

**REPUBLIC OF VANUATU
OFFICE OF THE OMBUDSMAN**

**PUBLIC REPORT
ON THE
IMPROPER PROCEDURES
USED TO EXTEND THE EMPLOYMENT
CONTRACT OF
DR. TRINATA A. MANANDHAR
A DENTAL OFFICER
AT VILA CENTRAL HOSPITAL**

24 June 1999

7092/9/10

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ALLEGED IMPROPER PROCEDURES USED TO EXTEND
THE EMPLOYMENT CONTRACT OF DR TRINATA. MANANDHAR
A DENTAL OFFICER AT VILA CENTRAL HOSPITAL**

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of Public Service Department in 1995. His improper actions led Dr Tambisari and Mr Pikioune to breach the Constitution and the Public Service Act (CAP 129).

Dr Tambisari and Mr Pikioune were also found by the Ombudsman to have breached Article 60 (4) of the Constitution and s 20 (1) of the Public Service Act (CAP 129). They both on different occasions influenced the Public Service Commission by issuing instructions for the Commission to approve the renewal of Dr Manandhar's contract.

The Ombudsman also found that the members of the PSC also breached Article 60 (4) of the Constitution in 1995, when they allowed themselves to be influenced by the instructions given by Dr Tambisari in 1995 and Mr Pikioune in 1997, to approve and grant the extension of contract to Dr Manandhar.

The Ombudsman recommends that Mr Lesines should never be appointed again to any position in the public administration of the Government. His improper actions led others to repeatedly breach the laws.

The Ombudsman recommends that Dr Tambisari and Mr Pikioune should not be appointed again to any positions in the public sector where they would be tempted to influence members of government agencies in the exercise of their duties.

The Ombudsman also recommended that the former members of the PSC should never be appointed again to that position or any other position because they allowed themselves to be controlled by another person in the exercise of their duties which was in breach of the laws.

1. JURISDICTION

- 1.1 The Ombudsman conducted this enquiry in accordance with the Constitution and the Ombudsman Act (No 14 of 1995). Under Article 62 of the Constitution, the Ombudsman is empowered to enquire into matters either on her own initiative or upon receiving complaints from any persons as a result of a particular conduct or action by another person. As such, this complaint was received against the Health Department and the Public Service Department for not processing the recommendation to terminate Dr Manandhar's contract and Dr Tambisari and Mr Pikioune for influencing the Public Service Commission (**PSC**) in the exercise of its duty to grant extension of employment contract to Dr Manandhar.

2. PURPOSE, SCOPE OF INVESTIGATION AND METHODS USED

- 2.1 The purpose of this report is to present my findings as required by Article 63 of the Constitution and Section 24 of the Ombudsman Act.

- 2.2 The scope of this investigation is to ascertain the relevant facts on the procedure used to extend the employment contract of Dr Manandhar. This is determined by :

the improper conduct of Mr Lesines not to inform the PSC after receiving the complaint against Dr Manandhar.

the improper conduct of Dr Tambisari and Mr Pikioune to have instructed and/or influenced the PSC to approve the extension of Dr Manandhar's employment contract was proper.

the improper conduct of the members of the Commission to be influenced and controlled by another person in the exercise of their duties.

- 2.3 This Office acquires the relevant information and documents on this complaint by informal request, summons, letters, interviews and research.