

Panaji, 20th December, 2012 (Agrahayana 29,1934)

SERIES II No. 38

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are two Extraordinary issues to the Official Gazette, Series II No. 37 dated 13-12-2012 as follows:

1. *Extraordinary dated 14-12-2012 from pages 1351 to 1352 regarding Order from Department of Home (Home—General Division).*
2. *Extraordinary (No. 2) dated 17-12-2012 from pages 1353 to 1354 regarding Proclamation from Department of Urban Development (Directorate of Municipal Administration).*

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Higher Education

Order

No. 23/7/95-EDN/Vol.-I/2859

Read: Government order No. 23/7/95-EDN/
/Vol.13036/1269 dated 25-5-2012.

Whereas, Government has transferred Ms. Celly Quadros e Coutinho, Associate Professor in Botany from Government College of Arts, Science & Commerce, Sanquelim to Government College of Arts, Science & Commerce, Quepem with immediate effect vide order No. 23/7/95-EDN/
/Vol.13036/1269 dated 25-5-2012 as read in above.

And Whereas, the post against which the incumbent is transferred was lapsed because it was lying vacant exceeding two years.

And Whereas, Ms. Celly Quadros e Coutinho was allowed to draw her monthly salary against the vacant post of Assistant Professor in Botany at Government College of Arts, Science & Commerce, at Sanquelim, till the lapsed post of Assistant Professor of Botany at Government College, Quepem is got revived.

And Whereas, now the post of Assistant Professor in Botany at Government College, Quepem has been revived vide Government order No. 8/2/2011-DHE(Q)/Vol.I/2531 dated 23-10-2012.

Now, Therefore, Ms. Celly Quadros e Coutinho, Associate Professor shall draw her monthly salary against the revived post of Assistant Professor in Botany in Government College of Arts, Science & Commerce, Quepem, itself.

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

R. K. Halarnkar, Under Secretary (Higher Education).

Panaji, 10th December, 2012.



Department of Finance

Finance (Rev. & Cont.) Division

Order

No. 1/25/2010-Fin(R&C)

Read: Order No. 1/25/2010-Fin(R&C) dated 30-08-2010.

The Government of Goa in supersession of the Order of even number dated 30-08-2010 read above, is pleased to reconstitute the Task Force Committee, to study and examine the State level issues relating to the Draft Law on proposed Goods and Services Tax (GST) system; consisting of Representatives of Trade, Industry and Professionals as follows:

1. Shri Y. S. Poi Bir ... Chairman.
2. Shri V. B. Prabhu Verlekar ... Member.
3. Shri Santosh R. Kenkre, ... Member.
Chartered Accountant &
Vice-Chairman (EDC)
4. The Chairman of Goa Branch ... Member.
of WIRC-Institute of Chartered
Accountant of India
5. Shri Alloysius D'Souza, ... Member.
Chartered Accountant (Mapusa)

6. Smt. Archana Tendulkar, Chartered Accountant (Ponda)	... Member.
7. Smt. Ganesh Daivajna, Chartered Accountant (Margao)	... Member.
8. Shri Parimal Kulkarni, Chartered Accountant (Panaji)	... Member.
9. Representative of Goa Chamber of Commerce and Industries	... Member.
10. Representative of Confederation of India Industry	... Member.
11. Representative of Goa Small Industries Association	... Member.
12. Representative of Tourism and Travel Association of Goa	... Member.
13. Representative of Zuari Agro Chemicals Ltd.	... Member.
14. Representative of Pharmaceutical Association of Goa	... Member.
15. Representative of Confederation of the Real Estate Developer Association of India	... Member.
16. Representative of Goa Mineral Ore Exporter Association	... Member.
17. Additional Secretary (Finance) nominee of Principal Secretary (Finance)	... Member.
18. Commissioner of Commercial Taxes	... Member.
19. Additional Commissioner of Commercial Taxes	... Member Secretary.

and the same be circulated to the Members concerned well in advance, so that, such minutes could be discussed further, if necessary, in subsequent meetings.

(v) The sitting Non-Official Members shall draw the sitting allowance of ₹ 800/- per head per meeting.

(vi) The Committee shall be reporting to the Principal Secretary (Finance) and Hon'ble Finance Minister, Government of Goa, from time to time, on the progress of the draft law and would officially meet and interact with the Hon'ble Finance Minister, Government of Goa, on the Policy issues once in three months or such shorter intervals, upon appointments as may be necessary.

(vii) The Committee while preparing the Draft Law shall take into consideration the suggestion made by the Empowered Committee Secretariat, and/or the Ministry of Finance, Government of India, in its general applicability in intra-state or inter-state transaction and general policy of Government of India, on Import and Export.

(viii) Any other issue which is not specifically covered in this order, shall be dealt with after obtaining prior consent of the Government.

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

Sd/- (Ajit S. Pawaskar), Under Secretary,
Fin. (R&C).

Porvorim, 12th December, 2012.

Notification

No. 3/2/2006-Fin(R&C)(13)

In exercise of the powers conferred by sub-section (1) of Section 2A of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the "said Act") and in supersession of earlier Notifications issued in this regard, the Government of Goa, hereby appoints the Commissioner of Commercial Taxes appointed under sub-section (1) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as Commissioner of Entertainment Tax, for the

2. The terms of constitution and functions of the Committee is as follows:

- (i) The Committee shall meet atleast once in a month to discuss the issues relating to draft law, specially with reference to regional (State level) issues, which might be necessary in the formation of the draft law.
- (ii) Atleast seven (07) Members should be present to complete the quorum for the meeting
- (iii) Members representing their Association should make suggestion in writing atleast three days before the sitting, else it may not be considered in the next meeting.
- (iv) The Member Secretary of the Committee shall draw the minutes of the meetings

purposes of the said Act, with immediate effect from the date of taking over the charge of the post of the Commissioner of Commercial Taxes.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

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Notification

No. 3/2/2006-Fin(R&C)(14)

In exercise of the powers conferred by sub-section (2) of Section 2A of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the "said Act") and in supersession of earlier Notifications issued in this regard, the Government of Goa, hereby appoints the Assistant Commissioner of Commercial Taxes appointed under clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as Assistant Commissioner of Entertainment Tax, within the area of their jurisdiction, for the purposes of the said Act.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

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Notification

No. 30/1/2006-Fin(R&C)(22)

In exercise of the powers conferred by sub-section (1) of Section 3 of the Goa Tax on Luxuries Act, 1988 (Act No. 17 of 1988) (hereinafter referred to as the "said Act") and in supersession of earlier Notifications issued in this regard, the Government of Goa, hereby appoints the Commissioner of Commercial Taxes appointed under sub-section (1) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as the Commissioner of Luxury Tax, for the purposes of the said Act, with effect from the date of taking over the charge of the post of the Commissioner of Commercial Taxes.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

Notification

No. 30/1/2006-Fin(R&C)(23)

In exercise of the powers conferred by sub-section (2) of Section 3 of the Goa Tax on Luxuries Act, 1988 (Act No. 17 of 1988) (hereinafter referred to as the "said Act") and in supersession of earlier Notifications issued in this regard, the Government of Goa, hereby appoints the Assistant Commissioner of Commercial Taxes appointed under clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as Assistant Commissioner of Luxury Tax, within the area of their jurisdiction, for the purposes of the said Act.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

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Notification

No. 4/5/2005-Fin(R&C)(98)

In exercise of the powers conferred by sub-section (1) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints Shri Shamsundar G. Korgaonkar, as the Commissioner of Commercial Taxes, to carry out the purposes of the said Act, with effect from the date of taking over the charge of the said post.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

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Notification

No. 4/5/2005-Fin(R&C)(99)

In exercise of the powers conferred by clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), (hereinafter called the "said Act"), the Government of Goa hereby appoints Shri Snehal P. Naik Goltekar, as Assistant Commissioner of Commercial Taxes, for carrying out the purposes of the said Act, with effect from the date of taking over the charge of the said post.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).

Porvorim, 12th December, 2012.

Notification

No. 4/5/2005-Fin(R&C)(100)

In exercise of the powers conferred by sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons mentioned in column (2) of the Schedule herein below (hereinafter called as the "said Schedule") and give them the designations as specified in corresponding entries in column (3) of the said Schedule, for carrying out the purposes of the said Act, with effect from the date of their joining the respective posts as indicated in column (4) against their names, in the Schedule below.

SCHEDULE

Sr. No.	Name of the official	Designation	Date of joining the post
1	2	3	4
1.	Shri Yeshwant V. Raut	Assistant Commercial Tax Officer	23-12-2011.
2.	Kum. Perpetua Fernandes	Assistant Commercial Tax Officer	26-12-2011.
3.	Smt. Sukanti Pilgaonkar	Assistant Commercial Tax Officer	23-12-2011.
4.	Smt. Vinita V. Kamat	Assistant Commercial Tax Officer	02-01-2012.
5.	Shri Dhondu A. Bandekar	Assistant Commercial Tax Officer	02-04-2012.
6.	Shri Tukaram Sawant	Assistant Commercial Tax Officer	02-04-2012.
7.	Smt. Preeti P. Mirajkar	Commercial Tax Inspector	01-04-2011.
8.	Shri Mahadev Parwar	Commercial Tax Inspector	01-04-2011.
9.	Smt. Manisha Rege	Commercial Tax Inspector	01-04-2011.
10.	Smt. Sushma R. Pandit	Commercial Tax Inspector	01-04-2011.
11.	Shri Mahesh K. Chari	Commercial Tax Inspector	01-04-2011.

1	2	3	4
12.	Smt. Leena Gracias	Commercial Tax Inspector	01-04-2011.
13.	Smt. Mangala M. Naik	Commercial Tax Inspector	01-04-2011.
14.	Smt. Vidhati V. Tari	Commercial Tax Inspector	01-04-2011.
15.	Shri Shripad B. Shirodkar	Commercial Tax Inspector	01-04-2011.
16.	Smt. Meera D. Mashelkar	Commercial Tax Inspector	01-04-2011.
17.	Shri Deepak K. Naik	Commercial Tax Inspector	01-04-2011.
18.	Shri Richard J. Antao	Commercial Tax Inspector	01-04-2011.
19.	Smt. Rajashri Phatarpekar	Commercial Tax Inspector	01-04-2011.
20.	Smt. Amita S. Prabhudessai	Commercial Tax Inspector	01-04-2011.
21.	Smt. Delcy Pereira	Commercial Tax Inspector	19-07-2011.
22.	Smt. Lakshada Kandolkar	Commercial Tax Inspector	19-07-2011.
23.	Shri Rajesh V. Kamat	Commercial Tax Inspector	19-07-2011.
24.	Shri Pratap P. Phadte	Commercial Tax Inspector	19-07-2011.
25.	Smt. Margarida D'Souza	Commercial Tax Inspector	19-07-2011.
26.	Smt. Elvia Afonso	Commercial Tax Inspector	19-07-2011.
27.	Smt. Mina Frias	Commercial Tax Inspector	19-07-2011.

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

Ajit S. Pawaskar, Under Secretary, Fin. (R&C).
Porvorim, 12th December, 2012.

Notification

No. 3/2/2006-Fin(R&C)(15)

In exercise of the powers conferred by sub-section (1) of Section 2A of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the "said Act") and in supersession of earlier notifications issued in this

regard, the Government of Goa, hereby appoints the Additional Commissioner of Commercial Taxes appointed under sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as Additional Commissioner of Entertainment Tax, to carry out the purposes of the said Act, with effect from the date of taking over the charge of the said post.

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

Sd/- (Ajit S. Pawaskar), Under Secretary, Fin. (R&C).

Porvorim, 14th December, 2012.

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Notification

No. 30/1/2006-Fin(R&C)(24)

In exercise of the powers conferred by sub-section (2) of Section 3 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988) (hereinafter referred to as the "said Act") and in supersession of earlier notifications issued in this regard, the Government of Goa, hereby appoints the Additional Commissioner of Commercial Taxes appointed under sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005), as Additional Commissioner of Luxury Tax, to carry out the purposes of the said Act, with effect from the date of taking over the charge of the said post.

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

Sd/- (Ajit S. Pawaskar), Under Secretary, Fin. (R&C).

Porvorim, 14th December, 2012.

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Notification

No. 4/5/2005-Fin(R&C)(101)

In exercise of the powers conferred by clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act No. 9 of 2005), (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons specified in column (2) of the Schedule hereto (hereinafter referred to as the "said Schedule") as Assistant Commissioner of Commercial Taxes, for carrying out the purposes of the said Act, with effect from the date of their joining post as specified in the corresponding entry in column (3) of the said Schedule.

SCHEDULE

Sr. No.	Name of the Officer	Date of joining the posting
(1)	(2)	(3)
1.	Shri Santosh S. Kundaikar	24-05-2012.
2.	Shri Gourish Kurtikar	05-06-2012.

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

Sd/- (Ajit S. Pawaskar), Under Secretary, Fin. (R&C).

Porvorim, 14th December, 2012.

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Notification

No. 4/5/2005-Fin(R&C)(102)

In exercise of the powers conferred by sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Goa Act No. 9 of 2005), (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints Shri Dipak M. Bandekar as the Additional Commissioner of Commercial Taxes to carry out the purposes of the said Act, with effect from the date of taking over charge of the said post.

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

Sd/- (Ajit S. Pawaskar), Under Secretary, Fin. (R&C).

Porvorim, 14th December, 2012.

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Department of Forest

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Corrigendum

No. 2/185/2003-FOR/433

Read: 1) Notification No. 2/185/2003-FOR/330 dated 03-09-2012.

In the Notification read above the name appearing at Sr. No. 13 viz., "Dr. A. K. Shanbag, Zoology Department, Goa University" shall be corrected to read as "Dr. A. B. Shanbhag, Zoology Department, Goa University".

Sushama D. Kamat, Under Secretary (Forests).

Porvorim, 12th December, 2012.

Department of Home
Home—General Division

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Order

No. 1/76/2012-HD(G)GHRC

Sanction of the Government is hereby accorded for re-employment of Shri Rohidas M. Naik a retired Assistant Accounts Officer as Section Officer in the Goa Human Rights Commission for a period of one year with effect from the date of joining and fix his pay in terms of C.C.S. (Fixation of pay of re-employed pensioners) Order 1986.

The expenditure on the above will be met from the Budget Head Demand No. 23, 2070—Other Administrative Services, 00, 105—Special Commission of Enquiry, 03—Goa State Human Rights Commission (N.P), 01—Salaries.

This issues with the approval of the Cabinet vide its XXIVth meeting held on 28-11-2012 and concurrence of the Finance Department (Rev. & Cont.) vide U.O. No. 1462715/F dated 23-10-2012.

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

Sd/- (Neetal P. Amonkar), Under Secretary (Home).

Porvorim, December, 2012.

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Department of Labour

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Notification

No. 28/1/2012-LAB/648

The following award passed by the Labour Court-II, at Panaji-Goa on 22-10-2012 in reference No. IT/04/06 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

D. S. Morajkar, Under Secretary (Labour).

Porvorim, 4th December, 2012.

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IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. Ref. IT/04/06

Shri Vinay Chodankar,
r/o D-1, Gaonkar Wada,
Bicholim-Goa.

... Workman/Party I

V/s

M/s. Phil Corporation Ltd.,
Thivim Industrial Estate,
Thivim, Bardez-Goa.

... Employer/Party II

Party I/Workman represented by Adv. Shri V. Menezes.

Party II/Employer represented by Adv. Shri P. J. Kamat.

Panaji, dated: 22-10-2012

AWARD

In Exercise of the powers conferred by clause (c) of sub-section (1) of Sec. 10 of the Industrial Disputes Act, 1947, (Central Act, 14 of 1947) the Government of Goa, by Order dated 28-02-2006, bearing No. 28/44/2005-LAB/127 referred the following dispute for adjudication to the Labour Court-II of Goa.

- “(1) Whether the action of the management of M/s. Phil Corporation Limited. Thivim, Karaswada, Bardez-Goa in dismissing Shri Vinay Chodankar, “Helper” with effect from 16-01-2004, is legal and justified?
(2) If not, what relief, the Workman are entitled to?”

2. On receipt of the reference, a case was registered under No. IT/04/06 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 08-05-2006 at Exb. 5. The facts of the case, in brief as pleaded by the Workman are that he was charge-sheeted by the Employer/Party II (for short “Employer”) vide Charge-sheet dated 07-07-2001 by alleging certain acts of misconduct on his part. He submitted that he had refuted the charges of misconduct leveled against him vide his letter dated 24-07-2001 being false and concocted. He submitted that thereafter he was suspended from service illegally. He submitted that during the suspension period he was not paid proper, legal and correct subsistence allowance as per the Certified Standing Order of the Employer, which resulted him to starve during the period of the said enquiry. He stated that he has been dismissed from service by the Employer without conducting a valid, fair and proper enquiry in accordance with the Certified Standing Order. He submitted

that his dismissal from service is illegal and unjustified. He contended that the enquiry was not held in Konkani Language known to him as provided under the Certified Standing Order of the Employer. He contended that he was not allowed to tender his evidence in the enquiry by the Enquiry Officer and hence the enquiry conducted is not proper. He contended that the findings submitted by the Enquiry Officer are one sided, biased, perverse and without any reasons. He submitted that the appointment of the Enquiry Officer as well as the Management Representative has not been made by the competent authority. He contended that the charge-sheet and the notice of enquiry issued and served upon him, have not been issued by the competent authority. He contended that the suspension order and termination/dismissal order have not been passed by the competent authority. He submitted that he had told the Enquiry Officer that Mr. Vinoo Sawant would be representing him as his Defence Representative who is also a Defence Representative of the recognized Phil Corporation Ltd. Employees Union. He contended that he was also denied opportunity to cross-examine the witnesses examined by the Management in support of their case. He contended that the Certified Standing Order of the Employer Company does not allow the Enquiry Officer to allow the Management to appoint its representative, especially when the enquiry was straight and simple. He contended that Ld. Enquiry Officer has allowed the Management to be represented by Mr. Gaikwad who is an outsiders, well qualified advocate and Labour Consultant, and on the contrary, he was not allowed to be represented by such a knowledgeable Defence Representative. He contended that his dismissal from service is in contravention of Sec. 33 (3) of the I. D. Act, 1947 as he was a 'PROTECTED WORKMAN' being the Vice-President of the Phil Corporation Employees Union at the relevant time. He contended that the procedure of the enquiry was never explained to him in Konkani though recorded as explained, with the result he failed to understand the procedure of the enquiry and as such he has not been able to present his case properly. He contended that the Ld. Enquiry Officer and the Management Representative deceived him by favouring the Management throughout the enquiry. He submitted that the Ld. Enquiry Officer and the Management Representative intimidated and threatened him that they would debar him from attending the enquiry, if he does not take it by remaining quiet. He therefore prayed that his dismissal from service be held as illegal and unjustified.

3. The Employer Company controverted the claim of the Workman by filing its written statement on 02-06-2006 at Exb. 6. The Employer stated that the Workman was employed by them as a "Helper" w.e.f. 02-05-1994 and was confirmed in the services w.e.f. 01-11-1994. The Employer stated that on 11-06-2001 the Workman was on duty in general shift commencing from 8.30 a.m. to 5.00 p.m. The Employer stated that at around 16.50 hrs., the Workman alongwith Mr. Nikhil Chodankar to whom an outdoor letter was issued by them, entered the cabin of Mr. Gabriel Mendonca, Manager, Manufacturing without prior permission. The Employer stated that the Workman kept the outdoor duty letter issued to Mr. Nikhil Chodankar on the table of Mr. Mendonca and started threatening Mr. Mendonca with loud and rough voice that Mr. Mendonca should withdraw immediately the outdoor duty letter issued to Mr. Nikhil Chodankar and that the action of the Management is not correct. The Employer stated that Mr. Mendonca tried to explain the Workman that the letter has been issued as a temporary arrangement of Mr. Nikhil Chodankar at its Valpoi Factory. The Employer stated that the Workman did not agree to the same and gave the ultimatum to Mr. Mendonca that if the Management did not withdraw the said letter issued to Mr. Nikhil Chodankar before 10.00 a.m. of the next day i.e. 12-01-2001, the Management will be responsible for the dire consequences for whatsoever action taken by the workers. The Employer stated that since it has not withdrawn the said letter issued to Mr. Nikhil Chodankar, the Workman abetted, instigated and incited its worker at Bicholim factory to go on an illegal strike. The Employer stated that on account of abetment, instigation and incitement on the part of the Workman, the workers at its Bicholim factory went on an illegal and unjustified strike from 8.00 a.m. of 13-06-2001 affecting its normal production and causing loss to them. The Employer stated that the workers continued on illegal and unjustified strike up to 4.30 p.m. of 15-06-2001. The Employer stated that on account of the aforesaid act on the part of the Workman, the normal production was affected causing loss of output at film and paper conversion factory and disrupted other related activities, dispatch schedule, which resulted in huge financial loss to them.

4. The Employer stated that the aforesaid act on the part of the Workman, being grave and a serious misconduct, it has issued a letter dated 12-06-2001 to the Workman suspending him from duty with immediate effect pending enquiry. The

Employer stated that the Workman was thereafter issued a charge-sheet dated 07-07-2001 and an enquiry was conducted against him. The Employer stated that Mr. Kishore Bhagat, an Advocate and independent person was appointed as Enquiry Officer to conduct the enquiry vide letter dated 06-09-2001. The Employer stated that the said Mr. Bhagat conducted the enquiry in Konkani and recorded the proceedings in English as per the normal practice. The Employer stated that subsequently at the request of the Workman the enquiry was conducted in Konkani/Marathi and recorded the proceedings in Marathi language, though the Workman had corresponded with it and the Enquiry Officer in English throughout. The Employer stated that at the relevant time, the Workman was the Vice-President of Phil Corporation Ltd. Employees Union and was well conversant with the conduct of enquiries, discussions, negotiations with the Management on the issues of the Workmen and representing the Workmen before the various authorities. The Employer stated that the Workman fully participated in the enquiry in person and was afforded an opportunity to get a Representative to represent him as provided under its Certified Standing Order. The Employer stated that the Workman desired that he shall be represented by one Mr. Vinoo Sawant, but was not allowed to do so as Mr. Vinoo Sawant was not an Office Bearer of the Union. The Employer stated that the Workman was given full opportunities to defend which he did. The Employer stated that the enquiry was concluded on 28-11-2002 and the Enquiry Officer submitted his findings on 18-12-2002.

5. The Employer stated that thereafter it had issued a show-cause notice dated 30-10-2003 to the Workman to show cause as to why he should not be dismissed from the services for the proved serious acts of misconduct. The Employer stated that a copy of the findings submitted by the Enquiry Officer was also furnished to the Workman alongwith the said show-cause notice dated 30-10-2003. The Employer stated that the Workman filed his reply dated 20-11-2003 after a month. The Employer stated that it has gone through the enquiry proceedings, findings of the Enquiry Officer and the explanation of the Workman to the show cause notice issued to him. The Employer stated that they found that the explanation of the Workman was not satisfactory. The Employer stated that they agreed with the findings submitted by the Enquiry Officer and accordingly dismissed the Workman with

immediate effect without notice or wages in lieu notice as per its Certified Standing Order. The Employer submitted that its action in dismissing the Workman is in the interest of maintaining the discipline in the Company. The Employer submitted that the abuses and threats to superiors are serious acts of misconduct on the part of the Workman and such acts cannot be tolerated in the working of the factory. The Employer submitted that its action in dismissing the Workman is just, legal and bonafide. The Employer denied the overall case of the Workman as pleaded by him in his claim statement filed in the present proceedings.

6. Thereafter the Workman filed his re-joinder on 20-06-2006 at Exb. 7. The Workman by way of his re-joinder denied each and every statement, averments and submissions made by the Employer vide their written statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim.

7. Based on the pleadings filed by the respective parties this Hon'ble Court framed certain issues on 11-07-2006 at Exb. 8. The said issues have been re-casted vide order of this Court dated 29-06-2009 disposing off an application of the Workman dated 23-01-2009 and issues No. 1 to 4 are treated as preliminary issues.

1. *Whether the Party I proves that the domestic enquiry held by the Party II against him is not fair, proper and legal?*
2. *Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of this Court by acceptable evidence?*
3. *Whether the Party I proves that his termination of services by the Party II is contrary to the provisions of Section 33 of the Industrial Dispute Act?*
4. *Whether the Party I proves that the Party II has practiced unfair labour practice of Fifth Schedule of the Industrial Dispute Act?*
5. *Whether the Party I proves that the dismissal of his service w.e.f. 16-01-2004 by the Party II is illegal and unjustified?*
6. *Whether the Party I is entitled to any relief?*
7. *What award?*
8. My answers to the aforesaid issues are as under:

Issue No. 1 : In the Negative.

Issue No. 2 : Partly in the Affirmative & partly in the Negative.

Issue No. 3 : In the Negative.

Issue No. 4 : In the Negative.

Issue No. 5 : In the Negative.

Issue No. 6 : In the Negative.

Issue No. 7 : As per final order.

REASONS

9. *Issues No. 1, 2, 3 & 4:* This Court vide its Order dated 20-11-2011 passed in findings on the preliminary issues No. 1, 2, 3 & 4 held that a fair and proper enquiry has been held against the Workman and that except the charge at Sr. No. d i.e. "willful damage to work in progress or to any property of establishment or loss of Employer's goods or property", the other charges of misconduct at Sr. No. a to c leveled against the Workman vide its charge-sheet dated 07-07-2001 have been proved to the satisfaction of this Hon'ble Court by an acceptable evidence. The Court has further held that the Workman failed to prove that the termination of his services w.e.f. 16-01-2004 by the Employer is contrary to the provisions of Sec. 33 and also amounts to an unfair labour practice as stated in the Vth Schedule of the I.D. Act, 1947.

10. *Issue No. 5:* I have heard the oral arguments of the Ld. Advocates appearing for the respective parties. The Employer also chose to file the synopsis of written arguments in addition to the oral arguments.

11. Ld. Adv. Shri V. Menezes representing the Workman during the course of his oral arguments submitted that the impugned order of termination of services of the Workman w.e.f. 16-01-2004 passed by the employer is harsh, unjustified and grossly disproportionate to the misconduct levelled against him vide charge-sheet dated 07-07-2001. He submitted that at the time of termination of services of the Workman, he was an Office Bearer of the Phil Corporation Ltd. Employees Union. He submitted that the Workman was involved in several negotiations for the workers in various issues such as Charter of Demands, non-payment of legal dues etc. He submitted that prior to the termination of services of the Workman, he was issued charge-sheet twice for alleged misconduct i.e. charge-sheet dated 22-03-1999 and charge-sheet dated 22-04-2000 respectively. He submitted that although the enquiry was conducted with regard to both the aforesaid charge-sheet, they were not concluded and the

Workman was not found guilty of any of misconduct nor he was punished for any charges as alleged by the Employer. He submitted that the Workman had worked for the Employer Company for around 10 years diligently with clean past record. He therefore submitted that the action of the Employer in terminating the services of the Workman is totally unjustified only to harass and victimize him. He submitted that there were no extenuating circumstances with regard to the conduct of the Workman that would necessitate the termination of the services of the Workman on the alleged charge of misconduct. He relied upon the following decisions of Hon'ble Supreme Court of India in support of his oral contention.

1. In the case of **Rama Kant Misra v/s State of U. P.** reported in **AIR 1982 SC 1552.**
2. In the case of **Scooter India Ltd. v/s Labour Court, Lucknow** reported in **AIR 1989 SC 149.**
3. In the case of **Management of Aurofood Pvt. v/s S. Rajulu** reported in **(2008) 14 SCC 608.**

12. On the contrary, Ld. Adv. Shri P. J. Kamat representing the Employer during the course of his oral arguments submitted that this Court vide its Order dated 20-11-2011 passed in findings on the preliminary issues No. 1, 2, 3 & 4 held that a fair and proper enquiry has been held against the Workman and that except the charge at Sr. No. d i.e. "willful damage to work in progress or to any property of establishment or loss of Employer's goods or property", the other charges of misconduct at Sr. No. a to c leveled against the Workman vide its charge-sheet dated 07-07-2001 have been proved to the satisfaction of this Hon'ble Court by an acceptable evidence. He submitted that this Hon'ble Court has further held that the Workman has failed to prove that the termination of his services w.e.f. 16-01-2004 by the Employer is contrary to the provisions of Sec. 33 and also amounts to an unfair labour practice as stated in the Vth Schedule of the I. D. Act, 1947. He submitted that the powers of the Tribunal u/s 11-A of the I. D. Act, 1947 are extremely limited and can be used only if the punishment is disproportionate to the gravity of misconduct so as to disturb the conscience of the Court or the existence of an mitigating of the circumstances which requires the reduction of the sentence or the past conduct of the Workman which may persuade the Labour Court to reduce the punishment and relied upon a decision of the **Hon'ble Supreme Court of India** in the case of **Mahindra**

and Mahindra Ltd. v/s N. B. Narawade reported in **2005 (I) CLR 803**. He submitted that prior to the termination of services of the Workman, he was issued a notice dated 13-03-1999 for refusal of the vaccum cleaning of the area which resulted in stoppage of further activities of production for one and half hour. He submitted that the Workman was also issued a show-cause notice dated 11-11-1999 (Exb. E/21) and a warning letter dated 15-11-1999 for his absenteeism without prior permission. He submitted that the Workman was also issued a memo dated 12-11-1999 (Exb. E/23) for assaulting his superior, Shri Shridhar Manerkar on 06-11-1999 while he was returning back after his duty hours. He submitted that the said incident of assault has been admitted by the Workman and therefore he was warned for the same. He further submitted that the Workman was issued a charge-sheet dated 22-04-2000 for his refusal to accept his transfer order dated 01-04-2000 transferring his services to its Thivim Factory. He submitted that the Workman has admitted the charges leveled against him vide charge-sheet dated 22-04-2000 vide his reply dated 21-05-2000. He therefore submitted that the aforesaid acts on the part of the Workman clearly shows that the past records of the Workman was not clean. He further submitted that the charges of misconduct leveled and proved against the Workman vide charge-sheet dated 07-07-2001 are disorderly or indecent behavior on the premises of the establishment, commission of any act subversive of discipline or good behavior on the premises of the establishment and going on an illegal strike and/or abetting, inciting, instigating or acting in furtherance thereof are grave and serious in nature. He submitted that the aforesaid misconduct committed by the Workman had resulted in the stoppage of the normal production and loss of output at film and paper conversion factories and disrupted other related activities, dispatch resulting in huge financial loss. He therefore submitted that the action of the Employer in terminating the services of the Workman w.e.f. 16-01-2004 is therefore fair, proper, legal and justified. He also submitted that the punishment of dismissal from services imposed upon the Workman is proportionate to the proved misconduct of the Workman after taking into consideration his past conduct. He relied upon a decision of Hon'ble Supreme Court of India in the case of **Management of West Bokaro Colliery of M/s. TISCO Ltd. v/s Concerned Workmen, Ram Pravesh Singh** reported in **2008 II CLR 220** in support of his oral contention.

I have carefully perused the entire records of the present case. I have also considered various legal submissions made by the Ld. Advocates for the respective parties.

13. Being aggrieved by the Order of Termination of service w.e.f. 16-01-2004 by the Employer, the Workman challenged the same in the present reference by contending that the disciplinary enquiry conducted against him is in violation of principles of natural justice and the charges of misconduct leveled against him vide charge-sheet dated 07-07-2001 have not been proved by an acceptable evidence. It is the further contention of the Workman that his termination of service is in violation of Sec. 33 of the I. D. Act, 1947. The Workman also contended that the punishment of dismissal imposed upon him is disproportionate to the alleged charges of misconduct proved and leveled against him.

14. This Court vide its Order dated 20-11-2011 passed in findings on the preliminary issues No. 1, 2, 3 & 4 has held that a fair and proper enquiry has been held against the Workman and that except the charge at Sr. No. (d) i.e. "willful damage to work in progress or to any property of establishment or loss of Employer's goods or property", the other charges of misconduct at Sr. No. (a) to (c) leveled against the Workman vide its charge-sheet dated 07-07-2001 have been proved to the satisfaction of this Hon'ble Court by an acceptable evidence. The Court has further held that the Workman failed to prove that the termination of his services w.e.f. 16-01-2004 by the Employer is contrary to the provisions of Sec. 33 and also amounts to an unfair labour practice as stated in the Vth Schedule of the I. D. Act, 1947.

15. Thus, the only contention of the Workman remains to be determined is whether the punishment of dismissal imposed upon the Workman is proportionate to the proved misconduct on his part taking in to consideration the past record of the Workman.

16. In the case of **Mahindra and Mahindra Ltd. v/s N. B. Narawade** reported in **2005 (I) CLR 803**, before the Hon'ble Supreme Court, the Appellant Company dismissed the Respondent Workman from its service after holding enquiry for misconduct of using abusive and filthy language against his superiors in the presence of his sub-ordinate. The Labour Court held that the punishment imposed upon the Respondent Workman was harsh and in exercise of discretion u/s 11-A directed reinstatement with 2/3 back

wages. The Writ Petition as well as Writ Appeal filed by the Employer was dismissed. In an appeal filed by the Employer, the Hon'ble Supreme Court of India has held that *"the discretion u/s 11-A to alter or to reduce punishment is not unlimited. The Hon'ble Supreme Court has further held that the discretion which can be exercised 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 requires the reduction of the sentence or the past conduct 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 u/s 11-A of the Act and reduce the punishment"*. I have carefully perused the aforesaid decision of Hon'ble Supreme Court of India. I am bound by the precedent laid down by the Hon'ble Apex Court in its aforesaid judgment.

17. In the case in hand, the Workman was employed with the Employer Company as a 'Helper' w.e.f. 21-05-1994 till the date of dismissal of his service w.e.f. 16-01-2004. The allegation leveled and proved against the Workman are that on 11-06-2001 at around 16.50 hrs, the Workman alongwith Mr. Nikhil Chodankar to whom an outdoor duty letter was issued by them, entered the cabin of Mr. Gabriel Mendonca, Manager-Manufacturing without prior permission and kept the outdoor duty letter issued to Mr. Nikhil Chodankar on the table of Mr. Mendonca and started threatening Mr. Mendonca with loud and rough voice that Mr. Mendonca should withdraw immediately the outdoor duty letter issued to Mr. Nikhil Chodankar and that the action of the Management is not correct, Mr. Mendonca tried to explain the Workman that the letter has been issued as a temporary arrangement of Mr. Nikhil Chodankar at its Valpoi Factory. The Workman did not agree to the same and gave the ultimatum to Mr. Mendonca that if the Management did not withdraw the said letter issued to Mr. Nikhil Chodankar before 10.00 a.m. of the next day i.e. 12-01-2001, the Management will be responsible for the dire consequences for whatsoever action taken by the workers. Since the Employer has not withdrawn the said letter issued to Mr. Nikhil Chodankar, the Workman abetted, instigated and incited its workers at Bicholim factory to go on an illegal strike. On account of abetment, instigation and incitement on the part of the Workman, the workers at its Bicholim factory went on an illegal

and unjustified strike from 8.00 a.m. of 13-06-2001 affecting its normal production and causing loss to them. The workers continued on illegal and unjustified strike up to 4.30 p.m. of 15-06-2001. On account of the aforesaid act on the part of the Workman, the normal production was affected causing loss of output at film and paper conversion factory and disrupted other related activities, dispatch schedule, which resulted in huge financial loss to them. The aforesaid acts on the part of the Workman clearly proves the charges of misconduct such as disorderly or indecent behavior on the premises of the Establishment, commission of any act subversive of discipline or good behavior on the premises of the establishment and going on an illegal strike and/or abetting, inciting, instigation of acting in furtherance thereof as spelt out in the charge-sheet dated 07-07-2001 issued to the Workman. The aforesaid charges of misconduct proved against the Workman are grave and serious in nature. The aforesaid charges of misconduct proved against the Workman have resulted in huge financial loss to the Employer. It also shows the gross indiscipline on the part of the Workman.

18. The evidence on record indicates that the Workman was in the employment of the Employer Company since the year, 1994 till his date of termination of services w.e.f. 16-01-2004. The Workman in his oral evidence on record stated that his past record is clean. On the contrary, the Employer has examined Shri B. S. Shridhara as its witness to prove that the past record of the Workman was very bad and was issued memos, warning, notices charge-sheets etc. in the past for his acts of misconduct and indiscipline. The oral as well as documentary evidence on record produced by the Employer through its aforesaid witness indicates that the Workman was issued notice dated 13-03-1999 (Exb. E/20) alleging that on 12-03-1999, when he was working in paper conversion plant in second shift, he refused to do the vacuum cleaning of area before loading the next jumbo roll as a part of his routine duty which resulted in stoppage of further production activity for one and half hour till the end of the said shift. The oral as well as documentary evidence on record further indicates that a show-cause notice dated 11-11-1999 (Exb. E/21) was issued to the Workman for his remaining absent on 07-11-1999 without prior permission of his superior. The oral as well as documentary evidence at Exb. E/22 on record further indicates that the Workman vide his reply dated 13-11-1999 admitted that he remained absent from duties on

07-11-1999 being a Diwali Festival and requested for dropping the said show cause notice issued to him. The oral as well as documentary evidence on record further indicates that a warning letter dated 15-11-1999 (Exb. E/23) was issued to the Workman by stating that his explanation to the show cause notice at Exb. E/21 is not at all satisfactory and however the Employer has taken a lenient view as a special case and further warned him to refrain from doing such or any other types of misconducts in future. The oral as well as documentary evidence on record further indicates that a notice dated 12-11-1999 (Exb. E/24) was issued to the Workman alleging that he alongwith his other colleague assaulted a Workman by name Mr. Shridhar Manerikar on 06-11-1999 while he was returning back home after duty hours. The oral as well as documentary evidence on record indicates that the Workman had admitted the incident of 06-11-1999 and apologized for the same vide his letter dated 18-11-1999 (Exb. E/25) addressed to the Employer. The oral as well as documentary evidence on record further indicates that the Employer vide its letter dated 15-11-1999 (Exb. E/26) informed the Workman that since he has tendered apology and admitted his mistake and undertaken for not repeating such acts in future, the Employer had decided to drop the further disciplinary action, however informed that in future if he found indulging in such or any other act will be viewed seriously. The oral as well as documentary evidence on record further indicates that the Workman had refused to accept his transfer letter dated 01-04-2000 (Exb. E/27) and also not reported for duties at the place of transfer and therefore a charge-sheet dated 22-04-2000 (Exb. E/28) was issued to the Workman. The oral as well as documentary evidence on record further indicates that the Workman had apologized for his acts of refusal to accept his transfer letter vide his letter dated 26-05-2000 (Exb. E/29).

19. Thus, from the aforesaid oral as well as documentary evidence adduced by the Employer through its witness Shri B. S. Shridhara on record indicates that the Workman was involved in various acts of misconducts such as unauthorized absenteeism, willful insubordination of the lawful instructions given to him, or disobedience, assault of co-worker etc. which resulted in loss of production activities. The evidence on record indicates that every time the Employer had taken a lenient view by giving warning to the Workman not to repeat such or any other type of misconduct. The aforesaid acts of misconduct on the part of the Workman clearly prove that the past record of the Workman was bad.

20. Thus, the Workman was not only found guilty of charges of misconduct leveled against him vide charge-sheet dated 07-07-2001 such as disorderly or indecent behavior on the premises of the Establishment, commission of any act subversive of discipline or good behavior on the premises of the establishment and going on an illegal strike and/or abetting, inciting, instigation of acting in furtherance thereof, but also found guilty of the charges of misconduct such as unauthorized absenteeism, willful insubordination of the lawful instructions given to him, or disobedience, assault of co-worker etc. which resulted in loss of production activities in the past.

21. In the case of **Rama Kant Misra v/s State of U. P.** reported in **AIR 1982 SC 1552**, 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.*"

The facts of the aforesaid case before the Hon'ble Supreme Court of India are totally different than the facts of the present case, hence the principle laid down by the Hon'ble Apex Court is not applicable to the present case.

22. In the case of **Scooter India Ltd. v/s Labour Court, Lucknow** reported in **AIR 1989 SC 149**, before the Hon'ble Apex Court, "*the Respondent was dismissed from services after having proved major charges of misconduct by holding enquiry on three different occasions by issuing separate charge-sheets viz. 23-03-1981, 30-04-1981 & 21-07-1981. The Labour Court held that the enquiries held against the Respondent conformed to the statutory prescriptions and the principles of natural justice and was not vitiated in any manner and as such the findings rendered by the Enquiry Officer and accepted by the Disciplinary Authority were not open to challenge*". The Labour Court further held that "*the order of termination was not justified and therefore set aside the order of termination of service and ordered for*

reinstatement with 75% of back wages. The Writ Petition filed before the Hon'ble High Court of Lucknow was dismissed. In Special Leave Petition, the Hon'ble Apex Court upheld the order of the Labour Court.

In the aforesaid case before the Hon'ble Supreme Court of India, the Respondent was dismissed from service after having proved the charges of misconduct leveled against him vide three separate charge-sheets within a short period of four months. However in the present case, the charges of misconduct alleged to have been committed by the Workman within a period of two years and the Workman was given opportunities to reform by taking lenient view, hence the principle laid down by the Hon'ble Apex Court is not applicable to the case in hand.

23. In the case of **Management of Aurofood Pvt. Ltd. v/s S. Rajulu** reported in (2008) 14 SCC 608, before the Hon'ble Apex Court "the Respondent was dismissed from services by the Appellant after having proved misconduct by issuing two charge-sheets one charge-sheet dated 28-04-1981 alleging that on 24-04-1981 he had been found wasting his time by eating biscuits near the storeroom and on being questioned by his superior, had answered insolently and told him that he too was dishonest and that he was not afraid to face the consequences. The Respondent also continued to use foul and filthy language and threatened Moses, a Sr. Office that if he had report against him he would break his leg and in second charge-sheet dated 11-08-1981 it was alleged that on 10-08-1981, he had misbehaved with one Mrs. Sasireka and used filthy language against her. The Labour Court held that the disciplinary action initiated against the Respondent was not the act of victimization and that the charges leveled against the Respondent stood proved and that the findings of the Enquiry Officer was justified. The Writ Petition as well as the Writ Appeal filed by the Appellant was also dismissed. The Hon'ble High Court while dismissing the Writ Petition filed by the Respondent held that the misconduct even if held to be proved really amounted to the use of "Unparliamentary language" and was trivial in nature and as the punishment of dismissal had shocked "the conscience of the Court" and as the punishing authority had without notice to the Respondent Workmen, taken his antecedent into account and directed the reinstatement of Respondent with full back wages, The Hon'ble Apex Court dismissed the appeal and held that instead of reinstatement the Respondent would be entitled to the payment of ₹ 10 lakhs as compensation as full and final settlement.

I have carefully perused the aforesaid decisions relied upon by the Ld. Adv. Shri V. Menezes appearing for the Workman. The facts of the aforesaid case are totally different than the present case. Hence, the principle laid down by the Hon'ble Apex Court in its aforesaid judgment is not applicable to the present case.

24. In the case of **Management of West Bokaro Colliery of M/s. TISCO Ltd. v/s Concerned Workmen, Ram Pravesh Singh** reported in 2008 II CLR 220, before the Hon'ble Apex Court, the Respondent was dismissed from service for misconduct duly proved in departmental enquiry such as leaving the work without permission and indecent, riotous and disorderly behavior with a superior as well as co-worker. The Labour Court held that the charges were not proved and passed an award for reinstatement with 50% back wages. The Writ Petition as well as Letters Patent Appeal filed by the Appellant was also dismissed. In an Appeal filed by the Appellant, the Hon'ble Supreme Court of India has held that "in such a case of serious misconduct, the Labour Courts cannot substitute its opinion and award of the Labour Court has been set aside. The Hon'ble Apex Court further held that while interfering with the findings of Disciplinary Authority, Tribunal should be slow in coming to a conclusion other than one arrived at by the Domestic Tribunal".

I have carefully perused the aforesaid decision of Hon'ble Supreme Court of India. Though the facts of the aforesaid case before the Hon'ble Apex Court are different than the present case, the principle laid down by the Hon'ble Apex Court is well recognized and hence applicable to the present case.

22. In the case in hand, the evidence on record indicates that the Workman was in the employment of the Employer Company as a 'Helper' since the year, 1994 till his date of termination of services w.e.f. 16-01-2004. The charges leveled vide charge-sheet dated 07-07-2001 and proved against the Workman are grave and serious in nature. In the past, the Workman was issued show-cause notices, memos and warnings etc. for his misconduct. The aforesaid act on the part of the Workman clearly proves that his past record was bad. The evidence on record indicates that the lenient view was taken by the Employer on each occasion. In the circumstances, I do not find existence of any mitigating circumstances which requires the Court to reduce the punishment of dismissal meted out to the Workman. Thus, the punishment of

dismissal imposed upon the Workman is just, fair and proportionate to the charges of misconduct leveled and proved against the Workman vide charge-sheet dated 07-07-2001 taking into consideration his past behavior. The said Order of dismissal imposed upon the Workman is in accordance with the Certified Standing Order of the Employer Company. Thus I do not find any merits in any of the contention raised by the Workman in support of its contentions that the termination of his services w.e.f. 16-01-2004 by way of dismissal is illegal and unjustified. It is therefore held that the Workman failed to prove that the dismissal of his services w.e.f. 16-01-2004 by the Employer is illegal and unjustified. The issue No. 5 is therefore answered in the negative.

23. *Issue No. 6:* While deciding the issue No. 5 hereinabove, I have come to the conclusion and held that the action of the Employer in terminating the services of the Workman w.e.f. 16-01-2004 is legal and justified. In the circumstances the Workman is therefore not entitled to any relief including the relief of re-instatement with full back wages and continuity in service. The issue No. 6 is therefore answered in the negative.

In view of the above discussions and with regards to the facts and circumstances of the case, I pass the following order.

ORDER

1. It is held that the action of the Employer M/s. Phil Corporation Ltd., Thivim, Karaswada, Bardez-Goa in dismissing the Workman, Shri Vinay Chodankar, Helper, with effect from 16-01-2004 is legal and justified.
2. It is held that the Workman, Shri Vinay Chodankar is therefore not entitled to any relief.
3. No order as to costs.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-I.

Notification

No. 28/1/2012-LAB/650

The following award passed by the Labour Court-II, at Panaji-Goa on 15-10-2012 in reference No. IT/27/07 is hereby published as required by

Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

D. S. Morajkar, Under Secretary (Labour).

Porvorim, 4th December, 2012.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. Ref. IT/27/07

Shri Shailesh Govekar,
H. No. 46, Wado Sunder Peth,
Govenkar Hotel,
Bicholim-Goa. ... Workman/Party I
V/s

The Bicholim Merchant Urban
Co-operative Credit Society, Ltd.,
Sahayog, New Market,
Bicholim-Goa. ... Employer/Party II

Party I/Workman represented by Adv. Shri S. Shirodkar.

Party II/Employer represented by Adv. Shri V. V. Kamat.

Panaji, Dated: 15-10-2012.

AWARD

1. In Exercise of the powers conferred by Section 10(1) (d) of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947), the Government of Goa by Order dated 14-05-2007, bearing No. 28/01/2007-LAB/465 referred the following dispute for adjudication by the Industrial Tribunal of Goa.

“(1) whether the action of the Bicholim Merchant Urban Co-operative Credit Society Limited, Bicholim-Goa in terminating the services of Shri Shailesh C. Govekar, Clerk, w. e. f. 01-06-2005 is legal and justified?

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

2. On receipt of the reference, a case was registered under No. IT/27/2007 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

20-07-2007 at Exb. 8. The facts of the case in brief as pleaded by the Workman are that he was employed as a 'Clerk' with the Employer/Party II (for short, 'Employer') w.e.f. 01-02-1993. He stated that on 03-07-2003, he received a memorandum from the Employer Society alleging that the Branch Manager of Bordem Branch has reported to its Head Office that on 12-04-2003, he has withdrawn a sum of Rs. 10,000/- from his S. B. A/C No. 117, however due to oversight, the said amount has not been debited from his account. He stated that it was further alleged that on 12-06-2003 he has tendered another withdrawal slip and once again withdrawn a sum of Rs. 10,000 and that he was therefore directed to submit explanation within two days from the receipt of the said memorandum. He stated that he had replied to the said Memorandum on 05-07-2003 by partly admitting that he has withdrawn a sum of Rs. 20,000/-, being Rs. 10,000/- each on 12-04-2003 & on 12-06-2003 only after confirmation of the balance amount in his said account on both occasions. He further stated that he closed his account subsequently as the said Bordem Branch of the Employer Society was on the way of getting closed, with no new transaction since 2003 and also to avoid inconvenience. He stated that he had also stated in his reply to the said memorandum that if he has received excess amount of Rs. 10,000/-, in that event he shall refund the said amount of Rs. 10,000/- to the Employer in installments of Rs. 500/- each per month or in the alternative Rs. 500/- be deducted from his monthly salary. He stated that he has also deposited Rs. 500/- by way of cheque bearing No. BM/C No. 004283 at Bordem Branch of the Employer alongwith his reply. He stated that on 08-07-2003, he received a letter from the Employer stating that its Board of Directors are not satisfied with the explanation given by him and therefore he was suspended from duties with immediate effect. He stated that thereafter he received a notice dated 08-10-2003 communicating him the date, time & venue of the enquiry. He stated that the 1st hearing of the enquiry was fixed on 10-10-2003 at 4.00 p.m. at the Employers premises at Bicholim. He stated that he had attended the enquiry on the scheduled date and venue. He stated that Shri B. S. Shetye was acted as an Enquiry Officer and Shri H. C. Karpe was acted as a Presenting Officer. He submitted that in the enquiry proceedings, the Presenting Officer, Shri H. C. Karpe admitted that the withdrawal slip was not entered in the ledger by the staff of the Employer Society who was on duty on 12-04-2003 at its Bordem Branch due to

oversight and inadvertence, He submitted that it appears from the proceedings of the enquiry that on account of the negligence on the part of the Employer Society, he has to suffer pain. He submitted that the statement of Mr. Uday Salkar and Mr. Jayant Pilgaonkar clearly speaks about the Employer's negligence at its Bordem Branch while performing the day-to-day cash transaction. He submitted that the action of the Employer Society in forcefully terminating his services is totally illegal and unjustified. He submitted that the Employer Society has played a fraud on him. He submitted that the records and proceedings of the enquiry conducted against him clearly reveals that he has not acted in contravention of bye laws nor made any single attempt to mislead the Employer Society. He submitted that the Employer has tailored a false story against him to defame and to throw him out from service. He submitted that the Employer Society suspended him from services by fabricating and producing false and bogus proceedings without any documentary evidence by conducting bogus enquiry proceedings. He submitted that he raised the demand before the Asstt. Labour Commissioner & Conciliation Officer, Mapusa-Goa which ended in failure. He submitted that the action of the Employer Society in terminating his services is blatantly illegal and amounts to an unfair trade practice. He therefore prayed that me Employer Society be directed to reinstate him with full back wages and continuity in service. He also prayed that the Employer Society be directed to pay him a sum of Rs. 2,00,000/- (Rupees two lakhs only) as compensation towards mental torture and harassment.

3. The Employer filed its written statement on 24-10-2007 at Exb. 11. The Employer resisted the claim of the Workman by alleging that it is a Co-operative Credit Society engaged in the banking business such as granting loans to its members and accepting deposits from the public. The Employer Society stated that the area of its operation is within the limits of Bicholim Taluka and was having a branch at Bordem, Bicholim-Goa at the relevant time and Head Office-cum-Branch at Market, Bicholim-Goa. The Employer Society however admitted that the Workman joined in their employment in January, 1993 as a 'Clerk'. The Employer stated that as a 'Clerk', the primary duties of the Workman were handling of cash, writing of books of accounts and other related aspects such as accepting the deposits and payment of cash to the account holders etc. The Employer stated that the duties

of the Workman were highly functional and sensitive in the day-to-day functioning. The Employer stated that during the tenure of service of the Workman, his duties were varied from time to time depending upon the exigencies of work. The Employer stated that during his tenure of service, the behavior and attitude of the Workman was highly objectionable and has affected its smooth functioning. The Employer stated that the Workman during his tenure of service has developed a habit of remaining absent from the duties without prior permission and more particularly during the half yearly and yearly account closing date. The Employer stated that on account of his aforesaid behavior, a memo was issued to the Workman on 15-04-2003 for remaining absent during account closing days. The Employer stated that the Workman has his saving account bearing No. 117 with its Bordem Branch and was operating the said account from time to time. The Employer stated that in April, 2003, the Workman was working as a Branch in-charge of Bordem Branch and was looking after all the managerial affairs of the said branch as a 'Branch in-charge'. The Employer submitted that the performance of the Workman was not satisfactory and as such it had warned the Workman vide its letter dated 28-04-2003 by stating that he should be more careful while discharging his duties in future. The Employer stated that during its surprise check of the Bordem Branch on 11-04-2003, it had observed a shortage of cash of Rs. 42,000/- in the said branch and upon questioning about the same, the Workman immediately made arrangements and deposited a cash of Rs. 42,000/- in the cash account of its Bordem Branch. The Employer submitted that the aforesaid act of the Workman proves that he had fraudulently lifted the cash of Rs. 42,000/- from the Bordem Branch, while he was discharging his duties as a 'Branch Manager'. The Employer stated that upon noticing the above malafide intentions and fraudulent behavior of the Workman and to avoid any further malpractices by him and in order to maintain the repute and its dignity, it had transferred the Workman from the Bordem Branch to Market Bicholim Branch thereby giving him an opportunity to improve himself, hoping that he will not repeat his fraudulent behavior again. The Employer stated that the Workman withdrew an amount of Rs. 10,000/- from his Saving Account No. 117 at Bordem Branch on 12-04-2003. The Employer stated that the Workman has also withdrawn an amount of Rs. 10,000/- from his saving account again on 12-06-2003, when in fact there was no sufficient balance to his credit to

withdraw an amount of Rs. 10,000/- and he was well aware of the said fact. The Employer stated that the aforesaid conduct of the Workman i.e. withdrawing an amount of Rs. 10,000/- from his saving account No. 117 without having sufficient balance and thereafter immediately closing his Saving Account at Bordem Branch clearly goes to prove the fraudulent behavior of the Workman. The Employer stated that upon realizing the fraud committed by the Workman, it had issued a memo to the Workman and thereafter suspended him from the services for his fraudulent act. The Employer stated that the services of the Workman were terminated on 01-06-2005 after holding a domestic enquiry in respect of his fraudulent behavior and upon receiving of Enquiry Officer's report. The Employer submitted that the domestic enquiry conducted by them clearly revealed that the Workman was not diligent in his duties. The Employer submitted that the Workman has committed a grave misconduct and hence in the interest of its smooth functioning, it is just and proper to dismiss the Workman from the services. The Employer submitted that it has conducted a free, fair and independent enquiry by following the principles of natural justice, thereby affording an opportunity to the Workman to defend himself and to put forth his case before the Enquiry Officer. The Employer submitted that the fraud committed by the Workman has been proved in the said enquiry. The Employer denied the overall case of the Workman as pleaded by him in his statement of claim filed in the present proceedings and prayed for the dismissal of the present reference issued by the Government of Goa.

4. Thereafter, the Workman filed his Re-joinder on 11-11-2008 at Exb. 16. The Workman by way of his Re-joinder confirms and reiterates all his submissions, averments and statements made in his claim statement to be true and correct and denies all the statements, averments and submissions made by the Employer in its written statement, which are contrary to his statement and averments made in his claim statement. He submitted that the memos were issued to him without committing any mistakes and his suspension was just because he was not acting as per the whims and wishes of its Board of Directors. He submitted that the enquiry conducted was one sided without hearing him and hence the said enquiry is not proper in the eyes of law. He submitted that the Employer has not followed the principles of natural justice and not given him an opportunity to vindicate his defence. He submitted that he had requested the

Enquiry Officer that he is ready and willing to pay the excess amount received by him due to the negligence on the part of the Employer's Staff, but the Employer had not shown any interest to the request made by him.

5. Thereafter on the basis of the pleadings filed by the respective parties, the Hon'ble Industrial Tribunal-cum-Labour Court framed certain issues at Exb. 14. Thereafter the said issues framed by the Hon'ble Industrial Tribunal-cum-Labour Court has been re-casted by this Court vide its order dated 15-11-2010, disposing off the application filed by the Workman for framing additional issues.

1. *Whether a fair, proper and impartial enquiry was held against the Workman in accordance with the principles of natural justice?*
2. *Whether the charges of misconduct have been proved to the satisfaction of this Hon'ble Court by an acceptable evidence?*
3. *Whether the Party I proves that his termination from service is illegal and amounts to unfair trade practice?*
4. *Whether the Party I is entitled for reinstatement with full back wages?*
5. *Whether the Party I is entitled for compenation of Rs. 2,00,000/- towards mental torture and harassment?*
6. *Whether the Party II proves that the Party I is guilty of misconduct?*
7. *What relief? What Order?*

6. My answers to the aforesaid issues are as under:

- | | |
|-------------|--|
| Issue No. 1 | In the Negative. |
| Issue No. 2 | In the Negative. |
| Issue No. 3 | In the Affirmative. |
| Issue No. 4 | Partly in the Affirmative
and partly in the Negative. |
| Issue No. 5 | In the Negative. |
| Issue No. 6 | In the Negative. |
| Issue No. 7 | As per final order. |

REASONS

7. *Issue No. 1 & 2:* This Court vide its Order dated 24-08-2011 passed in the findings on the preliminary issue No. 1 & 2 has come to the conclusion and held that no fair and proper enquiry has been held against the Workman and hence the said enquiry conducted against the Workman is quashed and set aside and that since

no charge-sheet was issued to the Workman pointing out the charges of misconduct, the question of proving the same does not arise.

8. *Issue No. 3 & 6:* I am deciding the Issue No. 3 & 6 together as both the said issues are co-related to each other.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

9. Ld. Adv. Shri S. Shirodkar representing the Workman, during the course of his oral arguments submitted that this Court vide its Order dated 24-08-2011 passed in the findings on the preliminary issue No. 1 & 2 has held that no fair and proper enquiry has been held against the Workman and hence the said enquiry against the Workman is quashed and set aside and that since no charge-sheet was issued to the Workman pointing out the charges of misconduct, the question of proving the same does not arise. He submitted that the Employer Society terminated the services of the Workman by alleging that he has committed a misconduct of "an act prejudicial to the interest of the society" vide its letter dated 10-05-2005. He further submitted that the Employer Society has failed to frame the specific charges of misconduct against the Workman by issuing a charge-sheet. He submitted that even after passing of the said order dated 24-08-2011 by this Court in its findings on the preliminary issue No. 1 & 2, the Employer Society also failed to prove the alleged misconduct on the part of the Workman by leading any cogent evidence to that effect on the floor of this Labour Court. He therefore submitted that the action of the Employer Society in terminating the services of the Workman vide its letter dated 10-05-2005 on the alleged misconduct on the part of the Workman is therefore illegal, unjustified and amounts to an unfair labour practice.

10. On the contrary, Ld. Adv. Shri V. V. Falari representing the Employer Society submitted that the services of the Workman were terminated by the Employer Society vide its letter dated 10-05-2005 by way of dismissal. He submitted that a domestic enquiry was conducted against the Workman pertaining to his misconduct. He submitted that the Enquiry Officer Shri B. S. Shetye vide its Enquiry Report dated 11-04-2005 at Exb. E/2 held that the Workman had withdrawn an excess amount of Rs. 10,000/- from his S. B. A/c No. 117. He submitted that the said Enquiry Report was placed in the meeting of its Board of Directors held on 15-04-2005. He submitted that the Board of Directors of the Employer Society in

its meetings held on 15-04-2005 unanimously decided to terminate the services of the Workman w.e.f. 01-05-2005. He therefore submitted that the action of the Employer Society in terminating the services of the Workman is therefore just, fair, proper and valid in the eyes of law.

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

11. This Court vide its order dated 24-08-2011, passed in findings on the preliminary issues No. 1 & 2 held that no fair and proper enquiry has been held against the Workman and hence the said enquiry against the Workman is quashed and set aside. The Court has further held that since no charge-sheet was issued to the Workman pointing out the charges of misconduct, the question of proving the same does not arise. The evidence on record indicates that neither the Employer sought any permission of this Court to prove the charges of misconduct nor proved any charges of misconduct against the Workman by leading any cogent evidence on the floor of this Labour Court. The evidence on record indicates that the services of the Workman were terminated by the Employer vide its letter dated 10-05-2005 (Exb. W/7) by alleging that he had committed a misconduct of withdrawal of an amount of Rs. 10,000/- on 12-06-2003 from his S. B. A/C No. 117 from their Bordem, Bicholim Branch without having any sufficient balance in his aforesaid account. Since the Employer Society failed to conduct a fair and proper enquiry against the Workman by framing specific charges against him, nor proved the charges of misconduct against the Workman on the floor of this Labour Court, the very basis of termination of services of the Workman on the ground of alleged misconduct deserves to be illegal and unjustified. Hence it is held that the termination of the services of the Workman is illegal and unjustified. The issue No. 3 is therefore answered in the affirmative and issue No. 6 is answered in the negative.

12. *Issue No. 4:* I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

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

13. While deciding the issue No. 3 hereinabove, it has been held by me that the termination of

services of the Workman w.e.f. 01-06-2005 by the Employer is illegal, unjustified and bad-in-law.

The Hon'ble Supreme Court of India in its following various recent decisions ruled as under:

14. In the case of **Kendriya Vidyalaya Sangathan and Anr. v/s S. C. Sharma, 2005(104) FLR 863**, the Hon'ble Apex Court has ruled as under:

"15..... When the question of determining the entitlement of a person to back wages is concerned, the employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places material in that regard, the employer can bring on record materials to rebut the claim. In the instant case, the respondent had neither pleaded nor placed any material in that regard". I am bound by the precedent laid down by the Hon'ble Supreme Court of India in its aforesaid Judgement.

15. In the case of **M/s. Reetu Marbles v/s Prabhakant Shukla and Anr.** reported in 2010 (124) FLR 72, the Hon'ble Supreme Court of India has held that *"Although direction to pay full back wages on a declaration that the order of termination was invalid used to be the usual result but now, with the passage of time, a pragmatic view of the matter is being taken up by the Court realizing that an industry may not be compelled to pay to the Workman for the period during which he apparently contributed little or nothing at all to it and/or for a period that was spent unproductively as a result whereof the employer would be compelled to go back to a situation which prevailed many years ago, namely, when the workman was retrenched".*

16. In the case of **Jagbir Singh v/s Haryana State Agriculture Marketing Board & anr. reported in 2009 III CLR 628**, the Hon'ble Apex Court has held that *"it is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of re-instatement with full back wages would ordinarily follow. However, in the recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of re-instatement with back wages is not automatic and may be wholly inappropriate in a given factual situation even though the termination of an employee in contravention of the prescribed procedure, compensation instead of re-instatement has been held to meet the ends of justice".*

17. Thus, the Hon'ble Apex Court in its various series of decisions has consistently held that a relief of reinstatement with full back wages and consequential benefits is not automatic, even if the termination of the Workman is illegal or in contravention of prescribed procedures. I am bound by the precedent laid down by the Hon'ble Apex Court in its aforesaid decisions.

18. In the case in hand, the Workman was not issued any charge-sheet by alleging specific charges of misconduct. However, a Memorandum dated 03-07-2003 (Exb. W/2) and a letter of termination issued to the Workman dated 10-05-2005 (Exb. W/7) indicates that he was charged for alleged withdrawal of excess amount of Rs. 10,000/- from his S. B. A/C No. 117 in the Employer Society. It has been held by me that the termination of services of Workman w.e.f. 01-06-2005 is illegal and unjustified. The Workman is therefore entitled for re-instatement in service.

19. Neither the Workman has pleaded in his entire pleadings filed in the present proceedings that he is gainfully unemployed since after the termination of his service w.e.f. 01-06-2005 nor led any material evidence either oral or documentary to prove the same. In the circumstances, the Workman failed to discharge his initial burden of proof that since after the termination of his services w.e.f. 01-06-2005, he is gainfully unemployed. On the contrary, the Employer has examined its Chairman, Shri Rajan Kadkade, r/o Bicholim-Goa and also produced on record a license granted by the Bicholim Municipal Council to the Workman to run a business of a cyber cafe in the name and style 'Kanti Cyber Cafe and Play Station' at Shop No. 5, Ground Floor, Paul Tower Bldg., Sunder Peth, Bicholim-Goa. (Exb. E/3). The said witness of the Employer in its oral evidence stated that since after the termination of services of the Workman he has started a business of cyber Cafe at Shop No. 5, Ground Floor, Paul Tower Bldg., Sunder Peth, Bicholim -Goa and earning more than Rs. 20,000/- per month. Thus, the evidence on record indicates that after the termination of the services of the Workman, he has started a business of Cyber Cafe within the limits of the Bicholim Municipal Council and earning more than Rs. 20,000/- per month. The evidence on record indicates that the monthly salary of the Workman was Rs. 3,750/- in the month of March, 2003. Thus, it appears that the Workman is earning more from his business than what he was earning by way of employment with the Employer Society. In the circumstances, the Workman is not entitled to any back wages. The issue No. 4 is therefore answered accordingly.

20. Issue No. 5: I have heard the oral arguments of the Ld. Advocates appearing for the respective parties. I have carefully perused the entire records of the present case. I have also carefully considered the various submissions made by the Ld. Advocates appearing for the respective parties.

21 The present reference has been issued by the appropriate Government pertaining to legality and justifiability of the action of the Employer Society in terminating the services of the Workman w.e.f. 01-06-2005 and if not to what relief the Workman is entitled. Thus, it is mandatory upon the Court to answer the said reference and the Court has no jurisdiction to add anything more than what has been referred. In the circumstances, this Court cannot decide the question as to the entitlement of the Workman a sum of Rs. 2,00,000/- as compensation towards his alleged mental torture and harassment. The said issue is beyond the scope of the present reference. Even otherwise, the Workman has claimed an amount of Rs. 2,00,000/- as compensation towards his mental torture and harassment. The Employer denied the said allegations made by the Workman. The Workman has however failed to produce on record any cogent evidence for the entitlement of Rs. 2,00,000/- as compensation towards his mental torture and harassment. Hence, I am unable to grant any compensation of Rs. 2,00,000/- towards his alleged mental torture and harassment. The issue No. 5 is therefore answered in the negative.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceed to pass the following Order:

ORDER

1. It is held that the action of the Bicholim Merchant Urban Co-operative Credit Society Ltd., Bicholim-Goa in terminating the services of the Workman, Shri Shailesh C. Govekar, Clerk, w.e.f. 01-06-2005 is illegal and unjustified.
2. The Employer, Bicholim Merchant Urban Co-operative Credit Society Ltd., Bicholim-Goa is therefore directed to re-instate the Workman Shri Shailesh C. Govekar with continuity in service with immediate effect.
3. No Order as to Cost.
4. Inform the Government accordingly.

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

Department of Official Language and
Public Grievances

Directorate of Official Language

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Notification

No. 6/8/2012/DOI/GMA-Griev/1268

Read: Notification No. 6/8/2012/DOI/GMA-Griev/996 dated 4th October, 2012.

In continuation of the notification referred above, the Government is pleased to extend the tenure of said Committee for further two months i.e. till 4th February, 2013 so as to submit inquiry report with its recommendations to the Government in respect of Gomantak Marathi Academy and issues related thereto.

The terms and conditions notified in earlier notification shall be the same.

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

Sd/- (Dr. Prakash Vazrikar), Director of Official Language.

Panaji, 10th December, 2012.



Department of Personnel

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Order

File No. 4/3/2011-PER

Read: Order No. 7/5/92-PER(Vol-I) dated 29-3-2012.

The pay of Shri Gopalkrishna Rao, Principal, Goa College of Pharmacy appointed vide Order read in preamble shall be fixed in the AICTE Pay Scale at ₹ 43,000/- in the Pay Band-4 ₹ 37400-67000/- plus Academic Grade Pay of ₹ 10,000/- plus Special Allowance of ₹ 3000/- per month plus 05 non-compounded additional increments under FR 27 in the pre-revised scale of ₹ 18400-500-22400/- w.e.f. his date of joining the post i.e. 30-04-2012 (f.n.).

This issues with the concurrence of the Finance Department vide their U.O. No. 1449498-F dated 05-12-2012 and of the Goa Public Service Commission vide their Letter No. COM/I/5/33(1)/97-2008/Vol.I/2031 dated 28-08-2012.

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

Sd/- (Umeshchandra L. Joshi), Under Secretary (Personnel-I).

Porvorim, 12th December, 2012.

Department of Public Health

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Order

No. 4/23/2002-II/PHD/Part 1

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/11/30(10)/90/271 dated 29-11-2012, Government is pleased to promote Dr. Carmen Mendes Pereira, Assistant Professor in Medicine to the post of Associate Professor in Medicine in Goa Medical College, Bambolim-Goa on regular basis in the Pay Band—3, ₹ 15,600-39,100/- with Grade Pay of ₹ 6,600/- and other allowances to be fixed as per rules, with immediate effect.

The promotion is made against the vacancy occurred due to promotion of Dr. Edwin Gomes, Associate Professor to the post of Professor in Medicine in Goa Medical College and Hospital vide Order No. 4/23/2002-II/PHD/Part 1 dated 02-08-2012.

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

Sd/- (Harish Adconkar), Under Secretary (Health).

Porvorim, 17th December, 2012.

Certificate

No. 4/21/2003-II/PHD

Read: Government Order No. 4/21/2003-II/PHD dated 25-06-2012.

Certified that the character and antecedents of Dr. Pascoal D'Souza, Medical Officer in Blood Bank in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the District Magistrate, North Goa District, Panaji and nothing adverse has been recorded against him.

Sd/- (Harish Adconkar), Under Secretary (Health).

Porvorim, 12th December, 2012.

Certificate

No. 4/19/2002-II/PHD

Read: Order No. 4/19/2002-II/PHD dated 22-05-2012.

Certified that the character and antecedents of Dr. Chetan Govind Shirodkar, Assistant Lecturer in Anesthesiology (ICU) in the Department of Anesthesiology in Goa Medical

College and Hospital, Bambolim appointed vide above referred Order has been verified by the District Magistrate, North Goa District, Panaji and nothing adverse has been recorded against him.

Sd/- (D. G. Sardessai), Additional Secretary (Health).

Porvorim, 12th December, 2012.

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Certificate

No. 4/16/2001-II/PHD/Part 1

Read: Government Order No. 4/16/2001-II/
/PHD/Part 1 dated 31-07-2012.

Certified that the character and antecedents of Dr. Dipti Shamrao Parab, Assistant Lecturer in the Department of Paediatrics in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the District Magistrate, North Goa District, Panaji and nothing adverse has been recorded against her.

Sd/- (D. G. Sardessai), Additional Secretary (Health).

Porvorim, 12th December, 2012.

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Certificate

No. 4/14/2011-II/PHD

Read: Government Order No. 4/14/2011-II/
/PHD dated 13-06-2012.

Certified that the character and antecedents of Dr. Rohit Ravindra Ajgaonkar, Assistant Lecturer in Burns Unit in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the District Magistrate, North Goa District, Panaji and nothing adverse has been recorded against him.

Sd/- (D. G. Sardessai), Additional Secretary (Health).

Porvorim, 12th December, 2012.

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Department of Revenue

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Addendum

No. 22/01/2012-RD

Read: Notification No. 22/01/2012-RD dated 18-10-2012 regarding Land Acquisition for the construction of approach road to the New International Airport at Mopa in Pernem Taluka (Re-alignment) in villages

Ozorim, Cansarvornem & Dhargalim published in Official Gazette Series II No. 31 pages 1181 to 1200 & in local newspapers i.e. 'Herald' and 'Gomantak' both dated 27-10-2012 & in Official Gazette dated 01-11-2012.

In the schedule appended to the Notification referred to above, the following survey numbers alongwith the names of persons believed to be interested, the names of interested parties against each survey number be added and read with the Notification No. 22/01/2012-RD dated 18-10-2012.

SCHEDULE

Taluka: Pernem

Village: Ozorim

Survey No./ /Sub-Div. No.	Revised Notification names of the persons believed to be interested	Area in sq. mts.
1	2	3
38/1 (P)	O: Laximi Pandurang Sonar. O: Premavati Jagannath Sonar. O: Balu Narayan Sonar. O: Pandurang Narayan Sonar. O: Jagannath Narayan Sonar. T: Rama Raghoba Bhojji. T: Vishwanath Shamba Bhojji. T: Jivba Dattaram Kole. T: Arjun Shiva Kole. T: Vithu Attarama Halankar. T: Krishna Ladu Halankar. T: Jaidev Rama Kudav. T: Mahadev Bablo Kudav.	30024
39/1 (P)	O: Shankarji Jaswant Desai Court receiver. O: Govt. of Goa, E.E., W.D. VII, GTIDC, Dhargal, Pernem. T: Vishwanath Shamba Bhojji. T: Jivba Dattaram Kole. T: Arjun Shiva Kole. T: Vithu Atmaram Halankar. T: Krishna Ladu Halankar. T: Jaidev Rama Kudav. T: Mahadev Bablo Kudav. T: Rama Raghoba Bhojji. C: Rama Bhojji. Vishwanath Bhojji. Jivba Kole (year 1985-86). C: Arjun Kole. Vithu Halarnkar. Krishna Halarnkar. C: Jaidev Kudev. Mahadev Kudev.	3685

Taluka: Pernem		Village: Cansarvornem		1	2	3
1	2	3				
169/1 (P)	O: Shri Dev Mahadev Vahi. Vishram Krishna Naik. T: Ganesh Bablo Warang. T: Dattaram Krishana Warang. T: Tukaram Krishna Warang.	2535			T: Arjun Gunaji Bhivji. T: Sahadev Gunaji Bhivji. T: Savlo Babli Bhivji. T: Nakul Bablo Harmalkar.	
169/2	O: Govind Shiva Kole. O: Jivgo Datta Kole. O: Arjun Shiva Kole. O: Krishna Sakharan Kole. O: Arjun Ganesh Kole. O: Rajaram Ganesh Kole. C: Radhabai G. Kole.	3925		290/1 (P)	O: Raghunath Keshav Prabhudesai. O: Mahadev Ghanashyam Prabhudesai. O: Raoji Tukaram Prabhudesai. O: Jairam Balkrishna Prabhudesai. O: Bhalchandra Gopal Prabhudesai. O: Gopal Ramchandra Prabhudesai. O: Rukmini Ladkoba Prabhudesai. O: Jaywantibai Ganpat Matkar. O: Kashibai Pandurang Prabhudesai. O: Ghanashyam Yeshwant Prabhudesai. O: Govt. of Goa, E.E., W. D. VII, GTIDC, Dhargal, Pernem.	19475
190/0	O: Vishram Baji Tulaskar. O: Zailabai Shabi Tulaskar. O: Rama Shankar Nagvekar. O: Chandroji Vishnu Tulaskar. O: Santoshi Bhiva alias Bhivam Tulaskar. T: Namdev Mahadev Tulaskar. T: Pandurang Janba Tulaskar. T: Rama Krishna Tulaskar. T: Gunaji Nhanulo Tulaskar.	17150		290/10 (P)	O: Raghunath Keshav Prabhudesai. O: Mahadev Ghanashyam Prabhudesai. O: Raoji Tukaram Prabhudesai. O: Jairam Balkrishna Prabhudesai. O: Bhalchandra Gopal Prabhudesai. O: Gopal Ramchandra Prabhudesai. O: Rukmini Ladkoba Prabhudesai. O: Jaywantibai Ganpat Matkar. O: Kashibai Pandurang Prabhudesai. O: Ghanashyam Yeshwant Prabhudesai.	115
228/17 (P)	O: Jairam Krishana Tulaskar. O: Babaji Krishna Tulaskar. O: Vishnu Krishna Tulaskar.	1340				
228/18 (P)	O: Shivaji Govind P. P. Desai. T: Vithal Govind Tulaskar.	1810				
Taluka: Pernem		Village: Dhargalim				
260/1 (P)	O: Anne Loba. O: Suryakant Gajanan Salgaonkar. O: Hunamant Savlo Mashelkar. O: Shriram Sudhakar Salgaonkar. O: Machidranath Sripad Patekar. O: Minaxi Machidranath Patekar. O: Bharti Balchandra Dabolkar. O: Balchandra Waman Dabolkar. O: Vivekanand Uttam Kambli.	25				
262/3	O: Madhusudan Nilkanth Prabhudesai. O: Madhusudan Krishnaji Shenvi. O: Arvind Dattaram Naik. T: Harichandra Babu Salgaonkar.	125		290/7 (P)	O: Raghunath Keshav Prabhudesai. O: Mahadev Ghanashyam Prabhudesai. O: Raoji Tukaram Prabhudesai. O: Jairam Balkrishna Prabhudesai. O: Bhalchandra Gopal Prabhudesai. O: Gopal Ramchandra Prabhudesai. O: Rukmini Ladkoba Prabhudesai. O: Jaywantibai Ganpat Matkar.	15
262/4	O: Madhusudan Nilkanth Prabhudesai. O: Madhusudan Krishnaji Shenvi. O: Arvind Dattaram Naik. T: Atmaram Yeshwant Salgaonkar.	100				
289/27 (P)	O: Gopal Ramchandra Prabhudesai. O: Rukminibai Ladkoba Dessai.	375				

1	2	3	1	2	3
	O: Kashibai Pandurang Prabhudesai.			O: Sonu Ramchandra Joshi.	
	O: Ghanashyam Yeshwant Prabhudesai.			O: Hansa Manjrekar.	
	T: Anant Pundalik Salgaonkar.			O: Navin Shamrao Parab.	
290/9 (P)	O: Raghunath Keshav Prabhudesai.	341	372/13	T: Balchandra Ganesh Kanolkar.	200
	O: Mahadev Ghanashyam Prabhudesai.			O: Appa Babani Dhargalkar.	
	O: Raoji Tukaram Prabhudesai.		372/14	O: Sonu Ramchandra Joshi.	
	O: Jairam Balkrishna Prabhudesai.			O: Prakash Janardhan Manjrekar.	
	O: Bhalchandra Gopal Prabhudesai.			O: Navin Shamrao Parab.	
	O: Gopal Ramchandra Prabhudesai.		372/15	T: Arjun Ganesh Kanolkar.	
	O: Rukmini Ladkoba Prabhudesai.			O: Appa Babani Dhargalkar.	200
	O: Jaywantibai Ganpat Matkar.			O: Sonu Ramchandra Joshi.	
	O: Kashibai Pandurang Prabhudesai.			O: Prakash Janardhan Manjrekar.	
	O: Ghanashyam Yeshwant Prabhudesai.			O: Navin Shamrao Parab.	
	T: Prabhakar Sakharam Salgaonkar.		372/16 (P)	T: Vitthu Rama Kanolkar.	
372/1	O: Appa Babani Dhargalkar.	125		T: Jagannath Ladu Kanolkar.	
	O: Sonu Ramchandra Joshi.			T: Bhalchandra Ganesh Kanolkar.	
	O: Prakash Janardhan Manjrekar.		372/17 (P)	O: Appa Babani Dhargalkar.	300
	O: Navin Shamrao Parab.			O: Sonu Ramchandra Joshi.	
	T: Bhalchandra Arjun Kanolkar.			O: Prakash Janardhan Manjrekar.	
372/2	T: Arjun Ganesh Kanolkar.			O: Navin Shamrao Parab.	
	O: Appa Babani Dhargalkar.	125		T: Arjun Ganesh Kanolkar.	
	O: Sonu Ramchandra Joshi.		372/18 (P)	O: Appa Babani Dhargalkar.	580
	O: Hansa Mandrekar.			O: Sonu Ramchandra Joshi.	
	O: Navin Shamrao Parab.			O: Prakash Janardhan Manjrekar.	
372/3	T: Nakul Sriram Kanolkar.			O: Navin Shamrao Parab.	
	O: Appa Babani Dhargalkar.	275		T: Vitthu Rama Kanolkar.	
	O: Sonu Ramchandra Joshi.			T: Jagannath Ladu Kanolkar.	
	O: Hansa Mandrekar.			T: Bhalchandra Ganesh Kanolkar.	
	O: Navin Shamrao Parab.		372/19 (P)	O: Appa Babani Dhargalkar.	300
	T: Vitthu Rama Kanolkar.			O: Sonu Ramchandra Joshi.	
	T: Jagannath Ladu Kanolkar.			O: Prakash Janardhan Manjrekar.	
	T: Bhalchandra Ganesh Kanolkar.			O: Navin Shamrao Parab.	
372/10 (P)	O: Appa Babani Dhargalkar.	275	372/20 (P)	T: Nakul Sriram Kanolkar.	
	O: Sonu Ramchandra Joshi.			O: Appa Babani Dhargalkar.	730
	O: Prakash Janardhan Manjrekar.			O: Sonu Ramchandra Joshi.	
	O: Navin Shamrao Parab.			O: Prakash Janardhan Manjrekar.	
	T: Vitthu Rama Kanolkar.			O: Navin Shamrao Parab.	
	T: Jagannath Ladu Kanolkar.			T: Bhalchandra Ganesh Kanolkar.	
	T: Bhalchandra Ganesh Kanolkar.			T: Arjun Ganesh Kanolkar.	
372/11 (P)	O: Appa Babani Dhargalkar.	400	372/21 (P)	O: Appa Babani Dhargalkar.	350
	O: Sonu Ramchandra Joshi.			O: Sonu Ramchandra Joshi.	
	O: Hansa Manjrekar.			O: Prakash Janardhan Manjrekar.	
	O: Navin Shamrao Parab.			O: Navin Shamrao Parab.	
372/12	T: Nakul Sriram Kanolkar.			T: Bhalchandra Ganesh Kanolkar.	
	O: Appa Babani Dhargalkar.	225		T: Arjun Ganesh Kanolkar.	
				O: Appa Babani Dhargalkar.	
				O: Sonu Ramchandra Joshi.	
				O: Prakash Janardhan Manjrekar.	
				O: Navin Shamrao Parab.	
				T: Nakul Sriram Kanolkar.	

1	2	3	1	2	3
372/22 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Bhalchandra Ganesh Kanolkar. T: Arjun Ganesh Kanolkar.	330		O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Bhalchandra Ganesh Kanolkar. T: Arjun Ganesh Kanolkar.	
372/23 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Nakul Sriram Kanolkar.	180	372/5	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Hansa Manjrekar. O: Navin Shamrao Parab. T: Nakul Sriram Kanolkar.	75
372/24 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Vithu Rama Kanolkar. T: Jagannath Ladu Kanolkar. T: Bhalchandra Ganesh Kanolkar.	425	372/6	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Hansa Manjrekar O: Navin Shamrao Parab. T: Vithu Rama Kanolkar. T: Jagannath Ladu Kanolkar.	75
372/25 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Nakul Sriram Kanolkar.	100	372/7	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Hansa Manjrekar. O: Navin Shamrao Parab. T: Bhalchandra Ganesh Kanolkar. T: Arjun Ganesh Kanolkar.	75
372/26 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Bhalchandra Ganesh Kanolkar. T: Arjun Ganesh Kanolkar.	63	372/8	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Bhalchandra Ganesh Kanolkar. T: Arjun Ganesh Kanolkar.	125
372/27 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Vithu Rama Kanolkar. T: Jagannath Ladu Kanolkar. T: Bhalchandra Ganesh Kanolkar.	50	388/2 (P)	O: Rajendra Vasudev Deshprabhu. T: Harichandra Bhikaji Raul. T: Tukaram Mahadev Padloskar. T: Laxman Babaji Padloskar.	10
372/28	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Vithu Rama Kanolkar. T: Jagannath Ladu Kanolkar.	425	427/3 (P)	O: Mahadev Ghanashyam Prabhudesai. O: Raoji Tukaram Prabhudesai. O: Jairam Balkrishna Prabhudesai. O: Bhalchandra Gopal Prabhudesai. O: Uttam Ramchandra Prabhudesai. O: Rukmini Ladkoba Prabhudesai. O: Kashibai Pandurang Prabhudesai. O: Jaiwantibai Ganpat Matkar. O: Govind Shivram Prabhudesai. O: Raghunath Keshav Prabhudesai. O: Ghanashyam Yeshwant Prabhudesai.	750
372/29 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Nakul Sriram Kanolkar.	05	427/4 (P)	O: Mahadev Ghanashyam Prabhudesai. O: Raoji Tukaram Prabhudesai.	1000
372/30 (P)	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi. O: Prakash Janardhan Manjrekar. O: Navin Shamrao Parab. T: Vithu Shriram Kanolkar.	30			
372/4	O: Appa Babani Dhargalkar. O: Sonu Ramchandra Joshi.	125			

1	2	3	1	2	3
	O: Jairam Balkrishna Prabhudesai.			T: Bhikaji Vithu Palyekar.	
	O: Bhalchandra Gopal Prabhudesai.		427/7 (P)	O: Mahadev Ghanashyam Prabhudesai.	225
	O: Uttam Ramchandra Prabhudesai.			O: Raoji Tukaram Prabhudesai.	
	O: Rukmini Ladkoba Prabhudesai.			O: Jairam Balkrishna Prabhudesai.	
	O: Kashibai Pandurang Prabhudesai.			O: Bhalchandra Gopal Prabhudesai.	
	O: Jaiwanti Ganpat Matkar.			O: Uttam Ramchandra Prabhudesai.	
	O: Govind Shivram Prabhudesai.			O: Rukmini Ladkoba Prabhudesai.	
	O: Raghunath Keshav Prabhudesai.			O: Kashibai Pandurang Prabhudesai.	
	O: Ghanashyam Yeshwant Prabhudesai.			O: Jaiwantibai Ganpat Matkar.	
	O: Arvind Dattaram Naik.			O: Govind Shivram Desai.	
427/5 (P)	T: Sakharam Punaji Bagkar.			O: Raghunath Keshav Prabhudesai.	
	O: Mahadev Ghanashyam Prabhudesai.	150		O: Ghanashyam Yeshwant Prabhudesai.	
	O: Raoji Tukaram Prabhudesai.			O: Arvind Dattaram Naik.	
	O: Jairam Balkrishna Prabhudesai.		427/8 (P)	T: Sakharam Punaji Palyekar.	
	O: Bhalchandra Gopal Prabhudesai.			O: Mahadev Ghanashyam Prabhudesai.	275
	O: Uttam Ramchandra Prabhudesai.			O: Raoji Tukaram Prabhudesai.	
	O: Rukmini Ladkoba Prabhudesai.			O: Jairam Balkrishna Prabhudesai.	
	O: Kashibai Pandurang Prabhudesai.			O: Bhalchandra Gopal Prabhudesai.	
	O: Jaiwanti Ganpat Matkar.			O: Uttam Ramchandra Prabhudesai.	
	O: Govind Shivram Prabhudesai.			O: Rukmini Ladkoba Prabhudesai.	
	O: Raghunath Keshav Prabhudesai.			O: Kashibai Pandurang Prabhudesai.	
	O: Ghanashyam Yeshwant Prabhudesai.			O: Jaiwanti Ganpat Matkar.	
	O: Arvind Dattaram Naik.			O: Govind Shivram Prabhudesai.	
427/6 (P)	T: Dattaram Dhondu Palyekar.			O: Raghunath Keshav Prabhudesai.	
	O: Mahadev Ghanashyam Prabhudesai.	525		O: Ghanashyam Yeshwant Prabhudesai.	
	O: Raoji Tukaram Prabhudesai.			O: Arvind Dattaram Naik.	
	O: Jairam Balkrishna Prabhudesai.		427/9 (P)	T: Dattaram Dhondu Palyekar.	
	O: Bhalchandra Gopal Prabhudesai.			O: Mahadev Ghanashyam Prabhudesai.	235
	O: Uttam Ramchandra Prabhudesai.			O: Raoji Tukaram Prabhudesai.	
	O: Rukmini Ladkoba Prabhudesai.			O: Jairam Balkrishna Prabhudesai.	
	O: Kashibai Pandurang Prabhudesai.			O: Bhalchandra Gopal Prabhudesai.	
	O: Jaiwanti Ganpat Matkar.			O: Uttam Ramchandra Prabhudesai.	
	O: Govind Shivram Prabhudesai.			O: Rukmini Ladkoba Prabhudesai.	
	O: Raghunath Keshav Prabhudesai.			O: Kashibai Pandurang Prabhudesai.	
	O: Ghanashyam Yeshwant Prabhudesai.			O: Jaiwanti Ganpat Matkar.	
	O: Arvind Dattaram Naik.			O: Govind Shivram Prabhudesai.	
	T: Uttam Vithu Palyekar.			O: Raghunath Keshav Prabhudesai.	

1	2	3
	O: Ghanashyam Yeshwant Prabhudesai. O: Arvind Dattaram Naik. T: Uttam Vithu Palyekar. T: Bhikaji Vithu Palyekar.	
430/31 (P)	O: Arvind Dattaram Naik. T: Harichandra Rama Kudav.	35

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

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 12th December, 2012.



Department of Science, Technology & Environment

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Corrigendum

No. 7/4/98/STE/DIR/Part III/1051

- Read: (1) Order No. 7/4/98/STE/DIR/Part III/1402 dated 12-11-2010 published in Official Gazette Series II No. 34 dated 18-11-2010.
(2) Order No. 6/11/2009-PER dated 05-04-2012 of the Personnel Department, Secretariat.
(3) Order No. 6/16/2012-PER dated 05-07-2012 of the Personnel Department, Secretariat.
(4) Order No. 6/2/2005-PER dated 05-07-2012 of the Personnel Department, Secretariat.
(5) Order No. 6/11/2009-PER dated 04-12-2012 of the Personnel Department, Secretariat.

Pursuant to the Orders, read at (2) to (5) above, the entries at Sr. No. (3) to (5), (8), (11) & (13) in the Table in para (3) of the order dated 12-11-2010, read at (1) above, shall be read as follows:

Sr. No.	Name and designation of the Officer	Office Tel. No.	Residence Tel. No.	Fax No.	Mobile No.
1	2	3	4	5	6

"3. Mr. P K. Velip Kankar, Addl. Collector-(I) & Addl. District Magistrate, North Goa, Panaji

4. Mr. N. S. Navti, Addl. Collector-(I) & Addl. District Magistrate, South Goa, Margao	2714453	2313894	2733026	9404912277
5. Mr. Sanjeev C. Gauns Dessai, Dy. Collector & Sub-Divisional Magistrate, Tiswadi, Panaji	2225511	—	2225511	9822383488
8. Mr. N. M. Gad, Dy. Collector & Sub-Divisional Magistrate, Bicholim	2362058	—	2362058	9822177680
11. Mr. Gaurish Shankwalkar, Dy. Collector & Sub-Divisional Magistrate, Mormugao, Vasco	2512688	—	2512688	9822588399
13. Mr. Prashant Shirodkar, Dy. Collector & Sub-Divisional Magistrate, Canacona	2643696	—	2643696	9822137728"

Michael M. D'Souza, Director & ex officio Joint Secretary (STE).

Saligao, 17th December, 2012.



Department of Sports & Youth Affairs

The Sports Authority of Goa

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Order

No. SAG/ED/Luso Games-2013/Games Sect/2011-12/3405

Government of Goa is pleased to constitute the Finance Committee on Lusofonia Games, 2013. The Finance Committee will examine all financial proposals of more than ₹ 2.00 lakhs related to the conduct of the Games. The financial proposals of

less than ₹ 10.00 lakhs will be sent after the scrutiny to the Chief Executive, Games Secretariat for clearance and proposals of more than ₹ 10.00 lakhs will be sent to the Executive Management Committee, headed by Chief Secretary, Government of Goa. All financial proposals upto ₹ 25.00 lakhs will be cleared by the Executive Management Committee, while proposals of the value of more than ₹ 25.00 lakhs will be sent to the Finance Minister for the approval. The composition of the Committee is as follows:-

1. Additional Secretary (Finance)
2. Joint Chief Executive Officer
3. Assistant Accounts Officer
4. Director (Finance & Accounts) – Member Secretary/
/Convenor.

All financial proposals of ₹ 2.00 lakhs and above will require approval of the Finance Committee.

Keshav Chandra, Secretary (Sports).

Panaji, 12th December, 2012.

Order

No. SAG/ED/Luso Games-2013/Games
Sect/2011-12/3406

Government of Goa is pleased to constitute the Executive Management Committee on Lusofonia Games, 2013 to monitor the works of the Games Secretariat and financial proposals of more than ₹ 10.00 lakhs cleared by the Finance Committee. The composition of the Committee is as follows:-

1. Chief Secretary – Chairman.
2. Principal Secretary (Health)
3. Principal Secretary (PWD)
4. Principal Secretary (Tourism)
5. Secretary (Information & Publicity)
6. Secretary (Art & Culture)
7. Chief Executive Officer-Games
8. Jt. CEO – Games – Member Secretary.
9. Additional Secretary (Fin. Exp.)
10. Additional Secretary (Fin. Budget)
11. Director, (Finance)
12. Director (Sports & Youth Affairs)
13. Director (Art & Culture)

Keshav Chandra, Secretary (Sports).

Panaji, 12th December, 2012.

Order

No. SAG/ED/Luso Games-2013/Games
Sect/2011-12/3407

Government of Goa is pleased to constitute the Sports Committee on Lusofonia Games, 2013, headed by the President, Goa Olympic Association. The Committee will decide about the actual conduct of the Games in consultation with the National Sports Federation/Asian Federation. All technical requirements related to the Sports activities of the Games will be assessed and approved by this Committee. The Committee will also finalise Technical Officials for the conduct of the Games suggested by the respective National Sports Federation. The recommendations of the Committee will be placed before the Chief Executive Officer for placing it before the Executive Management Committee.

The composition of the Committee is as follows:-

1. President, Goa Olympic Association.
2. Representative of "Sports Federations" (relevant).
3. One or two eminent Sportsmen (Preferably Games Sports).
4. Director of Sports & Youth Affairs—Convenor/
/Member Secretary.
5. Secretary, Goa Olympic Association.
6. Any person nominated by President, Goa Olympic Association.

Keshav Chandra, Secretary (Sports).

Panaji, 12th December, 2012.

Order

No. SAG/ED/Luso Games-2013/Games
Sect/2011-12/3408

Government of Goa is pleased to constitute the Organising Committee on Lusofonia Games, 2013 to decide all policy matters regarding the Games. Organising Committee will be apex body and will also have all administrative and policy making powers regarding the conduct of Lusofonia Games 2013. The composition of the Committee is as follows:-

1. Hon. Chief Minister – Chairman.
2. Hon. Deputy Chief Minister – Member.
3. Hon. Sports Minister – Member.
4. Hon. President, Goa Olympic Association – Member.
5. Chief Secretary – Member.
6. Pr. Secretary (Revenue) – Member.
7. Pr. Secretary (Urban Development) – Member.

8. Pr. Secretary (Tourism)	– Member.
9. Pr. Secretary (Health)	– Member.
10. Secretary Sports	– Member Secretary.
11. Secretary (Education)	– Member.
12. Secretary, (Information & Publicity)	– Member.
13. Secretary (Art & Culture)	– Member.
14. Additional Secretary (Fin-Budget)	– Member.
15. Executive Director (SAG)	– Member.
16. Principal Chief Engineer, (PWD)	– Member.
17. Chief Engineer (SAG)	– Member.
18. Director of Sports & Youth Affairs	– Member.
19. The Director of Art & Culture	– Member.
20. Secretary of Goa Olympic Association	– Member.

Organising Committee will also have the powers to relax the provisions of GFR, subject to final approval of the Cabinet.

Keshav Chandra, Secretary (Sports).

Panaji, 12th December, 2012.



Department of Town & Country Planning

Order

- Ref. No.: 1) 4-1-10-89-UDD(part)/33, dated 19th January, 1999.
 2) Notification No. 2/5/95-PER, dated 02-01-2003.
 3) Order No. PF/GGW/TCP/2012/pt. 1278, dated 13-4-2012.
 4) Letter dated 7-5-12 of Shri Gaurish G. Wagle.

Whereas Shri Gaurish Wagle, was appointed to the post of Dy. Town Planner and was on regular basis in view of the terms of appointment contained in the memorandum at Sr. No. 1 above.

And whereas Extraordinary Leave from 16-1-2006 till 15-1-2012 was sanctioned to Shri Gaurish Wagle. The application of Shri Gaurish Wagle for further extension has been rejected by the Government, in regards of the terms of Goa State Civil Service Grant of Leave to seek employment in India or abroad Rules, 2002. And whereas in reply to order dated 13-4-2012 directing him to resume duty and regularize the absence from 15-1-2012, the incumbent stated vide letter dated 7-5-2012 to consider the said letter as acceptance for termination of service.

As per clause (m) laid down in the Central Service (Classification, Control and Appeal) Rules 1965 and terms of appointment at Serial No. 1 above, Governor of Goa hereby terminates and discharge Shri Gaurish Wagle from his services as Dy. Town Planner, Town and Country Planning Department with immediate effect.

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

Sd/- (S. T. Puttaraju),



Department of Transport

Directorate of Transport

Order

No. D.Tpt/EST/285-II/2012/4290

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/49(1)/90-05/Vol.1/273 dated 30-11-2012, the Government is pleased to promote Shri Sandeep B. Dessai to the post of Assistant Director of Transport (Group 'B' Gazetted) on regular basis, with immediate effect, in the pay scale of ₹ 9,300-34,800+4,600/- (G.P) in the Directorate of Transport against the post created vide Order No. D.Tpt/EST/1811/2011/3515 dated 19-08-2011 and post him as Assistant Director of Transport, Dharbandora/O.S.D. to Director of Transport.

Shri Sandeep B. Dessai shall be on probation for a period of two years.

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

Arun L. Desai, Director & ex officio Joint Secretary (Tpt).

Panaji, 13th December, 2012.

Order

No. D.Tpt/EST/285-II/2012/4286

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/49(1)/90-05/Vol.1/273 dated 30-11-2012, the Government is pleased to promote Shri Kishor Lotlikar to the post of Assistant Director of Transport (Group 'B' Gazetted) on regular basis, with immediate effect, in the pay scale of ₹ 9,300-34,800+4,600/- (G.P) in the Directorate of Transport against the vacancy

caused due to retirement of Shri Krishna L. Naik, Assistant Director of Transport and post him as Assistant Director of Transport, Canacona.

Shri Kishor Lotlikar shall be on probation for a period of two years.

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

Arun L. Desai, Director & ex officio Joint Secretary (Tpt).

Panaji, 13th December, 2012.

Order

No. D.Tpt/EST/285-II/2012/4287

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/49(1)/90-05/Vol.1/273 dated 30-11-2012, the Government is pleased to promote Shri Guirish Dalvi to the post of Assistant Director of Transport (Group 'B' Gazetted) on regular basis, with immediate effect, in the pay scale of ₹ 9,300-34,800+4,600/- (G.P) in the Directorate of Transport against the vacancy caused due to retirement of Shri Dilip Nagwekar, Assistant Director of Transport and post him as Assistant Director of Transport (South), Margao.

Shri Guirish Dalvi shall be on probation for a period of two years.

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

Arun L. Desai, Director & ex officio Joint Secretary (Tpt).

Panaji, 13th December, 2012.

Order

No. D.Tpt/EST/285-II/2012/4288

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/49(1)/90-05/Vol.1/273 dated 30-11-2012, the Government is pleased to promote Shri Abhay Naik to the post of Assistant Director of Transport (Group 'B' Gazetted) on regular basis, with immediate effect, in the pay scale of ₹ 9,300-34,800+4,600/- (G.P) in the Directorate of Transport against the post created vide Order No. D.Tpt/EST/1927/2011/3520 dated 19-08-2011 and post him as Assistant Director of Transport, (Enf) (South), Margao.

Shri Abhay Naik shall be on probation for a period of two years.

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

Arun L. Desai, Director & ex officio Joint Secretary (Tpt).

Panaji, 13th December, 2012.

Order

No. D.Tpt/EST/285-II/2012/4289

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/49(1)/90-05/Vol.1/273 dated 30-11-2012, the Government is pleased to promote Shri Balchandra Sawant to the post of Assistant Director of Transport (Group 'B' Gazetted) on regular basis, with immediate effect, in the pay scale of ₹ 9,300-34,800+4,600/- (G.P) in the Directorate of Transport against the post created vide Order No. D.Tpt/EST dated 19-08-2011 and post him as Assistant Director of Transport, Quepem.

Shri Balchandra Sawant shall be on probation for a period of two years.

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

Arun L. Desai, Director & ex officio Joint Secretary (Tpt).

Panaji, 13th December, 2012.



Department of Urban Development

Directorate of Municipal Administration

Corrigendum

No. 10/306/2012/Elect/Ponda/2012/2381

In the Order of Department of Urban Development/Directorate of Municipal Administration No. 10/306/2012/Elect/Ponda/2012/2381 dated 31-10-2012 published in the Official Gazette (Extraordinary No. 5) Series II, No. 30 dated 31-10-2012 in the Schedule of the following corrections may be carried out:

On the page No. 1151 in ward 4 of Column No. 4 in the heading of Supermarket Sadar after House No. 161/1 the following houses of Shantinagar (Part) of part No. 34 are to be added "170/3, 170/1, 170/2, 170/2(A), 170/3(3),

170/3(a), 170/3a, 170/4, 170/5(1), 170/5(2), 170/5-w-4, 170/B8(4), 170/5(2), 170/5".

On pages 1158 and 1159 under Column No. 4 of Shantinagar Ponda in ward No. 8 under Part 34, the house Nos. 170/3, 170/1, 170/2, 170/2(A), 170/3(3), 170/3(a), 170/3a, 170/4, 170/5(1), 170/5(2), 170/5-w-4, 170/B8(4), 170/5(2), 170/5 stand deleted.

Sd/- (Sandip Jacques), Director & ex officio Additional Secretary (Municipal Administration/Urban Development).

Panaji, 18th December, 2012.



Department of Water Resources

Office of the Chief Engineer

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Order

No. 4/6/EO/WRD/2012-13/762

Sanction of Government is hereby conveyed to constitute "Command Area Development (CAD) Board" as per Section 3 of the 'Goa Command Area Development Act, 1997' (Goa Act 27 of 1997) to advise the Government in all matters pertaining to 'Command Area Development of the Anjunem Irrigation Project' as follows:

- (i) The Minister in-charge of Command Area Development Programme/Water Resources Department of the Government of Goa. – Chairman.
- (ii) The concerned Members of the Legislative Assembly and Parliament – Members.
- (iii) The Secretary, Water Resources Department – Chief Executive of the CAD Boards.
- (iv) The Secretary, Finance or his representative not below the rank of Joint Secretary, Finance – Member.
- (v) The Chief Engineer, Water Resources Department, Government of Goa – Member.

- (vi) The Superintending Engineer, Command Area Development Board. – Member Secretary.
- (vii) The Director of Agriculture – Member.
- (viii) The Registrar of Co-operative Societies – Member.
- (ix) The Director of I.C.A.R. – Member.
- (x) The Director of Veterinary Services – Member.
- (xi) The Sr. Hydrogeologist, Ground Water Cell – Member.
- (xii) The Chairperson of Goa Horticulture Development Corporation – Member.
- (xiii) One Deputy Collector (Revenue) having jurisdiction in the Command Area of respective CAD Board – Member.
- (xiv) One representative of the Government of India to be nominated by the Ministry of Water Resources – Member.
- (xv) Four elected representatives of Panchayat Raj Institution within the Command Area of CAD Board, to be nominated by the Government – Members.
- (xvi) Seven Chairmen of Registered Water Distribution Co-operative Societies, formed within the jurisdiction of Command Area of CAD Board, to be nominated by the Government – Members.
- (xvii) Two representatives from NGOs, to be nominated by the Government – Members.
- (xviii) One academician to be nominated by the Government – Member.
- (xix) Five progressive farmers of the respective Command Area to be nominated by the Government – Member.
- (xx) The Director of Land Survey – Member.

The non-official members will be entitled for TA/DA as per rules.

This issues with the approval of Government vide No. Pr. Secy/(WR)/640/F dated 05-12-2012 and

in supersession of earlier orders of even number dated 24-06-1991.

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

S. T. Nadkarni, Chief Engineer, & ex officio Additional Secretary (WRD).

Panaji, 17th December, 2012.

Order

No. 4/6/EO/WRD/2012-13/761

Sanction of Government is hereby conveyed to constitute "Command Area Development (CAD) Board" as per Section-3 of the 'Goa Command Area Development Act, 1997' (Goa Act 27 of 1997) to advise the Government in all matters pertaining to 'Command Area Development of the Salaulim Irrigation Project' as follows:

- | | | | |
|---|--------------------------------------|--|------------|
| (i) The Minister in-charge of Command Area Development Programme/Water Resources, Department of the Government of Goa | – Chairman. | (xii) The Chairperson of Goa Horticulture Development Corporation | – Member. |
| (ii) The concerned Members of the Legislative Assembly and Parliament | – Members. | (xiii) One Deputy Collector (Revenue) having jurisdiction in the Command Area of respective CAD Board | – Member. |
| (iii) The Secretary, Water Resources Department | – Chief Executive of the CAD Boards. | (xiv) One representative of the Government of India to be nominated by the Ministry of Water Resources | – Member. |
| (iv) The Secretary, Finance or his representative not below the rank of Joint Secretary, Finance | – Member. | (xv) Four elected representatives of Panchayat Raj Institution within the Command Area of CAD Board, to be nominated by the Government | – Members. |
| (v) The Chief Engineer, Water Resources Department, Government of Goa | – Member. | (xvi) Seven Chairmen of Registered Water Distribution Co-operative Societies, formed within the jurisdiction of Command Area of CAD Board, to be nominated by the Government | – Members. |
| (vi) The Superintending Engineer, Command Area Development Board. | – Member Secretary. | (xvii) Two representatives from NGOs, to be nominated by the Government | – Members. |
| (vii) The Director of Agriculture | – Member. | (xviii) One academician to be nominated by the Government | – Member. |
| (viii) The Registrar of Co-operative Societies | – Member. | (xix) Five progressive farmers of the respective Command Area to be nominated by the Government | – Member. |
| (ix) The Director of I.C.A.R. | – Member. | (xx) The Director of Land Survey | – Member. |
| (x) The Director of Veterinary Services | – Member. | | |
| (xi) The Sr. Hydrogeologist, Ground Water Cell | – Member. | | |

The non-official members will be entitled for TA/DA as per rules.

This issues with the approval of Government vide No. Pr. Secy/(WR)/640/F dated 05-12-2012 and in supersession of earlier orders of even number dated 4-11-1991.

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

S. T. Nadkarni, Chief Engineer, & ex officio Additional Secretary (WRD).

Panaji, 17th December, 2012.

Department of Women & Child
Development
Directorate of Women & Child Development

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Order

F. No. 2-125-2006/DW&CD/Part-(a)/7180

- Read: 1. Order No. 2-125-2006/DW&CD/Part/
/2207 dated 11-12-2009.
2. Order No. 1-276-05-06/DW&CD/1150
dated 25-07-2006.

In pursuance of the powers vested under sub-section (1) of Section 5 of the Right to Information Act, 2005 (Central Act No. 22 of 2005), the Administrative Officer, Goa State Commission for Protection of Child Rights is hereby designated

as State Public Information Officer for the Goa State Commission for Protection of Child Rights, Panaji-Goa.

Further, the Secretary, Goa State Commission for Protection of Child Rights is designated as the First Appellate Authority for the purpose as required under Section 19(1) of the Act.

This is issued in supersession of orders issued in this regard earlier.

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

Sd/- (Sunil P Masurkar), Director & ex officio Joint Secretary (Women & Child Development).

Panaji, 17th December, 2012.

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