

**MINUTES OF THE 49th MEETING OF THE
GOA STATE POLLUTION CONTROL BOARD
HELD ON 08th March, 2002
IN THE CHAMBER OF THE CHAIRMAN, GSPCB**

I. The 49th meeting of the Goa State Pollution Control Board was held in the Chamber of the Chairman on 08th March, 2002.

The following members were present for the meeting:

1.	Shri Arecio D'Souza	Chairman
2.	Managing Director, GTDC	Member
3.	Shri S. Sridhar, as a representative of Goa Mineral Ore Exporters Assocn.	Member
4.	Director of Industries	Member
5.	Managing Director, GIDC	Member
6.	Director of Panchayats	Member
7.	Director of Health Services	Member
8.	Shri A.A. Parulekar	Member Secretary

The following members did not attend the meeting:

1. Chairperson, Mormugao Municipal Council
2. Representative of Goa Chamber of Commerce & Industry
3. Director, S.T.E
4. Chief Engineer, PWD
5. Chairperson, Curchorem-Cacora Municipal Council
6. Sarpanch, Village Panchayat Kundaim

AGENDA ITEM NO. 1

CONFIRMATION OF THE MINUTES OF THE 48th MEETING OF THE
GOA STATE POLLUTION CONTROL BOARD.

As recorded in the agenda notes, the members noted that the minutes of the 48th meeting duly approved are entered in the Minutes Book.

AGENDA ITEM NO. 2

FOLLOW UP ACTION ON THE MINUTES OF THE 48th MEETING OF THE GSPCB

a) ACQUISITION OF PREMISES FOR THE BOARD OFFICE AND LABORATORY.

The Board was informed about the progress of the internal civil works in the premises acquired by the Board. It was further informed that, though as per the agreement the premises was to be handed over within six months from signing of the agreement i.e. on or before 6th July, 2002, as the internal modification work is in advance stage of completion, it can be expected that the ready to enter premises would be handed over to the Board by end of April.

The members opined that the furnishing of the premises should have been taken up simultaneously, alongwith the civil works for internal modifications. Member Secretary informed the members that as the cost of furnishing is not included in the cost of the premises, the Board has to appoint a separate agency for internal furnishing. After detailed deliberations, the Board adopted the following resolution:

Resolved that the process of finalizing an agency for internal furnishing should be initiated without waiting for completion of the civil works. **Resolved** further that an internal decorator having requisite experience and reputation be appointed to prepare the design drawings and specification documents for inviting tenders. Chairman and Member Secretary be and are authorized to invite open tenders based on the specifications prepared by the internal decorator so appointed. The tenders received be placed before the Board for discussion and approval at the next meeting. Resolved further that in view of expediting the process, appointment of internal decorator be decided by the Chairman and Member Secretary at their level, finalizing his fees as per the general practice.

b. PROPOSAL FOR ENHANCEMENT OF SITTING FEES OF THE NON OFFICIAL MEMBERS AND MAKING OFFICIAL MEMBERS ENTITLED FOR SITTING FEES.

The Board perused the agenda note wherein it was recorded that, the proposal approved at the 47th meeting pertaining to enhancement in the sitting

fees of the non official members and making official members entitle for sitting fees, has been sent to Director, STE on 13/11/01, with a request to move the Govt. for necessary amendment to the rules. He was subsequent reminded vide letters dated 18/01/02 and 22/02/02, requesting him to inform as to whether the proposal has been moved to the Govt. As no reply has been received from Director (STE) it is not clear as to whether the proposal has been moved to the Govt.

As Director, STE was not present for the meeting to give further information, the members suggested that the Chairman may pursue this matter with the appropriate authorities.

Managing Director, GIDC informed that the Circular pertaining to sitting fees of members of Govt. Corporations issued by the Finance Department is being following by his Corporation. He suggested that Member Secretary may verify as to whether the same Circular could also be made applicable to the Pollution Control Board.

AGENDA ITEM NO. 3

RE-FIXATION OF THE PAY SCALE FOR THE POST OF SENIOR LABORATORY ASSISTANT

The members perused the agenda note and approved the proposal pertaining to re-fixation of the pay scale for the post of Senior Laboratory Assistant, within the provisions of the 5th Pay Commission Report, from Rs. 4000-100-6000 to Rs. 4500-125-7000 as the post of Senior Laboratory Assistant is a promotional avenue for the Board employees working as Junior Laboratory Assistant. As re-fixation of scale have to be with prospective effect, the incumbent should be given benefit of revision in the pay scale with effect from 01/04/2002.

AGENDA ITEM NO. 4

PROPOSAL FOR FILLING OF TWO EXISTING POSTS OF TECHNICAL ASSISTANTS

The Board perused the agenda note pertaining to filling up of the existing post of Technical Assistant and Peon and adopted the following resolution:

'Resolved that the Post of Technical Assistant be and is re-designated as Junior Environmental Engineer. Resolved further that the re-designated posts of Junior Environment Engineer alongwith the existing two vacant posts of Lower Division Clerk and one post of Peon be filled up by direct recruitment, following the procedure prescribed by the State Govt. for that purpose. The Board employees may be given preference in the selection process if they are found to be qualified and eligible.'

AGENDA ITEM NO. 5

INFORMATION ABOUT THE PERSONS WORKING IN THE BOARD OFFICE ON CONTRACT BASIS SINCE 1998

While presenting this agenda item, Member Secretary informed the members the case history as follows:

- a. The Hon. High Court of Bombay at Panaji vide the order dated 02/04/1999 issued in the Writ Petition no. 450/88 directed the Board to immediately proceed to monitor the ambient air quality at the four stations around Zuari Industries Limited.
- b. The then Chairman, Dr. Carmo Pegado, believing that powers are vested with him under sub-section 6 of section 17 of the Water (Prevention and Control of Pollution) Rules, 1988 engaged 9 persons on a fixed monthly payment basis. Latter on the number of the persons so appointed was increased to 12 by making new additional appointments.
- c. The Board was informed of this appointment at the 32nd meeting held on 16/10/1998.
- d. During the Presidents Rule, Asst. Employment Officer of Directorate of Employment inspected the Board office, and alleged irregularity in the said appointment in respect of sub section 1 of section 4 of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 and the Rules framed thereunder for not notifying the vacancies etc.. Accordingly, Directorate of Employment, served a show cause notice to Member Secretary and the Board, vide no. 12/DE/INSP/EE's (CNV)ACT, 1959/GSPCB/99/400 dated 22/3/99.
- e. However, later on Director Employment vide his letter no.12/DE/INSP/EE's(CNV)Act,1959/GSPCB/99/1214 dated 6/8/1998

informed Member Secretary that the lapse committed on the part of Member Secretary and the Board, has been condoned .

f. On assuming the charge to the office of Member Secretary, the present Member Secretary moved Hon. High Court by a Special Leave Application to relieve the Board from the responsibility of carrying out the ambient air monitoring at Zuari Industries Ltd. as the monitoring results up to that time were within the prescribed limits.

g. Hon. High Court however did not grant the prayer at that point of time but gave freedom to approach the Court again after some time.

Chairman suggested to the Members that since the employees are carrying-out various duties for the Board office, on humanitarian grounds they are required to be considered for regular employment in terms of rules prescribed by the State Govt. for that purpose.

After prolonged deliberations, the Board reached to a conclusion that though the suggestion made by the Chairman is good enough for appreciation on humanitarian grounds, such action of regularizing the employees appointed without creation of posts and without approaching the Employment Exchange will amount to violation of the State Govt. directives.

Representative of Goa Mineral Ore Exporters Assoc., suggested that the job of carrying-out air quality monitoring at Zuari Industries Limited could be assigned to a Contractor imposing a condition that the persons carrying-out the job at present should be engaged by him for the same job. Such arrangement will ensure that the persons presently engaged will not be deprived of their earnings. At the same time it will save the Board office of the future complications.

After further deliberations, it was decided that the alternative given by the representative of Goa Mineral Ore Exporters Assoc. may be got examined from the concerned department of the State Govt. to ensure that it is within the existing regulations of the State Govt. It was also suggested that if any of these persons so engaged is found to be eligible for any existing vacancy in the Board office, he may be given priority while filling of that particular vacancy by direct recruitment.

AGENDA ITEM NO. 6

PROPOSAL FOR GETTING ON DEPUTATION AN OFFICER ON SPECIAL DUTY TO GUIDE THE BOARD SCIENTIST IN SETTING UP A BOARD LABORATORY

Member Secretary informed the Board that as the new premises which is under internal modification, provision has been made for setting up a Board laboratory. In view of expediting the process of developing the analytical skills in the existing staff members of the Board, it would be advisable to obtain a person having experience in managing similar laboratory, on deputation for a limited period of two years, as an Officer on Special Duty. Once the present staff members of the Board acquire sufficient skill and practical training, they will be in a position to train the scientific staff which will be recruited in due course of time. The deputation of the Govt. official will be governed by the regulations prescribed by the State Govt.

After deliberations, the Board authorized Chairman to move a detailed proposal to the State Govt. prescribing the qualifications and experience of the person to be taken on deputation.

AGENDA ITEM NO. 7 DRAFT RECRUITMENT RULES FOR THE BOARD EMPLOYEES

The members perused the draft recruitment rules drafted by Shri N.P. Gaunekar as a consultancy assignment entrusted to him by Chairman in exercise of the powers vested under rule 17 of the Goa Water (Prevention and Control of Pollution) Rules, 1988. After deliberations, the Board adopted the following resolution:

‘Resolved that the draft recruitment rules placed before the Board for approval are approved in exercise of the powers conferred under sub-rule 2, Rule 19 of the Goa Water (Prevention and Control of Pollution) Rules, 1988. Further resolved that the draft rules be forwarded to the State Govt. for approval as per sub-section 3A(b) of section 12 of the Water (Prevention and Control of Pollution) Act, 1974, before making them applicable to recruitment and service conditions of the Board employees.’

The Board placed on record the appreciation of work done by Shri N.P. Gaunekar and as a token of appreciation of his services, the Board resolved to pay a honorarium of Rs. 4000/- to Shri Gaunekar

AGENDA ITEM NO. 8

SUPERANNUATION BENEFITS FOR THE BOARD EMPLOYEES


The Board perused the agenda note and decided to defer the proposal.

AGENDA ITEM NO. 9


CONSENT APPLICATIONS PROCESSED SINCE THE 48th MEETING OF THE GSPCB.

The Board perused for acceptance the details of applications for consents processed by the Technical Committee and Chairman at the Committee meetings from 84th to 96th held between 15/10/2001 and 31/01/02, as per the agenda notes.

Prepared by:


A.A. Parulekar ^{14.3.02}
Member Secretary

Approved by:


Arcio D'Souza
Chairman