence.	Not Investigated
C/234/2022	Refusal to provide copies of legislation to Detainee.	Explained

Public Service, Administrative and Institutional Reforms

C/203/2019	Complainant avers wrong determination of seniority placing.	Rectified
C/183/2020	Claim for certain allowances due to complainant.	Rectified
C/149/2021	No reply received to a request by complainant for incremental credit based on experience.	Explained
C/212/2021	Complainant, an Assistant Superintendent of Prisons, avers that he has been denied his right to increments.	Explained
C/234/2021	Complainant avers she is not satisfied with the decision of the Ministry requesting her to apply for leave for the days she was incapable to perform her duties from home during confinement.	Not Justified
C/25/2022	Request for increment for performing duties over and above complainants' scheme of duties.	Explained
C/112/2022	Non-payment of Meal Allowance or Provision of Meal to Audit Officers working beyond normal hours of work.	Explained
C/206/2022	Incorrect adjustment of salary on new appointment.	Pending
C/220/2022	Award of Higher Qualification Incentive (HQI) to complainant for higher qualification not granted.	Pending
C/264/2022	Human Resource Executives appointed between 2010 and 2012 allege salary disparity and anomalies following the appointment of Junior Officers after publication of PRB/EOAC Report of 2013.	Pending
<u>Registrar General's Department</u>		
C/175/2022	Request made to Registrar-General to cancel the registration of a duly registered and transcribed deed.	Pending
<u>Rodrigues</u>		
ROD/C/10/2018	No reply to application made since August 2017 for a plot of State land for commercial purpose (cold storage).	Pending

ROD/C/14/2018	No compensation paid for “loss” of private land.	Pending
ROD/C/22/2018	Application for residential lease still not considered after more than four years.	Rectified
ROD/C/23/2018	Scheme of service not yet approved.	Rectified
ROD/C/4/2020	Claim for allowance for shouldering additional responsibilities not attended to since more than three years.	Rectified
ROD/C/7/2020	Application for State land lease still pending since nine months.	Pending
ROD/C/14/2020	Application for State land lease made more than six years ago still not attended to.	Discontinued
ROD/C/19/2020	Complainant’s Farmer’s Card not renewed since more than two years.	Pending
ROD/C/2/2021	Application for a State land lease made by complainant more than five years ago still not attended to.	Rectified
ROD/C/33/2021	Complainant not issued his Professional Fisherman Card.	Rectified
ROD/C/52/2021	Injury sustained by complainant on her site of work. Redress sought by her since two years. No reply received so far.	Rectified
ROD/C/98/2021	Request by Prison Officer for a transfer from Mauritius to Rodrigues not attended to since more than six months.	Pending
ROD/C/100/2021	Application by complainant for the survey of a portion of State land leased to him made more than seven months ago. No action taken.	Discontinued
ROD/C/104/2021	Complainant who has been assigned duties as Principal Forest Conservation and Enforcement Officer since eleven years not yet promoted to that post.	Explained
ROD/C/105/2021	Complainant who has been acting as Senior Forest Conservation and Enforcement Officer for the last eleven years still waiting appointment to the said post.	Explained
ROD/C/106/2021	Claim for compensation in respect of loss incurred by complainant due to a drain project	Explained

	by the N.D.U. Nothing done by Authorities concerned.	
ROD/C/107/2021	Promise of financial assistance to farmers on account of embargo on animal shipment to Mauritius not being respected.	Explained
ROD/C/108/2021	Complainant, Management Support Officer (M.S.O.) avers he has not been paid responsibility allowance whereas his counterparts have been paid same allowance for performing similar duties.	Pending
ROD/C/1/2022	Technical Officers (Civil Engineering) aver they are called upon to perform certain duties which do not form part of their Scheme of Service.	Pending
ROD/C/2/2022	No intervention from Commission for Environment in case of noise pollution.	Explained
ROD/C/3/2022	Temporary Physiotherapy Assistant forced to attend to patients needing special care – not sufficiently qualified.	Explained
ROD/C/4/2022	Physiotherapy Assistant forced to attend to patients in Covid isolation intensive care unit and Covid Ward – not sufficiently qualified.	Explained
ROD/C/5/2022	Allowances due to Complainant for performing higher duties at level of Boatman since year 2019 not paid.	Pending
ROD/C/6/2022	Supersession – Social Security Officer – Request made by complainant about six months ago for clarification regarding her seniority placing. No reply so far.	Explained
ROD/C/7/2022	Request for construction of a main track road to enable proper and easy access to villagers of Riviere Cocos not yet entertained.	Pending
ROD/C/8/2022	Short payment of salary.	Rectified
ROD/C/9/2022	Transfer of Commercial Lease from Saint Gabriel to Montagne Cherie.	Explained
ROD/C/10/2022	Inconveniences/Damages caused consequent upon construction of stadium at Roche Bon Dieu.	Explained

ROD/C/11/2022	Complainant contests decision of the Social Security Commission to disallow an application for Basic Invalidity Pension in favour of her son, aged 8 years.	Pending
ROD/C/12/2022	No consideration given for payment of allowance to Reporter (Rodrigues Regional Assembly) for performing some of the duties of Senior Reporter (National Assembly).	Explained
ROD/C/13/2022	Retired from Public Service on 31 March 2022. But not paid benefit from National Savings Fund six months later.	Rectified
ROD/C/14/2022	Request to Social Security Office for clarification in respect of eligibility criteria for scholarship to children of vulnerable family on behalf of his son not considered.	Pending
ROD/C/15/2022	Complainant, a Tradesman Assistant avers that he is required to perform the higher duties of Tradesman without any additional remuneration.	Pending
ROD/C/16/2022	Compensation in respect of Injury at work not effected.	Rectified
ROD/C/17/2022	Application for hearing aids in favour of complainant's grandson (a minor) made in January 2019, is still pending.	Pending
ROD/C/18/2022	Complainant avers that she has not been remunerated for additional duties performed during absence on leave of Confidential Secretary.	Pending
ROD/C/19/2022	Payment of Long Service Increment not effected in time.	Rectified
ROD/C/20/2022	Agricultural Permit applied for by President, F.S.B. Agriculture Cooperative Ltd not approved.	Pending
ROD/C/21/2022	Reply not received to an application for State land for residential purposes.	Pending
ROD/C/22/2022	Complaint made to the Commission for Health regarding transport problem at Queen Elizabeth Hospital not attended to.	Pending
ROD/C/23/2022	Complainants have not received any assignment letter or paid any allowance for	Pending

	being called upon to assume higher duties in the Forest Department.	
ROD/C/24/2022	Mileage allowance of Forest Conservation and Enforcement Officers reduced.	Rectified
ROD/C/25/2022	Complainant, not remunerated for performing duties of Orthopedic Appliance Maker since January 2021.	Pending
ROD/C/26/2022	Tradesman Assistants being asked to perform duties devolving on Tradesmen at Queen Elizabeth Hospital.	Rectified
ROD/C/27/2022	Construction of stadium impacting negatively on conditions of living of inhabitants of Roche Bon Dieu.	Rectified
ROD/C/28/2022	Grant under New Social Housing Scheme (Scheme I) not effected.	Explained
ROD/C/29/2022	Non-payment of compensation in respect of food & mouth disease in 2016 in spite of continuous follow up with Commission concerned.	Pending
ROD/C/30/2022	Unfair changes in posting in Health Sector during the last two years.	Pending
ROD/C/31/2022	Leave with pay for study purposes not granted.	Explained
ROD/C/32/2022	Request for fencing of Agricultural land turned down.	Explained
ROD/C/33/2022	Application for re-registration (for the year 2022) under the Social Register of Mauritius turned down on ground that assessed income was more than poverty threshold level.	Pending
ROD/C/34/2022	Non-payment of Service Retirement Pension.	Rectified
ROD/C/35/2022	Passage Benefits applied for by a Police Constable since August 2022 has not yet been effected on ground of unavailability of funds.	Pending
ROD/C/36/2022	Complainant, a single mother, avers that payment of social aid to her has been discontinued on the ground that she is no longer considered as living alone.	Pending

ROD/C/37/2022	Undue delay in processing an application for agricultural lease.	Pending
ROD/C/38/2022	Damages caused to Complainant's Property following public works carried out by Authority not repaired since more than one year.	Pending
ROD/C/39/2022	No reply received by complainant in respect of his conditions of service from Civil Aviation Department, Rodrigues.	Pending
<u>Social Integration, Social Security & National Solidarity (Social Security and National Solidarity Division)</u>		
C/199/2019	Non-receipt of widow's and orphan's pensions	Pending
C/200/2019	Disallowance of child allowance to orphans of muslim widows.	Pending
C/23/2021	Complainant not remunerated for performing the duties of Assistant Commissioner since more than one and a half years.	Rectified
C/191/2021	Complainant avers that his basic retirement pension is no longer being paid.	Explained
C/197/2021	Disallowance of lump sum from the National Savings Fund and the National Pension Fund.	Rectified
C/200/2021	Application by complainant for duty-free facilities for the purchase of a motor car for disabled person not attended to since more than six months.	Discontinued
C/203/2021	Lack of sanitary measures at the Rose-Hill Benefit Branch.	Explained
C/4/2022	Complainants Basic Retirement Pension not effected during the period she was stranded abroad consequent upon order closure due to the Covid-19 pandemic.	Pending
C/56/2022	Non-payment of passage benefits.	Rectified
C/60/2022	Delay in the payment of Passage Benefits.	Rectified
C/85/2022	Non-Payment of Passage Benefits.	Rectified
C/121/2022	Salary wrongly adjusted on promotion following misinterpretation of PRB Report 2016.	Rectified

C/134/2022	Non-Revision of Contributory Pension after PRB Report 2021.	Explained
C/146/2022	Payment of Basic & Contributory Invalidation Pensions paid irregularly and at times not at all.	Rectified
C/156/2022	Request for payment of Child Allowance to Mother's Account instead of to account of Mother's Companion (Concubin) not entertained.	Rectified
C/182/2022	Non Payment of Passage Benefits.	Rectified
C/200/2022	Non-Payment of BRP & arrears on ground of unsatisfactory residence requirement.	Rectified
C/232/2022	Application for Social Aid not entertained by the Ministry.	Explained
C/249/2022	Payment of Retirement Benefit of Rs 1000 monthly payable under the Social Contribution and Social Benefit Act not effected.	Pending
C/271/2022	Contribution not made to NPF by Employer, the National Women Council, with the result that the CSG allowance is Rs 1000 per month not paid.	Pending
C/276/2022	Application for a second financial assistance under the National Solidarity Fund to complainant, suffering from renal disease, not acceded to.	Pending
C/278/2022	Application for Basic Retirement Pension made in March 2022 not yet entertained by Ministry.	Pending
C/281/2022	No action taken on letter addressed to Ministry concerning compensation against early arrivals for late arrivals and early departures in respect of Officers posted at Benefits Branch, Rose Hill.	Pending
<u>Social Security, National Solidarity & Environment & Sustainable Development (Social Security & National Solidarity Division)</u>		
C/66/2019	Complainants' increments disallowed since January 2018 without any valid reason.	Pending

C/110/2019	Disallowance of Basic Widow's Pension (BWP) to Muslim widows.	Pending
<u>Treasury</u>		
C/94/2022	Non-payment of 2% one-off payment to public officers retiring on compulsory retirement at age 65	Explained
C/118/2022	Non-payment of arrears of compensation following PRB Report 2021.	Explained
C/250/2022	Non-Payment of enhanced retirement benefits, as a consequence of injury sustained at work in 1996, not yet effected.	Pending
<u>Tourism</u>		
C/103/2022	Noise pollution by a Restaurant, operating as a Night Club during weekends.	Rectified
<u>Youth Empowerment, Sports and Recreation</u>		
C/282/2022	Alleged Malpractices at Pamplémousses Youth Centre.	Pending

APPRECIATIONS FROM COMPLAINANTS

Appreciations

- Bonjour, je suis ravie de vous dire que j'ai pu tenir 'mon contrat en main après plus de 30 ans de combat pour moi et depuis 2016 pour le Bureau de L'Ombudsman.

Sans votre soutien et détermination j'aurais eu des difficultés pour amener à terme ce dossier. Je n'oublie pas tout le personnel qui travaille dessus depuis 2016. A ce jour, aussi votre intervention personnelle dans mon dossier. JE DIS UN GRAND MERCI ET BRAVO À TOUTE ÉQUIPE.

- First of all, I would like to thank the Office of the Ombudsman that The District Council acted upon the complaint that was initially made in 2018 whereby Officer effected site visit immediately and within the next days, the street lamp was fixed on the pole. Indeed, I am thankful for this.

- I wish to express my deepest gratitude to the Office of the Ombudsman for positively considering my complaint and for resolving this problem of administrative delay/inaction from the part of the MCC

- Warm Greetings, please kindly take note that payment has been received with salary November 2022. I thank you very much for your fruitful intervention in my favour.

STAFFING STRUCTURE

Sn	DESIGNATION	In Post as at December 2022	Gender		
			Male	Female	
Senior Officials					
1	Ombudsman	1	1	-	<i>Establishment</i>
2	Senior Investigations Officer	1	1	-	<i>Establishment</i>
Technical Staff					
1	Investigations Officer	1	-	1	<i>Establishment</i>
Finance & Procurement Cadres					
1	Principal Financial Operations Officer	1	1	-	<i>Establishment</i>
2	Assistant Procurement & Supply Officer	1	-	1	<i>Establishment</i>
General Services					
1	Office Management Executive	1	-	1	<i>Establishment</i>
2	Human Resource Executive	1	-	1	<i>Ah-Doc</i>
3	Safety & Health Officer	1	-	1	<i>Ah-Doc</i>
4	Office Management Assistant	1	-	1	<i>Establishment</i>
5	Confidential Secretary	1	-	1	<i>Establishment</i>
6	Management Support Officer	8	3	5	<i>Establishment & 1 Ah-Doc</i>
7	Word Processing Operator	3	1	2	<i>Establishment & 1 Ah-Doc</i>
8	Receptionist/Telephone Operator	1	-	1	<i>Establishment</i>
Workmen's Group					
1	Office Auxiliary/ Senior Office Auxiliary	4	1	3	<i>Establishment & 1 Ah-Doc</i>
	Total	26	8	18	

Table 1 Staffing Structure

ORGANISATIONAL STRUCTURE

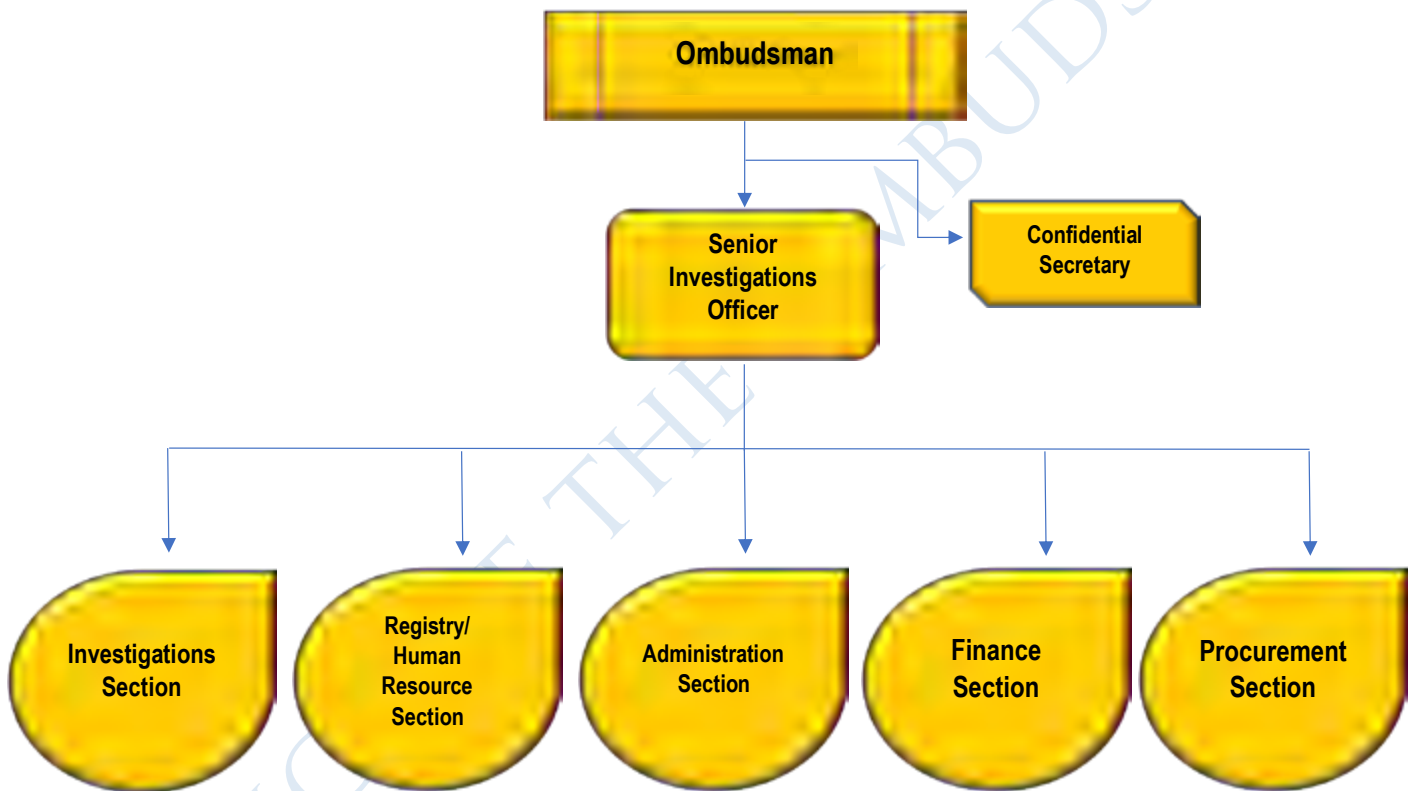


Figure 17 Organisational Structure

OFFICE OF THE OMBUDSMAN