

Panaji, 24th February, 2022 (Phalguna 5, 1943)

SERIES II No. 48

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Education, Art & Culture
Directorate of Higher Education

Certificate

No. ACAD III/GC/Filling of Post-Regular/98/2021/
/6988

Read: Order No. ACAD III/GC/Filling of Post
-Regular/98/2021/6142 dated 06-01-2022.

Certified that the character and antecedents of Ms. Nisha Vasantlal Kevat appointed to the post of Assistant Professor in Botany (Group 'A' Gazetted) at Government College of Arts, Science and Commerce, Sanquelim under Directorate of Higher Education vide above referred Order has been verified by the Addl. District Magistrate, South Goa, Margao-Goa and nothing adverse has been reported against her at Police Stations in Goa.

H. B. Khedekar, Under Secretary (Higher Education).

Porvorim, 17th February, 2022.

Certificate

No. ACAD III/GC/Filling of Post-Regular/98/2021/
/6989

Read: Order No. ACAD III/GC/Filling of Post
-Regular/98/2021/5269 dated 02-12-2021.

Certified that the character and antecedents of Ms. Arti Krishnanand Naik appointed to the post of Assistant Professor in Chemistry (Physical) (Group 'A' Gazetted) at Government College of Arts, Science and Commerce, Khandola under Directorate of Higher Education vide above referred Order has been verified by the Addl. Collector & ADM, North Goa and nothing adverse has been reported against her at Police Stations in Goa.

H. B. Khedekar, Under Secretary (Higher Education).

Porvorim, 17th February, 2022.

Certificate

No. ACAD III/GC/Filling of Post-Regular/98/2021/
/6990

Read: Order No. ACAD III/GC/Filling of Post
-Regular/98/2021/5688 dated 22-12-2021.

Certified that the character and antecedents of Ms. Anjali Mira De Maria Mascarenhas appointed to the post of Assistant Professor in English (Group 'A' Gazetted) at Government College of Arts, Science and Commerce, Sanquelim under Directorate of Higher Education vide above referred Order has been verified by the Addl. District Magistrate, South Goa, Margao-Goa and nothing adverse has been reported against her at Police Stations in Goa.

H. B. Khedekar, Under Secretary (Higher Education).

Porvorim, 17th February, 2022.

Certificate

No. ACAD III/GC/Filling of Post-Regular/98/2021/
/6991

Read: Order No. ACAD III/GC/Filling of Post
-Regular/98/2021/5270 dated 02-12-2021.

Certified that the character and antecedents of Mr. Stephen Joaquim Fernandes appointed to the post of Assistant Professor in Environmental Studies (Group 'A' Gazetted) at Government College of Arts, Science and Commerce, Sanquelim under Directorate of Higher Education vide above referred Order has been verified by the Addl. District Magistrate, South Goa, Margao-Goa and nothing adverse has been reported against him at Police Stations in Goa.

H. B. Khedekar, Under Secretary (Higher Education).

Porvorim, 17th February, 2022.

Department of Environment & Climate
Change

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Order

No. 1-25-2010-STE-DIR/1258

In pursuance of Section 5 of the Right to Information Act, 2005 (hereinafter referred to as "the said Act") and in supersession of the earlier Order No 1-13-05/06-STE-DIR/579 dated 01-09-2005 in this respect, the following officers are hereby appointed as Public Information Office (PIO) and Assistant Public Information Officer (APIO) for Department of Environment & Climate Change (DoE&CC), to deal with the applications received from the public under the said Act.

- | | |
|--|--|
| 1. Head Clerk,
(Dept. of
Environment &
Climate Change) | Public Information
Officer (PIO). |
| 2. Lower Division Clerk,
(Dept. of Environment
& Climate Change) | Assistant Public
Information
Officer (APIO). |

The Director, Department of Environment & Climate Change will be the First Appellate Authority (FAA) under the said Act, against the decision of the PIO/APIO as far as the Department of Environment & Climate Change is concerned.

By order and in the name of the Governor of Goa.

Dasharath M. Redkar, Director/ex officio Jt. Secretary (DoE&CC).

Porvorim, 22nd February, 2022.

◆◆◆
Goa Human Rights Commission
Office of the Goa Human Rights Commission
Before the Goa Human Rights Commission
Panaji-Goa

Proceeding No. 06/2021

Shri Ajit V. Naik,
R/o Ashiyana, D-3/S3,
Behind Galaxy Hospital,
Shelpe, Dhuler, Mapusa,
Bardez-Goa-403507

... Complainant.

V/s

- 1) The Collector,
North Goa District,
Panaji-Goa.

- 2) The Director,
Directorate of Accounts,
Panaji-Goa.

- 3) The Manager,
State Bank of India Link Branch,
Panaji-Goa ... Respondents.

Inquiry Report/Order

(30th August, 2021)

The Complaint dated 06-01-2021 was received in this Commission from the Complainant, Shri Ajit V. Naik in respect of non-payment of his pension and retiral dues.

2. It is his case that he retired on superannuation as an Awal Karkun, from the Office of Collector, North Goa w.e.f. 31-01-2020 and yet after over 11 months, he has not been paid his retiral benefits.

3. On perusing the complaint, the Commission by Order dated 13-01-2021, called for the report from the Respondents.

4. The Respondent No. 1, the Collector of North Goa District, filed their reply on 06-02-2021. They stated that the pension case papers of the Complainant had been submitted to the Respondent No. 2, the Director, Directorate of Accounts, Panaji by letter dated 25-09-2019 but were returned by the Respondent No. 1 on 07-01-2020 with observations.

5. They stated that the pay of the Complainant was revised as per the Seventh CPC w.e.f. 01-01-2006 and due to lock down of Covid 19 w.e.f. 23-03-2020, the pay fixation was submitted to Respondent No. 2 by letter dated 29-05-2020 for approval.

6. The Respondent No. 2 again raised observations and the Respondent No.1 immediately revised the pay fixation statement by letter dated 06-10-2020 and they requested the Respondent No. 2 to settle the revised pay on priority basis.

7. The Respondent No.1 further stated that the Respondent No. 2 revised the pay fixation on 11-01-2021 and on the same day, the Order sanctioning encashment of 300 days was issued by the Respondent No. 1 and was submitted to the Directorate of Accounts and the GPF bill of the Complainant was cleared on 20-01-2021.

8. The Respondent No. 2, the Director, Directorate of Accounts filed their reply on 24-02-2021, stating that the pension case of the Complainant had been forwarded by the Respondent No. 1 on 25-09-2019 and had been received by the Respondent No. 2 on 27-09-2019. They stated that the pension case was

returned back to Respondent No. 1 on 07-01-2020 seeking necessary clarification and compliance from the Respondent No. 1.

9. The Respondent No. 2 further stated that the pension case was re-submitted on 04-02-2021 and the same has been authorized for payment of pension, and pensionary benefits by letter dated 23-02-2021 and PPO No. Goa-A/28024.

10. In respect of the release of provident fund amount, the Respondent No. 2 stated that GPF final payment application dated 3-08-2020 was received on 14-08-2020 and was returned for observations by letter dated 21-9-2020.

11. The Respondent No. 2 states that the GPF application was re-submitted by the Respondent No. 1 by letter dated 06-11-2020. The Respondent No. 2 states that the final payment bill was passed by the Respondent No. 2 on 20-01-2021. They stated that the delay in finalization and settlement of retirement benefits to the Complainant was not caused by the Respondent No. 2 and prayed that the proceedings be dropped.

12. During the course of proceedings, the Respondent No. 1 filed further letter dated 24-02-2021, stating that the pension case of the Complainant has been settled by the Respondent No. 2 on 23-02-2021.

13. Subsequently, the Complainant filed his further application dated 15-03-2021 before this Commission, stating that his pension case remained to be settled fully as no interest and compensation is paid and also raised grievance that an amount of Rs.1,41,468/- termed as amount overpaid has been deducted from the retirement gratuity without any, notice to him thereby preventing him from praying for waiving the same, in accordance with the rulings of the Hon'ble Supreme Court and the Office Memorandum dated 08-07-2008. At that stage, the Respondent No. 3 was added, but have not filed any reply.

14. On the copy of above application being served on the Respondents, the Respondent No. 1 filed their report on 16-04-2021. They stated that the Office of the Respondent No. 1 was designated as the District Disaster Management Authority to Control the ongoing Covid 19 pandemic and the officials were drafted for various tasks, as per the guidelines issued by the Government and they could complete the observations raised by the Directorate of Accounts, as and when possible. They stated that the queries raised by the Respondent No. 2 were further complied by the dealing hand visiting personally, as time permitted and the delay of settlement of the pension was unintentional.

15. In respect of the recovery due to extra increment which was granted to the Complainant in the year 1999, they stated that the Complainant may make an application for reimbursement of recoveries deducted from his gratuity which will then be processed in terms of Office Memorandum No.18/03/2015-Estt.(Pay-I) dated 02-03-2016, issued by the Department of Personnel & Training, Government of India.

16. Thereupon, the Complainant filed his application dated 01-07-2021, stating that his pension for the period from February, 2020 till April, 2021 has been credited to his Savings Bank Account at SBI, Mapusa Branch and now is regularly paid in his account.

He reiterated that no notice was given to him for waiving the deduction of overpaid amount of Rs. 1,41,468/-. He also stated that the reasons given for delay are not attributed to him and he claimed interest on the delayed payments.

17. To the said application, the Respondent No. 2 has filed their reply dated 03-08-2021. They stated that due care is taken by the Respondent No. 2 to settle pension cases in time and the pension case was resubmitted after a period of more than one year by the Respondent No. 1.

18. In respect of the deduction of the overpaid amount of Rs. 1,41,468/-, they stated that this was sanctioned by the Respondent No. 1 in terms of Rule 71 (2) and Rule 71 (3)(b) of CCS (Pension) Rules, 1972.

19. In respect of the claim of the Complainant for waiving of the recoveries of overpayment of pay and allowances, they stated that the waiver is to be initiated by the Respondent No. 1. In respect of the interest claimed by the Complainant on the GPF amount, the Respondent No. 2 states that the interest is payable up to the period of six months after superannuation and as the Complainant retired on 31-01-2020, he is eligible for interest up to August 2020, which has been already paid to him in the GPF final payment bill.

20. The Commission heard the Complainant in person and also heard Shri Swapnil Palini, LDC on behalf of the Respondent No.1 and Ms. Siddha Kuttikar, Accountant, on behalf of the Respondent No. 2. None remained present for the Respondent No.3.

21. The Commission finds that the delay on the part of the Respondent No. 1, in processing the

pension papers, was not intentional and due to the added responsibilities as the Respondent No. 1, since March, 2020, has been functioning as the District Disaster Management Authority, for control of the ongoing Covid 19 pandemic. As such, the Commission does not deem it necessary to award interest on the delayed payment of the pension.

22. The Commission finds that there was no deliberate delay on part of Respondent No. 1 in submitting the pension case after clearing the clarifications sought by Respondent No. 2. So also, from the table submitted by Respondent No. 2, of the "Date of receipt of the Claims" and "Date of payment", the Commission also finds that there was no delay on part of Respondent No. 2.

23. However, in respect of the deduction of Rs.1,41,468/- from the gratuity amount, the Commission finds that the Respondent No. 1 had not given any notice to the Complainant before the deduction and deprived him of an opportunity to make his representation thereon, thus violating his human rights.

24. Accordingly, the Commission disposes of the proceedings as under:

(a) The Complainant is given liberty to make an application to the Respondent No. 1 for reimbursement of the amount of Rs. 1,41,468/- recovered from his gratuity amount, on grounds deemed fit, within 15 days from the date of the receipt of this Order.

(b) The Commission recommends that upon receipt of the said application the Respondent No. 1 consider the same, in terms of the Office Memorandum No. 18/ 03/2015-Estt. (Pay-I) dated 02-03-2016, issued by the Department of Personnel & Training, Government of India and transcribed and adopted by the Government of Goa by Office Memorandum No. 8/7/2008 Fin(R&C), dated 07-03-2017.

Date: 30-08-2021.

Place: Panaji-Goa.

Sd/-	Sd/-	Sd/-
Justice U. V. Bakre	Desmond D'Costa	Pramod V. Kamat
Chairperson	Member	Member
Goa Human Rights Commission.	Goa Human Rights Commission.	Goa Human Rights Commission.

GHR-2850
Forward No. 2850
Date: 10/01/2022

BEFORE THE GOA HUMAN RIGHTS COMMISSION, PANAJI GOA

Proceeding No 66/201/2767

Shri Ajit V. Naik,
Retired Awal Karkun,
Collectorate of North Goa
R/o Ashiyana, D-3/S3,
Behind Galaxy Hospital
Shelpe, Dhuler Mapusa
Bardez Goa 403507

VS

1. The Collector,
North Goa District,
Panaji-Goa.
2. The Director,
Directorate of Accounts,
Panaji-Goa.
3. The Manager,
SBI, Link Manager,
Panaji-Goa.

... Complainant

.... Respondents

**MAY IT PLEASE YOUR HONOUR
REPLY ON BEHALF OF RESPONDENT NO 1**

The Respondent No 1 above named states in respect of case of Shri Ajit Naik, retired Awal Karkun of this Collectorate and vide your Proceeding No 06/2021/683 dated 30/08/2021 and Inquiry/order dated 30/08/2021, it is hereby informed that necessary approval to waive the recovery amount is awaited from Government, necessary intimation to your office will be given upon receipt of the same.

Ajit
Collector (North)
Respondent No 1

Placed : Panaji

Dated: 10/01/2022

To,
The Hon'ble Court of
Goa Human Rights Commission
Old Directorate of Education Building
1st Floor, 18th June Road, Panaji Goa.

Copy to :-

1. The Ajit Naik, Ex Awal Karkun, R/o Ashiyana, D-3/S3, Behind Galaxy Hospital, Shelpa, Dhuler Mapusa Goa 403507
2. The Accounts Section of this Collectorate

Department of Labour

Order

No. 28/06/2022-LAB/86

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Sharada Enterprises, Margao Industrial Estate, St. Jose de Areal, Margao, Goa and it's workmen, represented by the Goa Trade and Commercial Workers' Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaj, Goa, constituted under Section 7(1) of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. Sharada Enterprises, Margao Industrial Estate, St. Jose de Areal, Margao, Goa in terminating the services of workmen shown in Annexure-"A" upon closure of the establishment, is legal and justified?

(2) If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 18th February, 2022.

Annexure- "A"

Sr. No.	Name of the workman	Date of termination
1.	Rosario Vales	01-02-2020.
2.	Shamba S. Gaonkar	01-02-2020.
3.	Sanchana Undekar	01-02-2020.

4.	Assumpta Castanha	01-02-2020.
5.	Lidia Gomes	01-02-2020.
6.	Caetana Gomes	01-02-2020.
7.	Paulina Moura	01-02-2020.
8.	Sharad Gaonkar	01-02-2020.
9.	Lourenco Gomes	01-02-2020.
10.	Paulo Gomes	01-02-2020.
11.	Joaquim Manuel Correia	01-02-2020.
12.	Carmo Agnelo Travasso	01-02-2020.

Notification

No. 28/2/2022-LAB/Part-I/77

The following Award passed by the Labour Court-II, at Panaji-Goa on 11-01-2022 in case No. Ref. IT/17/2010 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 9th February, 2022.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before **Shri Suresh N. Narulkar**, Hon'ble
Presiding Officer)

Case No. Ref. IT/17/2010

Shri Kishore Tuyenkar,
Rep. by the Secretary,
Goa Trade and Commercial Workers Union,
Velho Bldg, Panaji-Goa..... Workman/Party I.
V/s

M/s. G. K. B. Vision Ltd.,
Plot No. 27 and 28,
Pilerne Industrial Estate,
Pilerne, Bardez-Goa ... Employer/Party II.

Workman/Party I represented by Adv., Shri Suhas Naik.

Employer/Party II represented by Adv., Shri A. V. Nigalye.

Panaji, Dated: 11-01-2022.

AWARD

1. In Exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 10-05-2010, bearing No. 28/17/2010-LAB, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Government of Goa, vide it's another order

dated 09-02-2016, transferred the present dispute to this Labour Court-II, Panaji - Goa.

“(1) Whether the action of the management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, in dismissing the service of its Workman, Shri Kishore Tuyenkar, with effect from 24-12-2008, is legal and justified?”

“(2) If not, what relief the Workman is entitled to?”

2. On receipt of the reference, a case was registered under No. IT/17/10 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short ‘Workman’), filed his statement of claim on 17-09-2010 at Exb-3. The facts of the case in brief as pleaded by the Workman are that he was employed by the Employer/Party II (for short, ‘Employer’) in the Progressive Oven Dept. as ‘Operator’. He stated that he was issued a charge-sheet dated 27-08-2007 alleging certain acts of misconducts. He stated that he filed his reply to the said charge-sheet, denying each and every allegations. He stated that however, the Employer went ahead to conduct the enquiry against him. He stated that an enquiry was setup against him by the Employer by appointing Adv., Shri A. M. Gaikwad as an Enquiry Officer to investigate into the acts of misconduct. He stated that he was represented by an Office Bearer of the union. On the contrary, the Management was represented by Adv., A. Nigalye. He stated that after the conclusion of the enquiry the Employer dismissed him from service by its order dated 24-12-2018. He stated that being aggrieved by the dismissal order dated 24-12-2018, he raised an industrial dispute before the office of the Labour Commissioner, vide his letter dated 20-01-2009 demanding immediate reinstatement with full back wages and continuity in service, which ended in failure.

3. He contended that the ld. Enquiry Officer never considered the objection raised by him and his representative in the said enquiry. He submitted that the ld. Enquiry Officer arbitrarily and mechanically overruled his written objections and totally acted in a biased and prejudicial manner in favour of the Employer. He submitted that the findings given by the ld. Enquiry Officer are non-reasoned findings in a mechanical manner in favour of the management. He submitted that no charge levelled against him in the charge-sheet dated 27-08-2007 have been proved beyond reasonable doubt. He submitted that the findings given by the ld. Enquiry Officer are perverse and are liable to be set aside and quashed. He

submitted that the ld. Enquiry Officer has acted as a mere agent of the management who made a farce of enquiry and conducted the enquiry in flagrant violations of the principles of natural justice. He submitted that the ld. Enquiry Officer completed the said enquiry with undue haste, with biased and prejudicial mind in favour of the management. He submitted that he disputes and challenges the entire enquiry proceedings conducted by the ld. Enquiry Officer in respect of charge-sheet dated 27-08-2007. He submitted that the ld. Enquiry Officer has committed gross error of non-application of mind and in favouring the management by stretching evidence in favour of the management. He submitted that the ld. Enquiry Officer has failed to discuss and analyze the evidence as well as material of the defense and merely stated that the misconduct levelled against him stands proved. He submitted that no reason of whatsoever nature has been given by the ld. Enquiry Officer for not considering the evidence of the defense. He submitted that the witness examined by the management are managerial and supervisory staff and as such their testimony cannot be believed. He submitted that none of the workmen or co-worker have been examined by the management as its witness to prove their case. He submitted that the findings given by ld. Enquiry Officer are not based on evidence on record and that there is no direct evidence against him. He submitted that his dismissal from service smacks of malafides intended to take revenge on him for his legitimate trade union activities and for being an Office Bearer of the union. He submitted that his dismissal from service is in total violation of the provisions of I.D. Act, 1947 and the rules made thereunder. He submitted that after termination of his services, the management has recruited new workmen at his factory. He therefore, submitted that his dismissal from service is illegal, unjust, bad-in-law and therefore, entitled for immediate reinstatement with full back wages and continuity in service. Without prejudice to his aforesaid contentions, he submitted that the punishment meted out to him of dismissal from service is too harsh and disproportionate considering the nature of allegations leveled against him without admitting that the allegations are proved in the enquiry. He stated that presently, he is unemployed and does not have any source of income. The Workman therefore, prayed that the action of the Employer in dismissing him from service w.e.f. 24-12-2008 be held as illegal, unjustified and bad-in-law and he be reinstated in service with full back wages, continuity in service and all other consequential benefits thereof.

4. The Employer resisted the claim of the Workman by filing its written statement on 15-10-10 at Exb. 5. The Employer, as and by way of its preliminary objections, submitted that the dispute raised by the Workman is without merits and as such the reference is liable to be rejected. The Employer submitted that the Goa Trade and Commercial Workers Union on whose representation the purported dispute is referred to this Hon'ble Tribunal has no authority and locus standi to represent the Workman and to espouse the dispute on his behalf.

5. The Employer stated that it is a company incorporated under the Companies Act, 1956 having its registered office at Pilerne Industrial Estate, Pilerne, Bardez-Goa. The Employer stated that it has a factory, wherein it is engaged in the manufacture of ophthalmic lenses. The Employer stated that it is an export oriented unit in terms of manufacturing license issued to it. The Employer admitted that the Workman under reference has been employed by them in its factory for manufacturing activities.

6. The Employer stated that on 22-08-2007, the Workman was posted in a section of the factory known as progressive department. The Employer stated that at about 8. 40 hours on the said date, the Workman left his workplace in the progressive department without permission of his superiors. The Employer stated that thereafter, he and other three workmen led around 38 workers and barged in the office of its General Manager, Mr. R. A. Prabhu without any permission and gheroad him. The Employer stated that he alongwith other three workmen, Shri Surendra Tuyenkar, Vishnu Gaude and Shri Santosh Parab were the leaders of the mob. The Employer stated that he remained in the office of the General Manager for over 15 minutes abandoning the work allotted to him. The Employer stated that the aforesaid acts being serious acts of misconduct, a charge-sheet was served on the Workman detailing the said charges. The Employer stated that the Workman was therefore charged as follows "14 (3) (c): Willful damage to or loss of Employers goods or property, 14 (3) (h): Riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline". The Employer stated that the Workman was required to show-cause as to why the disciplinary action should not be taken against him for the aforesaid misconducts. The Employer stated that the Workman submitted his reply dated 28-08-2007 to the said charge-sheet. The Employer stated that the explanation given by the Workman in the said reply was not found to be satisfactory.

7. The Employer stated that similar charge-sheets were also issued to Shri Surendra Tuyenkar, Shri Vishnu Gaude and Shri Santosh Parab. The Employer stated that they also submitted identical replies, which were not found satisfactory. The Employer stated that thereafter, a joint domestic enquiry was held into the charge-sheet issued to the Workman and the other three workmen by appointing Shri A. M. Gaikwad. The Employer stated that all the four workmen participated in the enquiry. The Employer stated that during the course of enquiry, Shri Santosh Parab left the services. The Employer stated that the Workman and the other two workmen were represented in the enquiry by an Office Bearer of the union, Shri Suhas Naik. The Employer stated that their representative cross-examined management witnesses and the Workman also produced his own evidence. The Employer stated that full opportunity was given to the Workman to defend himself and the enquiry was held in compliance with the principles of natural justice and fair play. The Employer stated that on conclusion of the evidence, the Id. Enquiry Officer submitted his findings dated 08-12-2008, wherein he held that the charges "riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline" is proved against the Workman and Shri Surendra Tuyenkar and Shri Vishnu Gaude.

8. The Employer stated that by show-cause notice dated 10-12-2008, a copy of the said findings was made available to the Workman and he was required to show-cause as to why the said findings should not be accepted. The Employer stated that by letter dated 16-12-2008, the Workman sought time for four weeks to submit his explanation to the show-cause notice. The Employer stated that by another show cause notice dated 18-12-2008 signed by its director, Shri Gaurav Gupta, they informed the Workman that his request for granting time to submit his reply is rejected and further informed him that he has accepted the findings of the Id. Enquiry Officer dated 09-12-2008. The Employer stated that, by the said show-cause notice, the Workman was informed that Shri Gaurav Gupta has come to the tentative conclusion to award the penalty of dismissal from service to the Workman and he was given an opportunity on the proposed penalty to make his representation on the proposed penalty within four days from the date of receipt of the said notice. The Employer stated that the Workman submitted his reply to the said show cause notice, by his letter dated 22-12-2008. The Employer stated that as the said reply was not found to be satisfactory, the Employer dismissed the Workman from service with immediate

effect by order dated 24-12-2008. The Employer submitted that the dismissal of the Workman from service is just and legal as the Workman was involved in a very serious misconduct of leading the workers and gheraoing it's General Manager.

9. The Employer submitted that the principles of natural justice were duly complied with in the enquiry wherein the Workman was represented by an Office Bearer of a trade union. The Employer submitted that the findings of the Id. Enquiry Officer are based on the evidence and material on record of the enquiry proceedings. The Employer submitted that the said findings are perfectly fair and proper. The Employer submitted that the charges of misconduct proved against the Workman are very grave and serious and such acts deserves the penalty of dismissal from service. The Employer therefore, submitted that its action in dismissing the Workman from service is therefore, perfectly legal and justified.

10. Without prejudice to its contention, the Employer submitted that in the event this Hon'ble Tribunal holds for any reason whatsoever that the said enquiry is not fair and proper or the findings of Id. Enquiry Officer are not legal or not based on evidence on record, they may be given an opportunity to substitute the charges of misconduct alleged against the Workman by producing appropriate evidence in this Hon'ble Tribunal. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the present reference.

11. Thereafter, the Workman filed his rejoinder on 08-12-2010 at Exb.6. The Workman, by way of his Rejoinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the Written Statement, which are contrary to the statements and averments made by him. He submitted that the charge-sheet was issued to him to take revenge for his association with trade union of his choice and for being an office bearer of the local committee and the Workman. He stated that the Employer was bent upon to harass and victimize him.

12. Based on the pleadings filed by the respective parties, this Court framed the following issues on 11-03-2011 at Exb. 7.

1. Whether the Party-I/Union proves that the domestic enquiry held against the Workman is not fair, proper and impartial?
2. Whether the charges levelled against the Workman are proved to the satisfaction of the Tribunal by acceptable evidence?

3. Whether the Party-I/Union proves that the action of the Party II in dismissing the services of the Workman w.e.f. 24-12-2008 is illegal and unjustified?

4. What relief? What order?

13. My findings to the aforesaid issues are as under:

- | | | |
|-----------------|---|---|
| (a) Issue No. 1 | : | In the Negative. |
| (b) Issue No. 2 | : | Partly in the Affirmative and Partly in the Negative. |
| (c) Issue No. 3 | : | In the Affirmative. |
| (d) Issue No. 4 | : | As per final order. |

I have heard the oral arguments of Id. Adv. Shri Suhas Naik, appearing for the Workman as well as Id. Adv., Shri A.V. Nigalye, appearing for the Employer.

14. Id. Adv., Shri Suhas Naik, representing the union, during the course of his oral arguments submitted that the Workman is represented by the Goa Trade and Commercial Workers' Union. He submitted that the Workman was in the employment of the Employer. He submitted that by order dated 19-11-2019 passed in the findings on the preliminary issue No. 1 and 2, this Hon'ble Court held that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. He submitted that the charges of misconduct proved against the Workman is not grave and serious. He submitted that inspection report on record clearly indicates the various irregularities of the Employer including no proper rest room etc. He submitted that the whole incident occurred on account of shortage of bed sheets. He submitted that the Workman was the Office Bearer of the local union committee. He submitted that the allegations levelled against the Workman is gheraoing, Mr. R. A. Prabhu, the General Manager of the Employer by a group of around 38 workers. He submitted that there is nothing on record that the Workman has used foul/abusive language. He submitted that no bad words were used against any of the authority by the workers. He submitted that the Employer has however, selectively charge-sheeted and subsequently dismissed the Office Bearers of the local union committee including the Workman under reference. He submitted that the action taken by the Employer against the Workman was to take revenge of their legitimate trade union

activities and for being the Office Bearer of the union. He submitted that the Employer has not taken any action against the other workers who were involved in gheraoing Mr. R. A. Prabhu. He submitted that the punishment imposed upon the Workman is too harsh and disproportionate to the proved misconduct. He submitted that no responsible Employer would have passed such dismissal order. He submitted that this Hon'ble Court has every jurisdiction u/s 11-A of the I.D. Act, 1947 to re-appraise the evidence and modify the punishment awarded to the Workman. In support of his oral contention, he relied upon a judgment of **Mahindra and Mahindra v/s. N.B. Narawade, reported in 2005 (3) SCC 134** of Hon'ble Supreme court of India. He submitted that the Workman is not gainfully employed from the date of his dismissal and does not have any source of income. He submitted that though the evidence on record indicates that the Workman owns a paddy field as well as a goods carrier rickshaw, however, nothing is brought on record to show as to how much he yields from paddy fields as well as from the said rickshaw. The evidence on record indicates that the workman is not operating the rickshaw for want of business. He therefore, prayed that the Workman be reinstated in service with full back wages and continuity in service along with all other consequential benefits. In support of his oral contentions, he relied upon two judgments of Hon'ble Supreme Court of India, one in the case of **Rama Kant Misra V/s State Of U. P. reported in AIR 1982 SC 1552** and another in the case of **Ved Prakash Gupta v/s. Delton Cable India (P) Ltd., reported in 1984 AIR 914**.

15. Per contra, Ld. Adv., Shri A.V. Nigalye, representing the Employer during the course of his oral arguments submitted that by order dated 19-11-2019 passed in the findings on the preliminary issue No.1 and 2, this Hon'ble Court held that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. He submitted that misconduct of gheraoing is a serious misconduct. He submitted that the Workman was an Office Bearer of the union and he got the punishment he deserved. He submitted that the punishment of dismissal from service imposed upon the Workman is proportionate to the proved serious misconduct of gheraoing the General Manager of the Employer. Without prejudice to the aforesaid contentions, he submitted that the Workman is not entitled for reinstatement in service. He submitted that the Workman was dismissed for loss of

confidence in him. He submitted that this Court is empowered to mould the relief. He submitted that the evidence on record indicates that the Workman is having his own paddy fields as well as goods carrier rickshaw. He submitted that self-employment is also a gainful employment. In support of his oral contentions, he relied upon the following judgments of Hon'ble Supreme Court of India.

- (a) In the case of **Hombe Gowda Education Trust and Anr v/s. State of Karnataka and Ors, reported in 2006 1 SCC 430**,
- (b) In the case of **Pravin Kumar v/s. Union of India and Ors., reported in 2020 5 Supreme 149** and
- (c) In the case of **North East Karnataka Road Transport Corporation v/s. M. Nagangouda, reported in 2007 10 SCC 765**

He therefore prayed that the reference be answered as the action of the management of the Employer in dismissing the Workman is legal and justified and the Workman is not entitled to any relief.

I have carefully perused the entire records of the present case. I have also carefully considered the oral submissions advanced by the Ld. Advocates appearing for the respective parties.

REASONS

Issue No. 1 and 2

17. By order dated 19-11-2019, passed in my findings on the preliminary issue No.1 and 2, I have discussed and come to the conclusion that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct, wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. The issue No. 1 is therefore answered in the negative and issue No. 2 is partly answered in the affirmative and partly in the negative.

Issue No. 3

18. Ld. Adv., Shri A. V. Nigalye, representing the Employer submitted that the services of the Workman have been dismissed on account of loss of confidence in him. However, I do not find any pleadings of the Employer to that effect nor produced on record any evidence to substantiate the plea of loss of confidence. Hence, submissions of Ld. Adv., Shri A.V. Nigalye that the services of the Workman have been dismissed on account of loss of confidence in him is without merits.

19. Ld. Adv., Shri Suhas Naik representing the union during the course of his oral arguments submitted that this Hon'ble court has ample power u/s 11-A of the I.D. Act, 1947 to reduce the punishment and relied upon a judgment in the case of Mahindra and Mahindra.

20. In the case of **Mahindra and Mahindra (supra)**, the Hon'ble High Court of Bombay held as under

"It is no doubt true that after introduction of section 11-A in the Industrial Disputes Act, certain amount of discretion is vested with labour court/industrial tribunal in interfering with the quantum of punishment awarded by the management, where the concerned Workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this Court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstance which requires the reduction of the sentence, or the past misconduct of the Workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the labour court cannot by way of sympathy alone exercise the power under Section 11-A of the Act and reduce the punishment. As noticed here above at least in two of the cases cited before us, i.e., Orissa Cement Ltd. (supra) and New Shorrock Mills (supra), this Court held: "punishment of dismissal for using of abusive language cannot be held to be disproportionate." In this case all forums below have held that the language used by the Workman is such that it cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too not once but twice, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor to herein above."

21. Ld. Adv., Shri A.V. Nigalye, representing the Employer, relied upon a judgment of **Hombe Gowda Education Trust and Anr. (supra)**, the Hon'ble Supreme Court in para 16 and 17 of its judgment has held as under:

"16. The Tribunal's jurisdiction is akin to one under Section 11A of the Industrial Disputes Act. While exercising such discretionary jurisdiction, no doubt it is open to the Tribunal to substitute one punishment by another; but it is also trite that the

Tribunal exercises a limited jurisdiction in this behalf. The jurisdiction to interfere with the quantum of punishment could be exercised only when, inter alia, it is found to be grossly disproportionate".

17. This court has repeatedly, laid down the law that such interference at the hands of the Tribunal should be inter alia on arriving at a finding that no reasonable person could inflict such punishment. The Tribunal may further more exercises its jurisdiction when relevant facts are not taken into consideration by the management which would have direct bearing on the question of quantum of punishment."

22. Thus, from the aforesaid judgments of Hon'ble Apex Court it is crystal clear that the Labour Court has the jurisdiction and power to substitute its measure of punishment in place of managerial wisdom once it is satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case. However the discretion u/s 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past misconduct of the workman.

23. Ld. Adv., Shri A.V. Nigalye representing the Employer submitted that the punishment of dismissal from services of the Workman is proportionate to the proved misconduct and it does not shock the conscience of the Court and relied upon a judgment of the Hon'ble Apex Court in the case of Pravin Kumar.

24. In the case of **Pravin Kumar (supra)**, the Hon'ble Supreme Court of India in para 36 of its judgment held as under:

"36. In our considered opinion, the appellant's contention that the punishment of dismissal was disproportionate to the allegation of corruption, is without merit. It is a settled legal proposition that the Disciplinary Authority has wide discretion in imposing punishment for a proved delinquency, subject of course to principles of proportionality and fair play. Such requirements emanate from Article 14 itself, which prohibits State authorities from treating varying degrees of misdeeds with the same broad stroke. Determination of such proportionality is a function of not only the action or intention of the delinquent, but must also factor the financial effect and societal implication of such misconduct [Jameel v/s. State of Uttar Pradesh, (2010) 12 SCC 532, 1416]. But unlike in criminal cases, in matters of disciplinary proceedings Courts

only interfere on grounds of proportionality when they find that the punishment awarded is inordinate to a high degree, or if the conscience of the court itself is shocked. Thus, whereas imposition of major penalty (like dismissal, removal, or reduction in rank) would be discriminatory and impermissible for trivial misdeeds; but for grave offences there is a need to send a clear message of deterrence to the society. Charges such as corruption, misappropriation and gross indiscipline are prime examples of the latter category, and ought to be dealt with strictly".

The principle laid down by the Hon'ble Apex Court in its aforesaid case is not applicable to the case in hand as the facts of the case before the Hon'ble Apex Court and the case in hand are totally different.

25. In the case of **Ved Prakash Gupta (supra)**, the Hon'ble Apex Court held as under:

"The punishment awarded to the appellant is shockingly disproportionate regard being had to the charge framed against him. No responsible Employer would ever impose in employee, and victimization or unfair labour practice could well be inferred from the conduct of the management in awarding the extreme punishment of dismissal for a flimsy charge of abuse of some worker or officer of the management by the appellant within the premises of the factory".

The principle laid down by the Hon'ble Apex Court is applicable to the case in hand.

26. In the case of **Rama Kant Misra (supra)**, before the Hon'ble Apex Court, *"The Respondent had dismissed the services of the Appellant after having found guilty of misconduct consisting of use of indiscreet or abusive or threatening language without taking into consideration the Appellant was working with them for 14 years, without any blameworthy conduct and that he was working as Secretary of the Workmen's Union".* While allowing the appeal, the Hon'ble Apex Court has held that *"the Order of Dismissal was not justified in the facts and circumstances of the case and ordered for reinstatement with all the benefits including the back wages, but the two increments falling due from the date of termination of the services of the Appellant be withheld with future effect".*

27. The principle laid down by the Hon'ble Apex Court is applicable to the case in hand. Applying the law laid down by the Hon'ble Apex Court, in the case in hand, the charges of misconduct proved against the Workman is riotous or disorderly behavior during working hours at the establishment or any act subversive of discipline and the charge of wilful

damage to or loss of Employer's good or property has not been proved. The allegations levelled against the Workman that he led around 38 workers and barged into the office of General Manager, Mr. R.A. Prabhu and gheraoed him. However, there is nothing on record that the Workman used bad words or foul language or threatened etc. Hence, the misconduct proved against the Workman is not grave and serious. The Workman was in the employment of the Employer from the year 2000–2001 as "Operator" in Progress Oven Department. The Employer failed to prove that the past records of the Workman is blameworthy which constrained the Employer to pass extreme penalty of dismissal from service. It is pertinent to note that the Workman under reference was the Office Bearer of the local committee union. Further, although around 38 workers barged and gheraoed Shri. R. A. Prabhu, the General Manager of the Employer, neither any memo nor show-cause notice, charge-sheet, warning or any disciplinary enquiry were held against them except the Office Bearer of the local committee union. It is pertinent to note that there were shortage of bed sheets to the workers. It is further noticed that the inspection report of the Labour Inspector produced on record clearly indicates that there were various irregularities including proper rest room to be provided to the workers. In the circumstances, this court is of the opinion that the punishment of dismissal from service of the Workman is shockingly disproportionate to the proved misconduct of disorderly behaviour during the working hours at the establishment or any other act subversive of discipline. The Workman could have been punished for withholding two increments falling due from the date of termination of the services of the Workman. No responsible Employer would ever impose in like circumstances the extreme punishment of dismissal from service. The aforesaid act of dismissing the services of the Workman under reference is an act of victimization. Hence, it is held that the action of the Employer in dismissing the services of the Workman w.e.f. 24-12-2008 is illegal and unjustified. The issue No. 3 is therefore answered in the affirmative.

Issue No. 4

While deciding the issue No. 3 hereinabove, I have discussed and come to the conclusion that the action of the Employer in dismissing the services of the Workman is illegal and unjustified.

28. Ld. Adv., Shri A.V. Nigalye, representing the Employer submitted that the Workman owns a paddy field of his family and that the Workman is gainfully employed by way of self-employment and relied upon the following judgment of Hon'ble Apex Court.

29. In the case of **North East Karnataka Road Transport Corporation (supra)**, the Hon'ble Supreme Court of India in para 17 of its judgment held as under:

"17. On the said question, we are unable to accept the reasoning of the Labour Court that the income received by the respondent from agricultural pursuits could not be equated with income from gainful employment in any establishment in any establishment. In our view, "gainful employment" would also include self-employment where from income is generated. Income either from employment in an establishment or from self-employment merely differentiates the sources from which income is generated, the end use being the same. Since the respondent was earning some amount from his agricultural pursuits to maintain himself, the Labour Court was not justified in holding that merely because the respondent was receiving agricultural income, he could not be treated to be engaged in "gainful employment".

The principle laid down by the Hon'ble Apex Court is not applicable to the case in hand. In the instant case, the Workman owns a paddy field of his family as well as goods carrier rickshaw. The evidence on record indicates that the workman is not operating the said rickshaw for want of business. There is nothing on record to show that how much income is derived either from the paddy fields owned by the joint family of the workman or from the goods carrier rickshaw. Taking into consideration, the entire facts of the present case, I am of the opinion that the Workman is entitled for reinstatement in service with 20% of back wages along with consequential benefits thereof.

In view of the above, I proceed to pass the following order:

Order

1. It is held that the action of the management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, in dismissing the service of its Workman, Shri Kishore Tuyenkar, with effect from 24-12-2008, is illegal and unjustified.
2. The management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, is hereby directed to reinstate the Workman, Shri Kishore Tuyenkar, in service with 20% of back wages along with consequential benefits thereof.
3. No order as to costs.

Inform the Government accordingly.

Sd/-

(Suresh N. Naulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/2/2022-LAB/Part-I/78

The following Award passed by the Labour Court-II, at Panaji-Goa on 10-01-2022 in Case No. Ref. IT/16//2010 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 9th February, 2022.

LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/16/2010

Shri Surendra Tuyenkar,
Rep. by the Secretary,
Goa Trade and Commercial Workers Union,
Velho Bldg, Panaji-Goa ... Workman/Party I.
V/s

M/s. G.K.B. Vision Ltd.,
Plot No. 27 and 28,
Pilerne Industrial Estate,
Pilerne, Bardez-Goa ... Employer/Party II.

Workman/Party I represented by Adv. Shri Suhas Naik.

Employer/Party II represented by Adv. Shri A. V. Nigalye.

Panaji, Dated: 10-01-2022.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 11-05-2010, bearing No. 28/16/2010-LAB, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Government of Goa, vide its another order dated 09-02-2016, transferred the present dispute to this Labour Court-II, Panaji - Goa.

"(1) Whether the action of the management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, in dismissing the service of its Workman, Shri. Surendra Tuyenkar, with effect from 24-12-2008, is legal and justified?

(2) If not, what relief the Workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/16/10 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his statement of claim on 17-08-2010 at Exb-3. The facts of the case in brief as pleaded by the Workman are that he was employed by the Employer/Party II (for short, 'Employer') in its workshop dept. as 'Lathe Operator'. He stated that he was issued a charge-sheet dated 27-08-2007 alleging certain acts of misconducts. He stated that he filed his reply to the said charge-sheet, denying each and every allegations. He stated that however, the Employer went ahead to conduct the enquiry against him. He stated that an enquiry was setup against him by the Employer by appointing Adv. Shri A. M. Gaikwad as an Enquiry Officer to investigate into the acts of misconduct. He stated that he was represented by an Office Bearer of the union. On the contrary, the Management was represented by Adv. A. V. Nigalye. He stated that Id. Enquiry Officer submitted his findings after holding the enquiry. He stated that thereafter, the Employer dismissed him from his service by its order dated 24-12-2018. He submitted that being aggrieved by the dismissal order dated 24-12-2018, he raised an industrial dispute before the office of the Labour Commissioner, vide his letter dated 20-01-2009 demanding immediate reinstatement with full back wages and continuity in service, which ended in failure.

3. He contended that the Id. Enquiry Officer never considered the objection raised by him and his representative in the said enquiry. He submitted that the Id. Enquiry Officer arbitrarily and mechanically overruled his written objections and totally acted in a biased and prejudicial manner in favour of the Employer. He submitted that the findings given by the Id. Enquiry Officer are non-reasoned findings in a mechanical manner in favour of the management. He submitted that no charge levelled against him in the charge-sheet dated 27-08-2007 have been proved beyond reasonable doubt. He submitted that the findings given by the Id. Enquiry Officer are perverse and are liable to be set aside and quashed. He submitted that the Id. Enquiry Officer has acted as a mere agent of the management who made a farce of enquiry and conducted the enquiry in flagrant violations of the principles of natural justice. He submitted that the Id. Enquiry Officer completed the said enquiry with undue haste, with biased and prejudicial mind in favour of the management. He submitted that he disputes and challenges the entire enquiry proceedings conducted by the Id. Enquiry Officer in respect of charge-sheet dated 27-08-2007.

He submitted that the Id. Enquiry Officer has committed gross error of non-application of mind and in favouring the management by stretching evidence in favour of the management. He submitted that the Id. Enquiry Officer has failed to discuss and analyze the evidence as well as material of the defense and merely stated that the misconduct levelled against him stands proved. He submitted that no reason of whatsoever nature has been given by the Id. Enquiry Officer for not considering the evidence of the defense. He submitted that the witness examined by the management are managerial and supervisory staff and as such their testimony cannot be believed. He submitted that none of the workmen or co-worker have been examined by the management as its witness to prove their case. He submitted that the findings given by Id. Enquiry Officer are not based on evidence on record and that there is no direct evidence against him. He submitted that his dismissal from service smacks of malafides intended to take revenge on him for his legitimate trade union activities and for being an Office Bearer of the union. He submitted that his dismissal from service is in total violation of the provisions of I.D. Act, 1947 and the rules made thereunder. He submitted that after termination of his services, the management has recruited new workmen at his factory. He therefore, submitted that his dismissal from service is illegal, unjust, bad-in-law and therefore, entitled for immediate reinstatement with full back wages and continuity in service. Without prejudice to his aforesaid contentions, he submitted that the punishment meted out to him of dismissal from service is too harsh and disproportionate considering the nature of allegations leveled against him without admitting that the allegations are proved in the enquiry. He stated that presently, he is unemployed and does not have any source of income. The Workman therefore, prayed that the action of the Employer in dismissing him from service w.e.f. 24-12-2008 be held as illegal, unjustified and bad-in-law and he be reinstated in service with full back wages, continuity in service and all other consequential benefits thereof.

4. The Employer resisted the claim of the Workman by filing its written statement on 15-10-10 at Exb. 5. The Employer, as and by way of its preliminary objections, submitted that the dispute raised by the Workman is without merits and as such the reference is liable to be rejected. The Employer submitted that the Goa Trade and Commercial Workers Union on whose representation the purported dispute is referred to this Hon'ble Tribunal has no authority and locus standi to represent the Workman and to espouse the dispute on his behalf.

5. The Employer stated that it is a company incorporated under the Companies Act, 1956 having its registered office at Pilerne Industrial Estate, Pilerne, Bardez-Goa. The Employer stated that it has a factory, wherein it is engaged in the manufacture of ophthalmic lenses. The Employer stated that it is an export oriented unit in terms of manufacturing license issued to it. The Employer admitted that the Workman under reference has been employed by them in its factory for manufacturing activities.

6. The Employer stated that on 22-08-2007, the Workman was posted in a section of the factory known as progressive department. The Employer stated that at about 8.40 hours on the said date, the Workman left his workplace in the progressive department without permission of his superiors. The Employer stated that thereafter, he and other three workmen led around 38 workers and barged in the office of its General Manager, Mr. R. A. Prabhu without any permission and gheroad him. The Employer stated that he alongwith other three workmen, Shri Kishore Tuyenkar, Vishnu Gaude and Shri Santosh Parab were the leaders of the mob. The Employer stated that he remained in the office of the General Manager for over 15 minutes abandoning the work allotted to him. The Employer stated that the aforesaid acts being serious acts of misconduct, a charge-sheet was served on the Workman detailing the said charges. The Employer stated that the Workman was therefore charged as follows "14 (3) (c): Willful damage to or loss of Employers goods or property, 14 (3) (h): Riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline". The Employer stated that the Workman was required to show-cause as to why the disciplinary action should not be taken against him for the aforesaid misconducts. The Employer stated that the Workman submitted his reply dated 28-08-2007 to the said charge-sheet. The Employer stated that the explanation given by the Workman in the said reply was not found to be satisfactory.

7. The Employer stated that similar charge-sheets were also issued to Shri Kishore Tuyenkar, Shri Vishnu Gaude and Shri Santosh Parab. The Employer stated that they also submitted identical replies, which were not found satisfactory. The Employer stated that thereafter, a joint domestic enquiry was held into the charge-sheet issued to the Workman and the other three workmen by appointing Shri A. M. Gaikwad. The Employer stated that all the four workmen participated in the enquiry. The Employer stated that during the course of enquiry, Shri Santosh Parab left the services. The Employer stated that the Workman and the other two workmen

were represented in the enquiry by an Office Bearer of the union, Shri Suhas Naik. The Employer stated that their representative cross-examined management witnesses and the Workman also produced his own evidence. The Employer stated that full opportunity was given to the Workman to defend himself and the enquiry was held in compliance with the principles of natural justice and fair play. The Employer stated that on conclusion of the evidence, the Id. Enquiry Officer submitted his findings dated 08-12-2008, wherein he held that the charges "riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline" is proved against the Workman and Shri Kishore Tuyenkar and Shri Vishnu Gaude.

8. The Employer stated that by show-cause notice dated 10-12-2008, a copy of the said findings was made available to the Workman and he was required to show-cause as to why the said findings should not be accepted. The Employer stated that by letter dated 16-12-2008, the Workman sought time for four weeks to submit his explanation to the show-cause notice. The Employer stated that by another show cause notice dated 18-12-2008 signed by its director, Shri Gaurav Gupta, they informed the Workman that his request for granting time to submit his reply is rejected and further informed him that he has accepted the findings of the Id. Enquiry Officer dated 09-12-2008. The Employer stated that, by the said show-cause notice, the Workman was informed that Shri Gaurav Gupta has come to the tentative conclusion to award the penalty of dismissal from service to the Workman and he was given an opportunity on the proposed penalty to make his representation on the proposed penalty within four days from the date of receipt of the said notice. The Employer stated that the Workman submitted his reply to the said show cause notice, by his letter dated 22-12-2008. The Employer stated that as the said reply was not found to be satisfactory, the Employer dismissed the Workman from service with immediate effect by order dated 24-12-2008. The Employer submitted that the dismissal of the Workman from service is just and legal as the Workman was involved in a very serious misconduct of leading the workers and gheroaing it's General Manager.

9. The Employer submitted that the principles of natural justice were duly complied with in the enquiry wherein the Workman was represented by an Office Bearer of a trade union. The Employer submitted that the findings of the Id. Enquiry Officer are based on the evidence and material on record of the enquiry proceedings. The Employer submitted that the said findings are perfectly fair and proper.

The Employer submitted that the charges of misconduct proved against the Workman are very grave and serious and such acts deserves the penalty of dismissal from service. The Employer therefore, submitted that its action in dismissing the Workman from service is therefore, perfectly legal and justified.

10. Without prejudice to its contention, the Employer submitted that in the event this Hon'ble Tribunal holds for any reason whatsoever that the said enquiry is not fair and proper or the findings of Id. Enquiry Officer are not legal or not based on evidence on record, they may be given an opportunity to substitute the charges of misconduct alleged against the Workman by producing appropriate evidence in this Hon'ble Tribunal. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the present reference.

11. Thereafter, the Workman filed his rejoinder on 08-12-2010 at Exb. 6. The Workman, by way of his Rejoinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the Written Statement, which are contrary to the statements and averments made by him. He submitted that the charge-sheet was issued to him to take revenge for his association with trade union of his choice and for being an office bearer of the local committee and the Workman. He stated that the Employer was bent upon to harass and victimize him.

12. Based on the pleadings filed by the respective parties, the Hon'ble Presiding Officer, Industrial Tribunal cum Labour Court framed the following issues on 12-01-2011 at Exb. 7.

1. Whether the Party-I/Union proves that the domestic enquiry held against the Workman is not fair, proper and impartial?
2. Whether the charges levelled against the Workman are proved to the satisfaction of the Tribunal by acceptable evidence?
3. Whether the Party-I/Union proves that the action of the Party II in dismissing the services of the Workman w.e.f. 24-12-2008 is illegal and unjustified?
4. What relief? What order?

13. My findings to the aforesaid issues are as under:

- (a) Issue No. 1 : In the Negative.
- (b) Issue No. 2 : Partly in the Affirmative and Partly in the Negative.
- (c) Issue No. 3 : In the Affirmative.
- (d) Issue No. 4 : As per final order.

I have heard the oral arguments of Id. Adv. Shri Suhas Naik, appearing for the Workman as well as Id. Adv. Shri A.V. Nigalye, appearing for the Employer.

14. Id. Adv. Shri Suhas Naik, representing the union, during the course of his oral arguments submitted that the Workman is represented by the Goa Trade and Commercial Workers' Union. He submitted that the Workman was in the employment of the Employer. He submitted that by order dated 19-11-2019 passed in the findings on the preliminary issue No. 1 and 2, this Hon'ble Court held that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. He submitted that the charges of misconduct proved against the Workman is not grave and serious. He submitted that inspection report on record clearly indicates the various irregularities of the Employer including no proper rest room etc. He submitted that the whole incident occurred on account of shortage of bed sheets. He submitted that the Workman was the Office Bearer of the local union committee. He submitted that the allegations levelled against the Workman is gheraoing, Mr. R. A. Prabhu, the General Manager of the Employer by a group of around 38 workers. He submitted that there is nothing on record that the Workman has used foul/abusive language. He submitted that no bad words were used against any of the authority by the workers. He submitted that the Employer has however, selectively charge-sheeted and subsequently dismissed the Office Bearers of the local union committee including the Workman under reference. He submitted that the action taken by the Employer against the Workman was to take revenge of their legitimate trade union activities and for being the Office Bearer of the union. He submitted that the Employer has not taken any action against the other workers who were involved in gheraoing Mr. R. A. Prabhu. He submitted that the punishment imposed upon the Workman is too harsh and disproportionate to the proved misconduct. He submitted that no responsible Employer would have passed such dismissal order. He submitted that this Hon'ble Court has every jurisdiction u/s 11-A of the I.D. Act, 1947 to re-appraise the evidence and modify the punishment awarded to the Workman. In support of his oral contention, he relied upon a judgment of **Mahindra and Mahindra v/s. N.B. Narawade, reported in 2005 (3) SCC 134** of Hon'ble Supreme

Court of India. He submitted that the Workman is not gainfully employed from the date of his dismissal and does not have any source of income. He submitted that though the evidence on record indicates that the Workman owns a paddy field, however, nothing is brought on record to show as to how much he yields from paddy fields. He therefore, prayed that the Workman be reinstated in service with full back wages and continuity in service along with all other consequential benefits. In support of his oral contentions, he relied upon two judgments of Hon'ble Supreme Court of India, one in the case of **Rama Kant Misra V/s State Of U. P.** reported in **AIR 1982 SC 1552** and another in the case of **Ved Prakash Gupta v/s. Delton Cable India (P) Ltd., reported in 1984 AIR 914.**

15. Per contra, Ld. Adv., Shri A.V. Nigalye, representing the Employer during the course of his oral arguments submitted that by order dated 19-11-2019 passed in the findings on the preliminary issue No.1 and 2, this Hon'ble Court held that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. He submitted that misconduct of gheraoing is a serious misconduct. He submitted that the Workman was an Office Bearer of the union and he got the punishment he deserved. He submitted that the punishment of dismissal from service imposed upon the Workman is proportionate to the proved serious misconduct of gheraoing the General Manager of the Employer. Without prejudice to the aforesaid contentions, he submitted that the Workman is not entitled for reinstatement in service. He submitted that the Workman was dismissed for loss of confidence in him. He submitted that this Hon'ble Court is empowered to mould the relief. He submitted that the evidence on record indicates that the Workman is having his own paddy fields. He submitted that self-employment is also a gainful employment. In support of his oral contentions, he relied upon the following judgments of Hon'ble Supreme Court of India.

- (a) In the case of **Hombe Gowda Education Trust and Anr v/s. State of Karnataka and Ors, reported in 2006 1 SCC 430,**
- (b) In the case of **Pravin Kumar v/s. Union of India and Ors., reported in 2020 5 Supreme 149** and

- (c) In the case of **North East Karnataka Road Transport Corporation v/s. M. Nagangouda, reported in 2007 10 SCC 765**

He therefore prayed that the reference be answered as the action of the management of the Employer in dismissing the Workman is legal and justified and the Workman is not entitled to any relief.

I have carefully perused the entire records of the present case. I have also carefully considered the oral submissions advanced by the Ld. Advocates appearing for the respective parties.

REASONS

Issue No. 1 and 2

16. By order dated 19-11-2019, passed in my findings on the preliminary issue No.1 and 2, I have discussed and come to the conclusion that a free, fair and proper enquiry has been conducted against the Workman and that it is further held that except the charge of misconduct, wilful damage to or loss of Employer's goods or property, the charge of riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline levelled against the Workman have been proved to the satisfaction of this court by acceptable evidence. The issue No. 1 is therefore answered in the negative and issue No. 2 is partly answered in the affirmative and partly in the negative.

Issue No. 3

17. Ld. Adv. Shri A. V. Nigalye, representing the Employer submitted that the services of the Workman have been dismissed on account of loss of confidence in him. However, I do not find any pleadings of the Employer to that effect nor produced on record any evidence to substantiate the plea of loss of confidence. Hence, submissions of Ld. Adv. Shri A.V. Nigalye that the services of the Workman have been dismissed on account of loss of confidence in him is without merits.

18. Ld. Adv. Shri Suhas Naik representing the union during the course of his oral arguments submitted that this Hon'ble court has ample power u/s 11-A of the I.D. Act, 1947 to reduce the punishment and relied upon a judgment in the case of Mahindra and Mahindra.

19. In the case of **Mahindra and Mahindra (supra)**, the Hon'ble High Court of Bombay held as under

"It is no doubt true that after introduction of section 11-A in the Industrial Disputes Act, certain amount of discretion is vested with labour court/industrial tribunal in interfering with the quantum of punishment awarded by the management, where

the concerned Workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this Court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstance which requires the reduction of the sentence, or the past misconduct of the Workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the labour court cannot by way of sympathy alone exercise the power under Section 11-A of the Act and reduce the punishment. As noticed here above at least in two of the cases cited before us, i.e., *Orissa Cement Ltd. (supra)* and *New Shorrock Mills (supra)*, this Court held: "punishment of dismissal for using of abusive language cannot be held to be disproportionate." In this case all forums below have held that the language used by the Workman is such that it cannot be tolerated by any civilized society. Use of such abusive language against a superior officer, that too not once but twice, in the presence of his subordinates cannot be termed to be an indiscipline calling for lesser punishment in the absence of any extenuating factor to herein above."

20. Ld. Adv., Shri A.V. Nigalye, representing the Employer, relied upon a judgment of **Hombe Gowda Education Trust and Anr. (supra)**, the Hon'ble Supreme Court in para 16 and 17 of its judgment has held as under:

"16. The Tribunal's jurisdiction is akin to one under Section 11A of the Industrial Disputes Act. While exercising such discretionary jurisdiction, no doubt it is open to the Tribunal to substitute one punishment by another; but it is also trite that the Tribunal exercises a limited jurisdiction in this behalf. The jurisdiction to interfere with the quantum of punishment could be exercised only when, *inter alia*, it is found to be grossly disproportionate".

17. This court has repeatedly, laid down the law that such interference at the hands of the Tribunal should be *inter alia* on arriving at a finding that no reasonable person could inflict such punishment. The Tribunal may further more exercises its jurisdiction when relevant facts are not taken into consideration by the management which would have direct bearing on the question of quantum of punishment."

21. Thus, from the aforesaid judgments of Hon'ble Apex Court it is crystal clear that the Labour Court has the jurisdiction and power to substitute its measure of punishment in place of managerial wisdom once it is satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case. However the discretion u/s 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past misconduct of the workman.

22. Ld. Adv., Shri A.V. Nigalye representing the Employer submitted that the punishment of dismissal from services of the Workman is proportionate to the proved misconduct and it does not shock the conscience of the Court and relied upon a judgment of the Hon'ble Apex Court in the case of Pravin Kumar.

23. In the case of **Pravin Kumar (supra)**, the Hon'ble Supreme Court of India in para 36 of its judgment held as under:

"36. In our considered opinion, the appellant's contention that the punishment of dismissal was disproportionate to the allegation of corruption, is without merit. It is a settled legal proposition that the Disciplinary Authority has wide discretion in imposing punishment for a proved delinquency, subject of course to principles of proportionality and fair play. Such requirements emanate from Article 14 itself, which prohibits State authorities from treating varying degrees of misdeeds with the same broad stroke. Determination of such proportionality is a function of not only the action or intention of the delinquent, but must also factor the financial effect and societal implication of such misconduct [*Jameel v/s. State of Uttar Pradesh*, (2010) 12 SCC 532, 1416]. But unlike in criminal cases, in matters of disciplinary proceedings Courts only interfere on grounds of proportionality when they find that the punishment awarded is inordinate to a high degree, or if the conscience of the court itself is shocked. Thus, whereas imposition of major penalty (like dismissal, removal, or reduction in rank) would be discriminatory and impermissible for trivial misdeeds; but for grave offences there is a need to send a clear message of deterrence to the society. Charges such as corruption, misappropriation and gross indiscipline are prime examples of the latter category, and ought to be dealt with strictly".

The principle laid down by the Hon'ble Apex Court in its aforesaid case is not applicable to the case in hand as the facts of the case before the Hon'ble Apex Court and the case in hand are totally different.

24. In the case of **Ved Prakash Gupta (supra)**, the Hon'ble Apex Court held as under:

"The punishment awarded to the appellant is shockingly disproportionate regard being had to the charge framed against him. No responsible Employer would ever impose in employee, and victimization or unfair labour practice could well be inferred from the conduct of the management in awarding the extreme punishment of dismissal for a flimsy charge of abuse of some worker or officer of the management by the appellant within the premises of the factory".

The principle laid down by the Hon'ble Apex Court is applicable to the case in hand.

25. In the case of **Rama Kant Misra (supra)**, before the Hon'ble Apex Court, *"The Respondent had dismissed the services of the Appellant after having found guilty of misconduct consisting of use of indiscreet or abusive or threatening language without taking into consideration the Appellant was working with them for 14 years, without any blameworthy conduct and that he was working as Secretary of the Workmen's Union". While allowing the appeal, the Hon'ble Apex Court has held that "the Order of Dismissal was not justified in the facts and circumstances of the case and ordered for reinstatement with all the benefits including the back wages, but the two increments falling due from the date of termination of the services of the Appellant be withheld with future effect".*

26. The principle laid down by the Hon'ble Apex Court is applicable to the case in hand. Applying the law laid down by the Hon'ble Apex Court, in the case in hand, the charges of misconduct proved against the Workman is riotous or disorderly behavior during working hours at the establishment or any act subversive of discipline and the charge of wilful damage to or loss of Employer's good or property has not been proved. The allegations levelled against the Workman that he led around 38 workers and barged into the office of General Manager, Mr. R. A. Prabhu and gheraoed him. However, there is nothing on record that the Workman used bad/abusive words or foul language or threatened him etc. Hence, the misconduct proved against the Workman is not grave and serious. The Workman was in the employment of the Employer from the year 2004 – 2005 as 'Lathe Operator'. The Employer failed to prove that the past records of the Workman is blameworthy which

constrained the Employer to pass extreme penalty of dismissal from service. It is pertinent to note that the Workman under reference was the Office Bearer of the local committee union. Further, although around 38 workers barged and gheraoed Shri. R. A. Prabhu, the General Manager of the Employer, neither any memo nor show-cause notice, charge-sheet, warning or any disciplinary enquiry were held against them except the Office Bearer of the local committee union. It is pertinent to note that there were shortage of bed sheets to the workers. It is further noticed that the inspection report of the Labour Inspector produced on record clearly indicates that there were various irregularities including proper rest room to be provided to the workers. In the circumstances, this court is of the opinion that the punishment of dismissal from service of the Workman is shockingly disproportionate to the proved misconduct of disorderly behaviour during the working hours at the establishment or any other act subversive of discipline. The Workman could have been punished for withholding two increments falling due from the date of termination of the services of the Workman. No responsible Employer would ever impose in like circumstances the extreme punishment of dismissal from service. The aforesaid act of dismissing the services of the Workman under reference is an act of victimization. Hence, it is held that the action of the Employer in dismissing the services of the Workman w.e.f. 24-12-2008 is illegal and unjustified. The issue No. 3 is therefore answered in the affirmative.

Issue No. 4

While deciding the issue No. 3 hereinabove, I have discussed and come to the conclusion that the action of the Employer in dismissing the services of the Workman is illegal and unjustified.

26. Ld. Adv. Shri A.V. Nigalye, representing the Employer submitted that the Workman owns a paddy field of his family and that the Workman is gainfully employed by way of self-employment and relied upon the following judgment of Hon'ble Apex Court.

27. In the case of **North East Karnataka Road Transport Corporation (supra)**, the Hon'ble Supreme Court of India in para 17 of its judgment held as under:

"17. On the said question, we are unable to accept the reasoning of the Labour Court that the income received by the respondent from agricultural pursuits could not be equated with income from gainful employment in any establishment in any establishment. In our view, "gainful employment" would also include self-employment wherefrom income is generated. Income either from employment in an establishment or from self-employment merely differentiates the sources from

which income is generated, the end use being the same. Since the respondent was earning some amount from his agricultural pursuits to maintain himself, the Labour Court was not justified in holding that merely because the respondent was receiving agricultural income, he could not be treated to be engaged in "gainful employment".

28. The evidence on record indicates that the Workman owns a paddy field of his family. The evidence on record indicates that the Workman is having four wheeler driving license for private vehicle. There is nothing on record to show that how much income is derived from the paddy fields owned by the joint family of the workman. Taking into consideration, the entire facts of the present case, I am of the opinion that the Workman is entitled for reinstatement in service with 40% of back wages along with consequential benefits thereof.

In view of the above, I proceed to pass the following order:

Order

1. It is held that the action of the management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, in dismissing the service of its Workman, Shri Surendra Tuyenkar, with effect from 24-12-2008, is illegal and unjustified.
2. The management of M/s. GKB Vision Limited, Pilerne Industrial Estate, Pilerne, Bardez, Goa, is hereby directed to reinstate the Workman, Shri Surendra Tuyenkar, in service with 40% of back wages along with consequential benefits thereof.
3. No order as to costs.

Inform the Government accordingly.

(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Department of Law & Judiciary
Law (Establishment) Division

Notification

No. 6/28/92/LD(Misc-I)(Estt)/Misc-I (M.S.)/174

On recommendations of the Hon'ble the Chief Justice, High Court of Bombay and the Hon'ble Patron-in-Chief of Goa State Legal Services Authority, the Government is pleased to nominate

Hon'ble Shri Justice M. S. Sonak, as Executive Chairman of the Goa State Legal Services Authority.

By order and in the name of the Governor of Goa.

Amir Y. Parab, Under Secretary (Law-Estt).

Porvorim, 16th February, 2022.

Notification

No. 12/18/2015-LD(Estt.) (PF.I)/201

The Notification No. X(Gen)-1603/2022/253 dated 14-02-2022 which have been issued by the High Court of Judicature at Bombay original and Appellate sides, is hereby published for general information of the public.

By order and in the name of the Governor of Goa.

Amir Y. Parab, Under Secretary (Law-Estt.).

Porvorim, 23rd February, 2022.

Notification by the High Court of Judicature at Bombay Original and Appellate Sides

No. X(Gen)-1603/2022/253

In partial modifications of the Notification No. X(Gen)-1603/2021/1722 dated 13th December, 2021 and Notice dated 6th February, 2022, the Hon'ble Bombay High Court has been pleased to declare the day 26th February, 2022 (4th Saturday) as Court working day for the Principal Seat of the High Court of Bombay and its Benches at Nagpur & Aurangabad and the High Court of Bombay at Goa, Porvorim-Goa in lieu of holiday already declared on 7th February, 2022.

High Court of Judicature
at Bombay
Dated: 14th February, 2022.

Sd/-
(M. W. Chandwani),
Registrar General.

Department of Personnel

Order

No. 7/3/2022-PER/379

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/27(4)/2020/502 dated 28-01-2022, the Government of Goa is pleased to order the promotion

of Shri Pramod B. Badami, Superintending Engineer (Civil) to the post of Chief Engineer (WR), (Group "A" Gazetted) (Goa General Service) in the Water Resources Department on regular basis in the pay scale of Level-14 of the pay matrix with immediate effect.

The pay and allowances of officer on promotion shall be fixed as per C.C.S.(RP) Rules, 2016 and debited to the Budget Head controlled by the Water Resources Department.

The officer shall exercise the option for fixation of pay within one month from the date of this Order in terms of F.R. 22(I)(a)(1).

This issues with the approval of Election Commission of India vide letter No. 5-13-2021/(Per-151)/ELEC/3718 dated 17-02-2022.

By order and in the name of the Governor of Goa.

Vishal C. Kundaikar, Under Secretary (Personnel-II)/Link).

Porvorim, 18th February, 2022.



Department of Public Works

Office of the Principal Chief Engineer

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Order

No. 14-17/PCE/PWD/EO/2021-22/244

- Ref: 1. Memorandum No.14-17-98/PCE-EO/186 dated 22-12-2006.
2. Amendment No. 14-17-98/PCE-EO/222 dated 19-02-2007.
3. Amendment No. 14-17-98/PCE-EO/49 dated 04-06-2007.
4. Amendment No. 14-17-98/PCE-PWD-EO/04 dated 18-04-2012.
5. Amendment No. T-27/PWD/MEU/2016-17/05 dated 31-05-2017.
6. Amendment No. T-27/PWD/MEU/2016-17/41 dated 16-10-2017.

In pursuance of sub-section (1) & (2) of Section 5 of the Right to Information Act, 2005 (hereafter called the "said Act"), the following officers are designated State Public Information Officers and Assistant State Public Information Officers for Public Works Department, for carrying out the function prescribed under the said Act in partial modification to the Orders stated in parable.

Sr. No.	Name of Office	Designated as SPIO	Designated as ASPIO
1.	Office of CE-I/CE-II/CE (NH, R&B) for Technical matters	Engineering Officer	Assistant Surveyor of Works, CE-I/CE-II/CE (NH, R&B).

By order and in the name of the Governor of Goa.

Uttam P. Parsekar, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Panaji, 10th February, 2022.

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