

Panaji, 12th April, 2013 (Chaitra 22, 1935)

SERIES II No. 2

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 1 dated 4-04-2013 namely, Extraordinary dated 05-04-2013 from pages 19 to 20 regarding Orders from Department of Home (Home—General Division) & Department of Revenue.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Corrigendum

No. 8/9/2013-14/D.Aagri/90

Read: Order No. 8/9/2013-14/D.Aagri/82 dated 28th March, 2013.

In the above referred order the incumbent at Sr. No. 3 Smt. Vismita Marathe, posted on promotion on ad hoc basis as Agriculture Officer (Training) may be read as "Agriculture Officer (Information)".

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

Satish S. P. Tendulkar, Director & ex officio Joint Secretary (Agriculture).

Tonca, Caranzalem, 2nd April, 2013.

Department of Animal Husbandry

GOA MEAT COMPLEX LTD.

Order

Ref.: No. 9-15/12-13/1285

Read Order: 1) No. 9-15/05-06/486 dated 1-9-2005.
2) No. 9-15/12-13/87 dated 27-4-2012.
3) No. 9-15/12-13/1204 dated 5-3-2013.

In supersession of this office order read above, and similar orders issued by the office in this

behalf, within the purview of Right to Information Act, 2005, the officers of this office have been appointed as follows:

Sr. No.	Designation	Appointed under RTI Act as
1.	Dr. B. Braganza, Managing Director	First Appellate Authority.
2.	Shri Kashinath G. Jalmi, Manager (Actts. & Admn.)	Public Information Officer.
3.	Dr. Ramdas S. Naik, Sr. Veterinary Officer	Assistant Public Information Officer.

Dr. Benjamin Braganza, Managing Director.

Panaji, 28th March, 2013.

V. No. A- 6684/2013

Department of Finance

Directorate of Accounts

Office Order No. 07

No. DA/Admn/46-24/2013-14/TR-19/04

Shri Raghoba V. Gawandi, Dy. Director of Accounts presently working in the Directorate of Accounts, Panaji-Goa shall hold in addition to his own duties the charge of Manager Accounts in the Entertainment Society of Goa, Panaji-Goa, purely as a temporary/stopgap arrangement and until further orders.

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

Gurunath S. Potekar, Director & ex officio Joint Secretary (Accounts).

Panaji, 4th April, 2013.

Department of General Administration

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Order

No. TA/ARD/GA&C-Vol-V/913

On recommendation of the Local Departmental Promotion Committee, Government is pleased to promote Shri Pandurang G. Salgaonkar, Senior Assistant in the Secretariat to the post of Technical Officer (Group "B" Gazetted) on ad hoc basis for a period of one year or till the post is filled on regular basis, whichever is earlier in the pay scale

of PB—2 of ₹ 9,300-34,800 plus Grade Pay of ₹ 4,600/- with immediate effect.

The expenditure towards his pay and allowances shall be debited to the Budget Head "2052—Secretariat General Services, 00—090—Secretariat (Non-Plan), 01—Department of Personnel & A. R., 01—Salaries".

Posting order is being issued separately.

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

Harish N. Adconkar, Under Secretary (GA-I).

Porvorim, 28th March, 2013.

Notification

No. 2/2/2012-GAD-H

- Read: 1) Notification No. 2/2/2012-GAD-H dated 16-11-2012.
2) Notification No. 2/2/2012-GAD-H dated 02-01-2013.

Reserve Bank of India, Mumbai, with the approval of the Ministry of Finance, Department of Financial Services, New Delhi, has declared Monday, 30th September, 2013 (Asvina, 08, 1935) and 30th, September, of subsequent years as working day which hitherto was declared a holiday on account of Half Yearly Closing of Accounts.

Consequently, 30th September, 2013 shall be Bank working day in the State of Goa under Negotiable Instruments Act, 1881 (Act 26 of 1881) instead of Bank Holiday.

This issues in partial modification of the Notification dated 16-11-2012 read in preamble at Sr. No. 1.

A fresh list of Bank Holidays for the year 2013 is also enclosed herewith.

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

Harish N. Adconkar, Under Secretary (GA-I).

Porvorim, 26th March, 2013.

Annexure-V**List of Bank Holidays for the year 2013**

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Saturday
2.	Good Friday	March, 29	Chaitra, 08	Friday
3.	Yearly Closing of Account	April, 01	Chaitra, 11	Monday
4.	Gudi Padva	April, 11	Chaitra, 21	Thursday
5.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Sunday
6.	May Day	May, 01	Vaisakha, 11	Wednesday
7.	Id-UI-Fitr*	August, 09	Sravana, 18	Friday
8.	Independence Day	August, 15	Sravana, 24	Thursday
9.	Ganesh Chaturthi 1st Day	September, 09	Bhadra, 18	Monday

1	2	3	4	5
10.	Ganesh Chaturthi 2nd Day	September, 10	Bhadra, 19	Tuesday
11.	Gandhi Jayanti	October, 02	Asvina, 10	Wednesday
12.	Dussehra (Vijaya Dashmi)	October, 13	Asvina, 21	Sunday
13.	Id-Ul-Zuha (Bakri-ID)*	October, 14	Asvina, 22	Monday
14.	Diwali	November, 02	Kartika, 11	Saturday
15.	Feast of St. Francis Xavier	December, 03	Agrahayana, 12	Tuesday
16.	Goa Liberation Day	December, 19	Agrahayana, 28	Thursday
17.	Christmas Day	December, 25	Pausa, 04	Wednesday

* The holiday mentioned at Sr. Nos. 7 & 13 is subject to appearance of moon.

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Department of Home
Home—General Division

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Corrigendum

No. 2/58/2007-HD(G)/Pt./1181

Read: Order No. 2/58/2007-HD(G)/Pt./1113 dated 25-03-2013.

The fifth paragraph of the order referred above shall be substituted to read as follows:

“The tenure of the Chairman shall be for a period of 5 years.”

The remaining part of the Order shall remain unchanged.

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

Neetal P. Amonkar, Under Secretary (Home-I).
Porvorim, 5th April, 2013.

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Department of Information and Publicity

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Order

No. DIP/INF/I.O/92(1)/05/66

On recommendation of Goa Public Service Commission conveyed vide letter No. COM/II/11/26(1)/93/321 dated February 01, 2013, Government is pleased to promote on regular basis Shri Ratnakar Vithal Dessai, AIO to the post of Information Officer in the Department of Information & Publicity (Group 'B' Gazetted) in the pay scale of ₹ 9,300-34,800+G. P. ₹ 4,600/- with immediate effect.

The above officer shall be on probation for a period of two years.

The expenditure on his pay and allowances shall be debited to the Budget Head “Demand No. 56—2220—Information & Publicity, 01—Films, 001—Direction & Administration, 01—Department of Information & Publicity (N. P.), 01—Salaries”.

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

Swapnil Naik, Director ex officio Joint Secretary (Information & Publicity).

Panaji, 3rd April, 2013.

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Department of Labour

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Notification

No. 28/1/2013-Lab/103

The following award passed by the Labour Court-II, at Panaji-Goa on 10-12-2012 in reference No. IT/26/08 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, 28th February, 2013.

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THE LABOUR COURT - II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. Ref. IT/26/08

Shri Roy Pereira,
R/o House No. 48,
Barroa Vaddo,
Sangolda, Bardez-Goa. ... Workman/Party I

V/s

M/s. Andrew Telecommunications
India P. Ltd.,
Verna Industrial Estate,
Verna-Salcete-Goa. ... Employer/Party II
Party I/Workman initially represented by Adv.
Shri G. Gaonkar.

Party II/Employer represented by Adv. Shri U. K.
Joshi.

Panaji, dated: 10-12-2012

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by order dated 04-07-2008, bearing No. 28/35/2007-LAB/I/800 referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Industrial Tribunal-cum-Labour Court thereafter assigned the present reference to this Labour Court-II for its adjudication vide its order dated 06-08-2009.

"(1) Whether the action of the Management of M/s. Andrew Telecommunications India P. Ltd., in dismissing the services of its Workman Shri Roy Pereira, w.e.f. 31-05-2007, 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/26/2008 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Party I/Workman (for short Workman') filed his statement of claim on 13-08-2008 at Exb. 05. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party II (for short "Employer") in the year 2003 at its factory located at Pilerne Industrial Estate, Pilerne, Bardez-Goa. He stated that thereafter he was illegally shifted to another factory at Verna Industrial Estate, Verna in total contravention of provisions of law with malafide intentions and as and by way of victimization and punishment for forming the Trade Union of his choice. He stated that in the month of June, 2006, he alongwith all the Workmen of the Employer Company unionized under the banner of

"Goa Trade and Commercial Workers Union" and he was elected as the 'President' of the said Union. He stated that the said fact was communicated to the Employer vide Registered A. D. Letter of the Union dated 12-06-2006. He stated that soon after their unionization, the Management of the Employer started harassing, pressurizing and threatening them to resign from the said Union. He stated that the Management has also issued memos, show cause notice, charge-sheets and suspension orders on false, bogus and concocted grounds with sole intentions of implicating them in bogus cases. He stated that he was suspended for three day without pay for the period starting from 06-11-2006 to 08-11-2006 vide letter dated 06-11-2006. He stated that he denied all the allegations made against him in the said letter dated 06-11-2006 being false and bogus vide his reply dated 09-11-2006. He stated that thereafter he was issued another letter dated 18-11-2006 stating that he is not eligible for salary during his suspension period. He stated that on 05-12-2006, he was issued a letter, alleging certain misconduct against him, which was replied by him vide reply dated 06-12-2006. He stated that he was issued a charge-sheet on 05-01-2007 to which he had replied vide his reply dated 08-01-2007. He stated that he was issued another charge-sheet on 22-01-2007 alongwith a notice of inquiry and suspension order. He stated that he is totally innocent of all the charges. He stated that the Employer Company does not have its own certified standing order and the same was not even produced in the inquiry and as such the inquiry was conducted on the assumption that the Employer Company having its own certified standing order is bad-in-law. He stated that inspite of his detailed explanation, the Employer conducted an inquiry against him by appointing, Shri Ajay Kadam as an Enquiry Officer. He stated that in the inquiry, he was represented by an office bearer of the Union, while the Management was represented by Adv. Kishor Baligar.

3. He contended that the said inquiry was conducted in gross violation of the principles of natural justice. He contended that the Enquiry Officer never considered the objections raised by him. He submitted that the Enquiry Officer arbitrarily and mechanically overruled his written objections and totally acted in a bias and prejudicial manner to favour the Employer. He submitted that the findings given by the Ld. Enquiry Officer in a mechanical manner, without proper reasoning in favour of the Management. He contended that the charges levelled against him

vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 have not been proved beyond reasonable doubt. He contended that the findings given by the Enquiry Officer are perverse and liable to be quashed and set aside. He contended that the Enquiry Officer did not take on record the affidavits filed by the Workman and proceeded ahead with the inquiry without considering the affidavitory evidence filed by the Workman. He contended that the Enquiry Officer proceeded ahead in the inquiry with great amount of undue haste, without affording a reasonable opportunity to him to represent in the case. He disputed and challenged the entire inquiry proceedings conducted by the Enquiry Officer in respect of the charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007. He submitted that the Ld. Enquiry Officer has failed discuss and analyze the defence evidence. He submitted that the witnesses examined by the management are managerial and supervisory staff and as such their testimony cannot be believed.

4. He submitted that he is a "Protected Workman" as defined in the I. D. Act being the President of Andrew Telecommunications Workers Managing Committee and was actually involved in legitimate Trade Union activities. He submitted that when he was dismissed from the services, an industrial dispute pertaining to non-settlement of charter of demand, unfair labour practices, non-payment of bonus etc. were pending before the Conciliation Officer in the conciliation proceedings and as such the dismissal of his services is in violation of Sec. 33 of the I. D. Act. He submitted that being aggrieved by the order of dismissal he raised an industrial dispute vide his letter dated 22-06-2007, however the said dispute ended in failure due to adamant and rigid stand taken by the Employer.

5. He submitted that after his dismissal from services, the Employer has recruited new workers in their factory and their production is being carried out in full swing in all three shift operations. He submitted that he is presently unemployed and does not have any source of income and is facing severe hardships due to his illegal dismissal from services He submitted that without prejudice to the above, the punishment of 'dismissal' meted out to him is too harsh and disproportionate. He therefore prayed that the inquiry held against him vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 be held as unfair and improper and the same be quashed and set aside. He also prayed that his order of dismissal from service be held as illegal,

unjustified and bad-in-law and he may be reinstated back in services with full back wages, continuity in services alongwith all other consequential benefits.

6. The Employer controverted the claim of the Workman by filing its written statement on 21-10-2008. The Employer admitted that the Workman was working in its factory as "Assembler" from 01-07-2003 and his services were terminated by them by following the due process of law. The Employer stated that it has built a step of art facility at Verna Industrial Estate and therefore relocated its factory from Pilerne Industrial Estate to its new premises at Verna Industrial Estate in December '06, after following due process of law and accordingly all the employees started working at its new premises at Verna Industrial Estate on and from December, 06 after following the due process of law. The Employer Company submitted that the relocation of its factory from Pilerne Industrial Estate to Verna Industrial Estate is perfectly legal and proper.

7. The Employer stated that on 01-11-2006 at 7.30 p.m., while the Workman was on duty, he was found wasting his time and not doing any work. The Employer stated that Ms. Betsy Thomas-Night Vigilance Officer questioned him as to why he was not working. The Employer stated that the Workman replied them by stating that "Nothing, you may do whatever you want". The Employer Company stated that the Workman was therefore issued a charge-sheet dated 05-01-2007 for his act of misconduct/misbehavior. The Employer Company stated that on 16-11-2006 at around 5.15 p.m., the Workman gave a statement in the presence of news Channel Goa plus/365 and the said statement was telecast on 17-11-2006 all over Goa by News Channels stating that "Salary vaddunk na mhunnun ami Union form kelan, Union form kelea uprant amkan management sarko desperately harass korta sogleank, ekekleak personally voir vhorta ani tankan sangta, "Union tu sod mhunnun, Union kiteak involve zala? Unionacho kiten faido asa? Union tuka kainch korpacho na". Ani ek-ekleak voir vhorta ani sarko harass korun trouble korta". The Employer Company stated that the aforesaid statements of the Workman were false, baseless, improper and malicious and it maligns its image and therefore the Workman was issued another charge-sheet dated 22-01-2007. The Employer Company submitted that since the allegation levelled against the Workman were of serious nature and his presence was detrimental to the interest of the

Company, he was suspended from duties as per the provisions of the certified standing order of the Company. The Employer Company stated that the Workman was paid subsistence allowance as per the provisions of its certified standing order. The Employer Company stated that the Workman was suspended for three days from the services of the Company vide their letter dated 06-11-2006 for the incident occurred on 01-11-2006. The Employer Company stated that the Company has however withdrawn the suspension order vide their order dated 05-11-2006 and he was paid wages for the suspension period. The Employer Company stated that they have conducted an inquiry against the Workman and inquired into the charges levelled against him vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007. The Employer submitted that the Workman was given fullest opportunity in the inquiry proceedings. The Employer submitted that the Workman had appointed Defence Representative of his own choice in the said inquiry and also participated in the inquiry alongwith his Defence Representative. The Employer Company stated that the Enquiry Officer only disallowed to file affidavit in lieu of examination in-chief for the reasons mentioned in the inquiry proceedings and directed the Workman to lead oral evidence before him and accordingly the Workman led his oral evidence in the inquiry and he was cross-examined by the Management Representative. The Employer Company stated that inspite of passing the order as above; the Workman continued to file his affidavit and affidavits of other witnesses and was just delaying the inquiry for no reasons. The Employer submitted that after completion of the inquiry on 10-04-07, the Enquiry Officer submitted his findings of the inquiry to them on 17-05-07. The Employer Company submitted that the inquiry conducted against the Workman is legal, fair and proper and conducted as per the principles of natural justice.

8. The Employer Company submitted that considering the seriousness of the charges levelled and proved against the Workman, he was dismissed from their services vide letter dated 31-05-07. The Employer Company submitted that the action of dismissal of the Workman from the services of the Company is completely legal fare and proper. The Employer submitted that the Workman did not submit reply to the findings within the stipulated time. The Employer submitted that the findings of the Enquiry Officer are based on the evidence led before him. The Employer Company submitted that in case this Hon'ble Court comes to the conclusion that the

inquiry is not conducted in a fair and proper manner, in that event they may be given an opportunity to prove the charges levelled against the Workman vide charge-sheet dated 05-01-2007 and 22-01-2007 and to hold the inquiry before this Hon'ble Court. The Employer Company submitted that the Enquiry Officer has acted in a fair and proper manner in the inquiry. The Employer Company submitted that the Enquiry Officer has given detailed reasoning for his conclusions and findings by holding that all the charges levelled against the Workman stands proved. The Employer Company denied the overall case of the Workman as pleaded by him in his statement of claim filed in the present proceedings and prayed that the reference be answered in the negative.

9. Thereafter the Workman filed his re-joinder on 19-01-2009 at Exb. 8. The Workman by way of his re-joinder confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the written statement which are contrary to the statements and averments made by him in his claim statement. The Workman stated that the Employer Company does not have its certified standing order as stated by them in the written statement nor the same has been brought on record in the entire inquiry proceedings and hence the charges mentioned in the charge-sheet based on the said certified standing order are non-est and are not applicable to him.

10. Based on the pleadings filed by the respective parties, this Court has framed the following issues on 31-3-2010 at Exb. 16.

1. *Whether a fair & proper Inquiry was conducted against the Workman/Party I?*
2. *Whether the charges of misconduct levelled against the Workman/Party I vide charge-sheets dated 05-01-2007 and 22-01-2007 have been proved to the satisfaction of this Hon'ble Court by acceptable evidence?*
3. *Whether the Workman/Party I proves that he is a "Protected Workman" as defined under the provisions of the I. D. Act, 1947?*
4. *Whether the Workman/Party I proves that the action of the Employer/Party II in dismissing him from services is illegal and unjustified?*
5. *Whether the Workman/Party I is entitled to any relief?*
6. *What Award? What Order?*

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

- Issue No. 1 : In the affirmative.
 Issue No. 2 : Partly in the affirmative and partly in the negative.
 Issue No. 3 : In the negative.
 Issue No. 4 : In the affirmative.
 Issue Nos. 5 & 6 : As per final order.

REASONS:

12. *Issue Nos. 1 & 2:*

Vide order dated 27-03-2012 passed in my findings on the final on the preliminary issue Nos. 1 & 2 I have come to the conclusion and held that the domestic enquiry held against the Workman/Party I in respect of two charge-sheets i.e. charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 is fair and proper. It is further held that except the charge at Sr. No. NN (12) from the charge-sheet dated 05-01-2007, the charges of misconducts levelled against the Workman vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 have been proved to the satisfaction of this Court by acceptable evidence. The issue No. 1 is answered in the affirmative and the issue No. 2 is answered partly in the affirmative and partly in the negative.

13. *Issue No. 3:*

I have heard the oral arguments of the Ld. Adv. Shri U. K. Joshi appearing for the Employer. Ld. Adv. Shri U. K. Joshi appearing for the Employer also chose to file synopsis of written arguments on behalf of the Employer. On the contrary, neither the Workman nor his authorized Representative remained present at the time of final arguments.

14. Ld. Adv. Shri U. K. Joshi appearing for the Employer, during the course of his oral arguments submitted that the Workman claimed that he is a "Protected Workman" as defined under the I. D. Act, 1947. He submitted that the burden to prove that he is a "Protected Workman" within the meaning of provisions of the I. D. Act, is on the Workman. He submitted that the Workman has however failed to produce on record any material evidence in support of his plea that he is a "Protected Workman" within the meaning of provisions of the I. D. Act. He submitted that merely because the Union wrote a letter to the Employer submitting the names of the Workman as the Office Bearers does not ipso facto become a "Protected Workman" within the meaning of provisions of the I. D. Act, unless and until the management of the Employer Company give its recognitions.

I have carefully perused the records of the present case. I have also carefully considered the various oral as well as written legal submissions made by the Ld. Adv. Shri U. K. Joshi appearing for the Employer.

15. It is the Workman who has raised the plea in his claim statement filed in the present proceedings that he is a "Protected Workman" as defined under the I. D. Act, 1947 as he was the President of Andrew Telecommunications Worker's Managing Committee and was actively involved with legitimate Trade Union activities. The burden to prove the aforesaid plea is on the Workman.

16. Provisions of sub-sections 3 and 4 of Section 33 of the Industrial Disputes Act, 1947 as well as Rule 61 of Industrial Disputes (Central) Rules, 1957 provides for the term "Protected Workman". In terms of Rule 61(1) of Industrial Disputes (Central) Rules, 1957 every registered Trade Union connected with an Industrial Establishment, to which the Act applies, shall communicate to the Employer before the 30th April every year, the names and addresses of such of the Officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognized as "Protected Workman". Any change in the incumbency of any such officer shall be communicated to the Employer by the Union within 15 days of such change. In terms of Rule 61 (2) of the said rules, the Employer shall, subject to Section 33, sub-section (4) recognize such Workmen to be "Protected Workmen" for the purposes of sub-section (3) of the said section and communicate to the Union, in writing, within 15 days of the receipt of the names and addresses under sub-rule (1), the list of Workmen recognized as "Protected Workmen" for the period of 12 months from the date of such communication.

Thus, in order to claim a "Protected Workman" under the provisions of I. D. Act, 1947 and the Rules made thereunder, one has to prove that the Registered Trade Union connected with an industrial establishment shall communicate to the Employer the names and addresses of the Officers of the Union who are employed in their establishment and that the Employer shall recognize such Workman to be "Protected Workman" and communicate to the said Union in writing within 15 days of the receipt of the name and addresses of the Workman recognized as "Protected Workman" for the period of 12 months from the date of such communication.

17. In the case in hand, the evidence on record indicates that the Goa Trade and Commercial Workers Union vide its letter dated 12-06-2006 at Exb. 06 had communicated to the Employer Company that the Workman has been elected as 'President' of the Andrew Telecommunications Worker's Managing Committee in its General Body Meeting held on 04-06-2006. However, there is nothing on record to show that the Management of the Employer Company has informed the Goa Trade & Commercial Workers Union that it has recognized the Workman as Office Bearer of the Andrew Telecommunication Workers Managing Committee.

18. Ld. Adv. Shri U. K. Joshi representing the Employer during the course of his oral argument relied upon a decision of **Hon'ble High Court of Kerala** in the case of **Balkrishan v/s Labour Court**, reported in **2012 LLR 166** wherein it has been held that "*Petitioner was not as "Protected Workmen" as there was no such recognition by the management. Mere submission of a list of "Protected Workman" is not enough and a conscious act has to be perused by the Employer by giving effect to the concerned Workmen as "Protected Workmen" as it is not an automatic process.*"

I have carefully perused the aforesaid decision relied upon by the Ld. Adv. Shri U. K. Joshi appearing for the Employer. The principle laid down in the aforesaid judgement is squarely applicable to the case in hand.

19. Thus, in the absence any recognition from the Management of the Employer Company to the said office bearers of the Andrew Telecommunications Worker's Managing Committee, the Workman cannot claim to be a "Protected Workman" within the meaning of the provisions of the I. D. Act, 1947. Hence it is held that the Workman failed to prove that he is a "Protected Workman" as defined under the I. D. Act, 1947. The issue No. 3 is therefore answered in the negative.

20. *Issue No. 4:*

I have heard the oral arguments of the Ld. Adv. Shri U. K. Joshi appearing for the Employer. Ld. Adv. Shri U. K. Joshi appearing for the Employer also chose to file synopsis of written arguments on behalf of the Employer. On the contrary, neither the Workman nor his authorized Representative remained at the time of final arguments.

21. Ld. Adv. Shri U. K. Joshi representing the Employee during the course of his oral arguments submitted that the present order of reference has been issued by the Government at the instance of the Workman who has raised an Industrial Dispute pertaining to his dismissal from services by contending to be illegal and unjustified. The burden to prove that his dismissal from service is illegal and unjustified is on the Workman. He submitted that neither the Workman nor his authorized Representative appeared before this Court nor led any evidence either oral or documentary to prove his case. He submitted that thus the Workman failed to discharge his burden to prove his case and relied upon following decisions of various High Courts.

1. In the case of **Vinod Kumar v/s Presiding Officer, Labour Court & Ors.** reported in **2005-III CLR 1020** of the **Hon'ble High of Allahabad.**
2. In the case of **Orissa Consumers Co-operative Federation Ltd. v/s Presiding Officer, Labour Court & Anr.** reported in **2004-LLR 152** of the **Hon'ble High Court of Orisa.**
3. In the case of **Automobile Association of Upper v/s P. O., Labour Court-II & Anr.** reported in **2006 LLR 851** of the **Hon'ble High Court of Delhi.**
4. In the case of **Uptron Powertronics Employee's Union Ghaziabad through its Secretary v/s Presiding Officer, Labour Court** reported in **2008 LLR 1228** of the **Hon'ble High Court of Allahabad.**

22. He submitted that even otherwise, the Employer Company terminated the services of the Workman after following the due process of law. He submitted that the punishment of dismissal meted out to the Workman is proportionate to the proved misconduct levelled against him. He therefore submitted that the action of the Employer in dismissing the services of the Workman is perfectly just, legal and proper. He submitted that this Hon'ble Court has already held that domestic enquiry held against the Workman/Party I in respect of two charge-sheets i.e. charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 is fair and proper and that except the charge at Sr. No. NN (12) from the charge-sheet dated 05-01-2007, the charges of misconducts levelled against the Workman vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 have been proved to the satisfaction of this Court by acceptable evidence. He submitted that the charges levelled and proved against the Workman

are grave and serious in nature. He submitted that there are no extenuating circumstances to reconsider the punishment of dismissal. He therefore submitted that the punishment of dismissal from service is the only appropriate punishment for the charges of misconduct levelled and proved against the Workman. He relied upon following decision of various Hon'ble High Courts as well as Apex Court in support of his oral submission.

1. In the case of **Madhavan S. v/s Management of Sudaram Motors** reported in 2006-II- LLJ-360 of the **Hon'ble High Court of Karnataka**.
2. In the case of **Shri Narendra Raja Textiles Ltd., Coimbatore v/s S. Aruchamy & Ors.** reported in 2006-III-LLJ 847 of the **Hon'ble High Court of Madhya Pradesh**.
3. In the case of **Jawahar Khalifulla v/s Deputy Commissioner of Labour & Anr.** reported in 2002 (3) LLN 1090 of the **Hon'ble High Court of Madhya Pradesh**.
4. In the case of **Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar**, reported in 2003-LLR 436 (S.C.).
5. In the case of **Balakrishanan v/s Labour Court** reported in 2012-LLR 166 of the **Hon'ble High Court of Kerala**.
6. In the case of **Kendriya Vidyalaya Sanghathan & Ors. v/s S. C. Sharma** reported in 2005-LLR-275 (S. C.).
7. In the case of **Jindarsing Bahra v/s Gargo Motors Ltd.** reported in 2006 LLR-1105 of the **Hon'ble High Court of Gujarat**.

I have carefully perused the records of the present case. I have also carefully considered the oral as well as written legal submissions made by the Ld. Adv. Shri U. K. Joshi appearing for the Employer.

23. In the case of **Vinod Kumar v/s Presiding Officer, Labour Court & Ors.**, reported in 2005-III-CLR 1020, the **Hon'ble High Court of Allahabad** has held that *the burden of proof lies initially on the party who raises the disputes and at the instance of whom reference has been made.*

24. In the case of **Orissa Consumers Co-operative Federation Ltd. v/s Presiding Officer, Labour Court & Anr.**, reported in 2004-LLR 152, the **Hon'ble High Court of Orissa** has held that *it is well settled that if a party*

challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking jurisdiction of the Court must fail".

25. In the case of **Automobile Association of Upper India v/s P. O., Labour Court-II & Anr.**, reported in 2006-LLR 851, the **Hon'ble High Court of Delhi** has held that *it is well settled that the primary burden of proof to established a plea rests on a person so claiming.*"

26. In the case of **Uptron Powertronics Employee's Union, Ghaziabad through its Secretary v/s Presiding Officer, Labour Court** reported in 2008 LLR 1228 the **Hon'ble High Court of Allahabad** has held that *if the Workman fails to give evidence in support of his alleged illegal termination, the Labour Court has rightly rejected the dispute.'*

Thus it is well settled principles of law that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking jurisdiction of the Court must fail and there is no dispute about the same.

27. In the case in hand, the Workman challenged his order of dismissal dated 31-05-2007 (Exb. 2) issued by the Employer Company by raising an Industrial Dispute before the Dy. Labour Commissioner and Conciliation Officer, Margao-Goa. The said dispute raised by the Workman before the Dy. Labour Commissioner, Margao resulted in failure. The Dy. Labour Commissioner, Margao accordingly made report on failure of conciliation proceedings to the Appropriate Government vide its letter dated 27-11-2007. The Government of Goa, thereafter in its discretionary power referred the present order of reference for its adjudication by the Industrial Tribunal of Goa vide its order dated 04-07-2008. It appears from the claim statement filed by the Workman in the present proceedings that he challenged his order of dismissal w.e.f 31-05-2007 issued by the Employer on various grounds by contending to be illegal and unjustified. The evidence on record indicates that the Workman also examined himself and produced on record certain oral as well documentary evidence in support of his pleadings. He was cross-examined by the Ld. Adv. appearing for the Employer. Thus, it cannot be said that the Workman has failed to discharge his initial burden to prove his case. Hence, the contention of Ld. Adv. Shri U. K. Joshi that the Workman has failed to adduce any evidence in support of his pleading is without any merits.

28. It appears from the pleadings of the Workman filed in the present proceedings that the Workman has challenged his order of dismissal mainly on the ground that the enquiry held against him is not fair and proper and that the charges of misconduct levelled against him vide two charge-sheets i.e. charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 have not been proved to the satisfaction of this Court by acceptable evidence. The Workman also contended that he is a "Protected Workman" as defined under the I. D. Act and that his dismissal from service is in violation of provisions of Sec. 33 of the I. D. Act, 1947. The Workman finally contended that without prejudice and without admitting that the charges of misconduct are proved against him, the punishment of dismissal meted out to him is too harsh and disproportionate and that he has been victimized for his Union activities.

29. Vide order dated 27-03-2012 passed in my findings on the preliminary issue Nos. 1 & 2, I have come to the conclusion and held that the domestic enquiry held against the Workman/Party I in respect of two charge-sheets i.e. charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007 is fair and proper. It is further held that except the charge at Sr. No. NN (12) from the charge-sheet dated 05-01-2007, the charges of misconducts levelled against the Workman vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-1-2007, have been proved to the satisfaction of this court by acceptable evidence. Hence the contention of the Workman that no fair and proper inquiry has been conducted against him is without any merits. Similarly, while deciding the issue No. 3 hereinabove, I have come to the conclusion and held that the Workman has failed to prove that he is a "Protected Workman" as defined under the I. D. Act, 1947.

30. The Workman in para 33 of his Affidavit-in-Evidence vaguely deposed that when he was dismissed from service an "Industrial Dispute" pertaining to non-settlement of charter of demands, unfair labour practices, non-payment of bonus etc. were pending before the Conciliation Officer in the Conciliation Proceedings and he was dismissed from service during the pendency of the Conciliation Proceedings in flagrant violation of provisions of Sec. 33 of the I. D. Act, 1947 without following proper procedure established by law. The Workman has however failed to produce on record any cogent evidence in the form of documents in support of his oral evidence nor

could specify by giving details of the aforesaid alleged cases such as the number of the case and the name and address of the Conciliation Officer etc. before whom it is/are pending. The Employer denied the same. Thus, in the absence of any cogent and reliable evidence, it cannot be said that when the Workman was dismissed from service, an "Industrial Dispute" pertaining to non-settlement of charter of demands, unfair labour practices, non-payment of bonus etc. were pending before the Conciliation Officer in the Conciliation Proceedings and he was dismissed from service during the pendency of the Conciliation Proceedings in flagrant violation of provisions of Sec. 33 of the I. D. Act, 1947 without following proper procedure establishment by law. It is therefore held that the Workman failed to prove that his dismissal from service w.e.f. 31-05-2007 is in violation of Sec. 33 of the I. D. Act, 1947.

Thus, the only question remains to be decided is that the punishment of dismissal from service meted out to the Workman is proportionate to the proved misconduct.

31. Admittedly, the Workman has been issued two charge-sheets i.e. charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007, by the Employer stating therein certain acts of misconduct on his part, however, a common enquiry held in respect of both the said charge-sheets issued to the Workman. The allegations levelled and proved against the Workman vide charge-sheet dated 05-01-2007 are that on 01-11-2006 at 07.30 p.m. while the Workman was on duty, he was found wasting his time and not doing any work and when he was questioned by Ms. Betsy Thomas, night Vigilance Officer, as to why he was not working, the Workman replied that "nothing, you may do whatever you want." The aforesaid allegations proved against the Workman constitutes misconduct of indecent or improper behaviour on the premises of the establishment if it adversely affects or is likely to affect the working or discipline of the Establishment, commission of any acts subversive of discipline or good behavior on the premises of the Establishment, Willful insubordination or disobedience (whether or not in combination with another) of any lawful or reasonable order of a superior loitering, idling or wasting time or not working during working hours or being within the Establishment after authorized hours of work without permission and being rude towards Officers of the Establishment as per clause **NN (10), NN (11), NN (22), NN (32) and NN (57)**.

32. Similarly, the allegation levelled and proved against the Workman vide charge-sheet dated 22-01-2007 are that "on 16th November, 2006 at around 05.15 p.m. the Workman gave a statement in the presence of News Channel Goa 365 by alleging that "Salary vaddouk na mhunnun ami Union form kelan, Union form Kelan uprant amkan management sarko desperately harass korta sogleank, ekekleak personally voir vhorta ani tankan sangta, "Union tusod mhunnun, Union kiteak involve zala? Unionacho kiten faido asa? Union tuka kainch korpacho na". Ani ek-eklek voir vhorta ani sarko harass korun trouble korta", and the said statement was telecast on 17th November, 2006 all over Goa by News Channel. It was further alleged that contents of the aforesaid statement made by the Workman that Management "desperately harassed" and "harassed and troubled them" are false, malicious, baseless, improper and thereby malign the image of the Company. The aforesaid allegations proved against the Workman constitutes misconduct of commission of any acts subversive of discipline or good behavior on the premises of the Establishment or any place outside the premises, publishing or causing to be published in any manner any matter relating to the business or working of the Establishment without previous written consent of the Management, deliberately making false, vicious or malicious statement, public or otherwise against the Establishment as per clause NN (10), NN-11, NN-30, NN-41 & NN-49 of the certified standing order of the Employer Company.

33. Ld. Adv. Shri U. K. Joshi representing the Employer during the course of his oral argument submitted that the aforesaid charges levelled and proved against the Workman are grave and serious in nature. He submitted that the charges proved against the Workman also affects the smooth functioning of the Employer Company and relied upon following decisions:

34. In the case of **Madhavan S. v/s Management of Sudaram Motors** reported in **2006-II-LLJ-360**, the **Hon'ble High Court of Karnataka** has held that *Petitioner was serving as Jr. Clerk in Respondent company was found guilty of addressing employees making derogatory remarks about the management. Upon inquiry he was dismissed from service, the Workman alleged victimization for his Union activities. He was treasurer of the Union. The Labour Court held the inquiry fair and dismissal justified. The Workman challenged the award of the Labour Court before the Hon'ble High Court which resulted in dismissal.*

The Hon'ble High Court while dismissing the petition has observed that there is no perversity in the findings or the Labour Court. Adverting to Section 11-A of the I. D. Act, 1947, it added punishment for using abusive language could not be held to be disproportionate.

35. In the case of **Shri Narendra Raja Textiles Ltd., Coimbatore v/s S. Aruchamy & Ors.** reported in **2006-III-LLJ 847**, before the **Hon'ble High Court of Madhya Pradesh**, the petitioner dismissed the Respondent Workman from, its service on charges of negligence misbehavior with superiors and trespass and unauthorized search of records in superiors room. The Labour Court before which the dismissal was challenged interfered with the punishment u/s 11-A of the I. D. Act, 1947, even while holding that the charges were established and awarded the reinstatement of the Workman with continuity in service and 50% of back wages. The **Hon'ble High Court** while setting aside the award of the Labour Court observed that the reasoning given by the Labour Court was that the delinquencies committed by the respondent were minor misconducts. They could not be treated as minor misconduct as the charges proved were serious.

36. In the case of **Jawahar Khalifulla v/s Deputy Commissioner of Labour & Anr.** reported in **2002 (3) LLN 1090**, before the **Hon'ble High Court of Madhya Pradesh**, the Petitioner was misbehaving with his superior lady officer dismissed from service after inquiry. Appellate Authority upheld the order of dismissal. Aggrieved by the order, the petitioner filed Writ Petition. The **Hon'ble High Court** held that the charges have been proved in the inquiry. No lady officer will come forward with such a false allegation against the Workman unless it was true. There is no material on record that the lady officer gave false statement. No motive had been attributed to the complainant. If liberal view is taken, there will not be any safety for any superior officer, particularly lady superior officer dismissal from service is just and necessary.

I have carefully perused the aforesaid decisions relied upon by the Ld. Adv. Shri U. K. Joshi appearing for the Employer. The facts of the case in hand are totally different than the facts of the aforesaid cases before the Hon'ble High Courts and hence the principle laid down by the Hon'ble High Courts in their respective decisions are not application to the present case.

37. 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. Officer 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 levelled 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 the misconduct even if held to be proved really amounted to the use of "Unparliamentarily 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.

The facts of the aforesaid case are similar to the case in hand. The precedent set by the Hon'ble Apex Court in its aforesaid judgment is applicable to the present case.

38. The Hon'ble Supreme Court of India in its case of **Mahindra and Mahindra Ltd. v/s N. B. Narawade** reported in 2005 (I) CLR 803, has laid down certain guidelines regarding the power of the Industrial Tribunal/Labour Court u/s 11-A of the I. D. Act, 1947. The Hon'ble Supreme Court of India in its aforesaid case 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".

39. In the case of **Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar**, reported in 2003-LLR 436 (S.C.), the Hon'ble Supreme Court of India has held that the Court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. Only where the Court finds that a punishment is shockingly disproportionate it must record reasons for coming to such conclusion and mere expression that the punishment is shockingly disproportionate could not meet the requirement of law. Further the charges against Respondent not being casual in nature, but being serious, the High Court was not justified in the interfering with the quantum of punishment.

40. Thus it is now well settled principle of law that the discretion u/s 11-A to alter or to reduce punishment is not unlimited. 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.

41. In the case in hand, the service conditions of the Workman was governed by the certified standing order under the Industrial Employment (standing orders) Act, 1946 of the Employer Company Clause "NN" of the said certified standing order of the Company on record specified the "Acts of misconducts" and are 75 in numbers i.e. from NN (1) to NN (75). Similarly, under Clause "OO-Disciplinary Action" of the said certified standing order of the Employer Company listed different kinds of punishment to be awarded on its Workmen, who have been found guilty of any of the misconduct stated therein. It appears from the said certified standing order of the Employer Company on record that removal or dismissal from service without notice or wages in lieu of such notice is the severest penalty that the Management could take against its Workmen.

42. The evidence on record indicates that the Workman was in the employment of the Employer Company from the year 2003 continuously till his dismissal from the services w.e.f. 31-05-2007. The evidence on record indicates that the Workman was issued a certificate of performance award (Exb. 4) by the Management of the Employer on having achieved 100% on time order delivery to customer request thrice in row i.e. March, April & May, 2003. The evidence on record further indicates that the Workman was also issued attendance award (Exb. 5) by the Employer for perfect attendance during the fiscal year 2005. The evidence on record further indicates that the Workman was also issued a watch by the Employer Company for his best behavior and 100% work out-put. The evidence on record indicates that the Employer Company could not produce on record any evidence to show that the past behavior and/or record of the Workman was blemished. The evidence on record indicates that the Workman was elected as President of the Andrew Telecommunication's Workers Managing Committee.

43. Thus, the service record of the Workman positively indicates that he was on number of occasions commended and given awards for meritorious service. The said facts are extenuating circumstances in favour of the Workman and must be taken into account while imposing any penalty on the Workman. The Employer has failed to consider this important aspect and has also failed to show why the other penalties prescribed in its certified standing order would not be appropriate to meet the needs of discipline at the workplace in the case of misconduct proved against the Workman. Thus, I am convinced by the precedent set by the Hon'ble Apex Court in its case of Management of Aurofood Pvt. Ltd. v/s S. Rajulu and I have no hesitation in holding that the penalty of dismissal imposed upon the Workman is too harsh to be sustained in industrial jurisprudence. I am therefore, constrained to hold that the penalty of dismissal imposed upon the Workman is shockingly disproportionate and as such the said penalty of dismissal from service is required to be set aside.

It is therefore held that the action of the Employer in dismissing the services of the Workman w.e.f. 31-05-2007 is illegal and unjustified. The issue No. 4 is therefore answered in the affirmative.

44. Issue No. 5:

While deciding the issue No. 4 hereinabove, I have come to the conclusion and held that the action of the Employer in dismissing the Workman from services w.e.f. 31-05-2007 is illegal and unjustified.

45. In the case of **Kendriya Vidyalaya Sanghathan & Ors. v/s S.C. Sharma** reported in **2005-LLR-275 (S.C.)**, the Hon'ble Supreme Court has held that "*where the Employee has not shown that he was not gainfully employed during the period of operation of the termination order. Has also neither pleaded nor placed any material in that regard he would not be entitled for back wages. For entitlement of back wages on reinstatement of an employee, the employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places materials in that regard, the Employer can bring on record materials to rebut the claim.*"

46. In another case of **Jindarsing Bahra v/s Gargo Motors Ltd.**, reported in **2006-LLR 1105**, the Hon'ble High Court of Gujarat has held that "*Labour Court was right in declining to award back wages when the Workmen have not deposed about their unemployment during intervening period as such interference of the High Court is not warranted. The burden to prove unemployment is initially upon the Workman which can be by way of oral evidence before the Labour Court and thereafter, such burden stands shifted upon the Employer to controvert the evidence of the Workman about his unemployment during the intervening period, hence the Labour Court was right in rejecting the claim of the Workman for back wages of intervening period.*"

47. The Hon'ble **Supreme Court of India** in its another case of **Jagbir Singh v/s Haryana State Agriculture Marketing Board & anr.** reported in **2009 III CLR 628** it has been 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 reinstatement 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 reinstatement with back wages is automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee in contravention of the prescribed procedure, compensation instead of reinstatement has been held to meet the ends of justice.*"

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.

48. In the case in hand, the evidence on record indicates that the Workman was in the employment of the Employer Company from the year 2003 continuously till his dismissal from the service w.e.f. 31-05-2007. The evidence on record indicates that except the charges of misconduct levelled and proved against the Workman vide charge-sheet dated 05-01-2007 and charge-sheet dated 22-01-2007, no other show cause notice, memo or charge-sheet etc. was issued to the Workman. The evidence on record indicates that the Workman was on number of occasions commended and given awards for his meritorious service. The Workman is therefore entitled to be reinstated in the services of the Employer.

49 The Workman has pleaded and also stated on oath that he is unemployed from the date of dismissal of his service and does not have any source of income and is facing several hardships due to his dismissal from service. On the contrary, the Employer denied the aforesaid oral evidence adduced by the Workman. The Employer also adduced oral evidence through its witness Shri Ravi Rebello stating that during the pendency of the present case, the Workman worked with M/s. Taj Holiday Village, Sinquerim-Goa and thereafter he went Muscat (Oman) where he worked as a Restaurant Supervisor. The said witness further deposed that at present the Workman is running his own goods tempo bearing registration No. GA-03-K-7332 and continues to be gainfully employed. The aforesaid oral evidence adduced by the Employer through its witness Shri Ravi Rebello remained unchallenged for want of denial. It is therefore held that the Workman is gainfully employed after his dismissal from service w.e.f. 31-05-2007. The Workman is therefore not entitled for any back wages. However, in accordance with the certified standing order of the Employer Company, the Workman shall be entitled to full wages during the period of his suspension till the conclusion of his enquiry proceedings after deducting the amount paid to the Workman by way of subsistence allowance during the said period. The Workman is however entitled for reinstatement alongwith continuity in service and consequential benefits.

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

ORDER

1. It is held that the action of the Management of M/s. Andew Telecommunications India Private Limited in dismissing the services of its Workman, Shri Roy Pereira w.e.f. 31-05-2007 is illegal and unjustified.
2. It is further held that the Workman Shri Roy Pereira is ordered to be reinstated in the service of M/s. Andew Telecommunications India Private Limited alongwith continuity in service and consequential benefits.
3. No order as to costs.
4. Inform the Government accordingly.

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

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Department of Personnel

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Order

File No. 13/6/2013-PER

Governor of Goa is pleased to grant extension in service to Shri Laxman V. Zalmi, Superintendent, District and Session Court, Panaji for a period of one year with effect from 01-04-2013 to 31-03-2014. The extension is subject to termination without assigning any reasons at any time during the period of extension.

The services of Shri Laxman V. Zalmi, Superintendent, District and Session Court, Panaji during this period is placed at the disposal of the Office of Lokayukta for posting him as Registrar w.e.f. 01-04-2013 on deputation on standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-02-2009 and G.O.I's guidelines issued from time to time.

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

Siddhi Halarnakar, Under Secretary (Personnel-II).
Porvorim, 28th March, 2013.

Order

File No. 6/12/2011-PER

Shri Prashant Shirodkar, Deputy Collector & SDM, Canacona shall hold charge of the post of Deputy Collector & SDM, Quepem, in addition to

his own duties, with immediate effect, in public interest, thereby relieving Shri Sagun Velip, Deputy Collector & SDM (Dharbandora), of the additional charge.

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

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

Porvorim, 4th April, 2013.

Order

File No. 7/2/99-PER(PF-IV)

The Governor of Goa is pleased to transfer and post Shri P. Mathew Samuel, IAS (AGMUT: 2001), Secretary (Art & Culture) as Secretary in the office of Lokayukta with immediate effect, in public interest and until further orders.

The deputation of Shri P. Mathew Samuel, IAS as Secretary, office of Lokayukta shall be governed by standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-02-1999, and as amended from time to time.

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

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

Porvorim, 1st April, 2013.

Order

File No. 5/25/2000-PER (Part III)

Shri Agnelo A. J. Fernandes, Senior Scale Officer of Goa Civil Service, presently posted Chief Officer, Mormugao Municipal Council is hereby transferred on deputation as Deputy Passport Officer to the Ministry of External Affairs, in Passport Office, Goa Region in the pay scale of PB—3, ₹ 15,600-39,100 + ₹ 6,600/- GP, with immediated effect.

The deputation of Shri Agnelo A. J. Fernandes shall be initially for a period of two years and governed by the standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-02-1999 and G.O.I's guidelines issued from time to time.

The Chief Officer, Margao Municipal Council shall hold the charge of the post of Chief Officer, Mormugao Municipal Council, being the link

Officer, in addition to his/her own duties and until further orders.

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

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

Porvorim, 3rd April, 2013.

Notification

File No. 7/6/99-PER(PF)

The Governor of Goa is pleased to order the allocation of work/Departments amongst the Secretaries to the Government as follows with immediate effect, until further orders:

Sr. No.	Name & Designation	Department
1	2	3
1.	Shri B. Vijayan, IAS (1982) Chief Secretary	1. Home 2. Personnel 3. A.R.D. 4. Chief Vigilance Officer 5. Civil Aviation 6. Finance 7. GAD 8. Planning.
2.	Shri R. K. Verma, IAS (1984) Principal Secretary (PWD)	1. PWD 2. Forest 3. Mines & Geology 4. Tourism 5. Transport 6. Environment 7. Science & Technology 8. Water Resources Department 9. Power.
3.	Shri Parimal Rai, IAS (1985) Principal Secretary (Health)	1. Health 2. Urban Development 3. Housing 4. Town & Country Planning 5. Industries, Trade & Commerce 6. Revenue.
4.	Shri Hage Khoda, IAS (1992) Secretary (Panchayati Raj)	1. Panchayati Raj 2. Rural Development 3. Legal Metrology 4. Protocol 5. Printing & Stationery 6. NRI Affairs 7. Gazetteer.

1	2	3	1	2	3
5. Shri Keshav Chandra, IAS (1995) CEO/Secretary (Education)	1. Education (School/ /Higher/Technical) 2. Elections 3. Chief Electoral Officer 4. Sports & Youth Affairs 5. Information & Technology.	3. Animal Husbandry & Veterinary Services.	11. Shri Pawan K. Sain, IAS (2005) Secretary to CM	1. Secretary to Chief Minister 2. Director (MOPA Airport).	
6. Shri P. Krishnamurthy, IAS (1997) Secretary (Social Welfare)	1. Social Welfare 2. Women & Child Development 3. Tribal Welfare 4. Institute of Public Assistance/ /Provedoria 5. Co-operation 6. Civil Supplies & Price Control 7. Information & Publicity 8. Art & Culture.	1. Secretary to Chief Minister 2. Director (MOPA Airport). 3. Legislative Affairs.	12. Shri Pramod Kamat, Secretary (Law)	1. Law 2. Judiciary 3. Legislative Affairs.	
7. Shri Hage Batt, IAS (AGMU: 1998) Secretary (Ports)	1. Ports 2. River Navigation Department 3. Craftsmen Training 4. Factories & Boilers 5. Non -Conventional Energy.		This issues in supersession of earlier Notification in this regard. By order and in the name of the Governor of Goa. <i>Umeshchandra L. Joshi</i> , Under Secretary (Personnel-I). Porvorim, 3rd April, 2013.		
8. Shri V. P. Rao, IAS (1999) Secretary (Public Grievances)	1. Public Grievances 2. Official Language.		Corrigendum File No. 5/23/77-PER Read: Order No. 5/23/77-PER dated 28-03-2013. The date indicated as "01-04-2013 (a.n.)" in the third line of the above cited Order dated 28-03-2013, be corrected and read as "01-04-2013 (b.n.)". By order and in the name of the Governor of Goa. <i>Siddhi Halarnakar</i> , Under Secretary (Personnel-II). Porvorim, 3rd April, 2013.		
9. Shri D. P. Dwivedi, IAS (2002) Secretary (Agriculture)	1. Agriculture with additional charge of Director of Education and Managing Director, Goa Education Development Corporation (GEDC) 2. Labour & Employment 3. Archives & Archaeology 4. Museum.		◆◆◆ Department of Public Health -- Order No. 7/3/92-I-PHD Read: 1) Order No. 7/3/92-I/PHD dated 22-02-2012. On the recommendation of Goa Public Service Commission as coveyed vide their letter No. COM/II/11/56(8)/92/3002 dated 16-01-2013, the ad hoc promotion of Smt. Medha Dessai, Assistant Drugs Controller under the Directorate of Food & Drugs Administration, Altinho, Panaji, is extended for further period of one year with effect from		
10. Shri Neeraj Semwal, IAS (2003) Secretary to Governor	1. Secretary to Governor 2. Fisheries				

04-07-2012 to 03-07-2013 or till the post is filled on regular basis, whichever is earlier.

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

Anju S. Kerkar, Under Secretary (Health-II).

Porvorim, 26th March, 2013.

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Department of Revenue

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Order

No. 20/1/2006-RD(8359)

The election for the Managing Committee of Comunidade of Serula which was fixed on 20-01-2013 was postponed under Art. 49 of the Code of Comunidade till further order by the Collector/DCA of North Goa District.

And whereas the Collector (North Goa District) submitted a proposal to appoint temporary Managing Committee of Serula Comunidade under Art. 49 of the Code of Comunidade as under:

Effective Members

1. President—Adv. Shankar Fadtey.
2. Attorney—Peter Martins.
3. Treasurer—Alex D'Souza.

Substitute Members

1. President—Rajesh Kauthankar.
2. Attorney—Rajesh R. Mhambrey.
3. Treasurer—Arvind Gangaram Shirodkar Fadtey.

Now therefore Government is pleased to appoint the above mentioned temporary Managing Committee for Comunidade of Serula by virtue of powers vested by the amended Art. 49 of the Code of Comunidade, till further orders.

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

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 8th April, 2013.

Order

No. 23/3/2010-RD

Whereas, the Government of Goa, vide Notification No. 23/3/2010-RD dated 29-03-2010, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 2 dated

08-04-2010, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose, subsequently Addendum and Corrigendum vide No. 23-3-2010-RD both dated 11-11-2010 respectively and published in the Official Gazette, Series II No. 35 dated 25-11-2010 viz. Land Acquisition for construction of Assonora bye-pass road (additional area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/3/2010-RD dated 24-01-2012, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 44 dated 02-02-2012, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 1st April, 2013.

Notification

File No. 24/2/87-RD

Read: 1) Notification No. 24/2/87-RD dated 29-03-2004.

2) Corrigendum No. 24/2/87-RD dated 08-06-2004.

In addition to the Notification referred to above and in exercise of the powers conferred by Section 3 of the Goa Public Premises (Eviction of Unauthorized Occupants) Act, 1988 (Goa Act 22 of 1988) (hereinafter called "the said Act"), the Government of Goa hereby appoints "Chief General Manager", mentioned in column 2 of the Schedule hereto, to be Estate Officer for the purpose of the said Act, in respect of the public premises in the Union Territory of Daman & Diu which are controlled by statutory authority as specified in the corresponding entry in column 3 of the said Schedule.

SCHEDULE

Sr. No.	Designation of the Officer	Name of the statutory authority
1	2	3
1.	Chief General Manager	Goa Industrial Development Corporation.

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 25th March, 2013.

Notification

No. 23/14/2013-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for renovation and construction of existing Crematorium in village Gancim in V. P. Batam, Tiswadi-Goa.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.

All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

The Government further appoints under clause (c) of Section 3 of the said Act, the Dy. Collector (LA), North Goa District, Panaji-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

- 1) The Collector, North Goa District, Panaji-Goa.
- 2) The Dy. Collector (LA), North Goa District, Panaji-Goa.
- 3) The Block Development Officer, Tiswadi, Panaji-Goa.
- 4) The Director of Settlement and Land Records, Panaji-Goa.

A rough plan of the said land is available for inspection in the Office of the Dy. Collector (LA), North Goa District, Panaji-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Tiswadi		Village: Gancim
Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
55/1 (part)	Gurudas Sinari.	500
<i>Boundaries :</i>		
North: Road, Village Goalim Moala.		
South: S. No. 55/1.		
East : S. No. 55/1.		
West : S. No. 55/1.		
		Total: 500

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 4th April, 2013.

Notification

No. 23/6/2012-RD

Whereas by Government Notification No. 23/6/2012-RD dated 30-05-2012 published on page 586 of Series II No. 11 of the Official Gazette, dated 14-06-2012 and in two newspapers (1) "Herald" dated 06-06-2012 and (2) "Goa Doot" dated

06-06-2012, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was needed for the public purpose viz. Land Acquisition for construction of minor irrigation tank at Gavnem in V. P. Gaondongrem in Canacona Taluka (addl. area).

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, SIP, WRD, Gogal, Margao-Goa to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

A plan of the said land can be inspected at the Office of the Special Land Acquisition Officer, SIP, WRD, Gogal, Margao-Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Canacona *Village:* Gaondongrem

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
209/2 part	O: Inacin Fernandes. T: Molu Vithoba Gaonkar.	6900
210/6 part	O: Shamba Ramkrishna Nik Desai. Pauto Rama Naik Desai. Sita Vithoba Fal Dessai. Rukmini Janu Gaonkar.	10000
210/7 part	O: Shamba Ramkrishna Nik Desai. Pauto Rama Naik Desai. Sita Vithoba Fal Dessai. Rukmini Janu Gaonkar.	5300

1	2	3
<i>Boundaries :</i>		
North : S. No. 205/2, 210/1, 209/1.		
South : S. No. 205/4, Nalla, 210/3, 210/1.		
East : S. No. 205/2, 4, 210/3, 209/1.		
West : S. No. 210/5, 1, 209/1.		
		Total: 22200

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 12th November, 2013.

Notification

No. 23/25/2011-RD

Whereas by Government Notification No. 23/25/2011-RD dated 24-05-2012 published at pages 627 to 630 of Series II No. 12 of the Official Gazette, dated 21-06-2012 and in two local newspapers namely "The Navhind Times" and "Goa Doot" both dated 30-05-2012 it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was needed for the public purpose viz. Land Acquisition for construction of Bastora Minor-3 from ch. 175 m to ch. 3260 m for LBMC of TIP in Saligao, Sangolda and Soccor Village of Bardez Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, (North) G.T.I.D.C., Karaswada, Bardez-Goa to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

A plan of the said land can be inspected at the Office of the Special Land Acquisition Officer (North) G.T.I.D.C. Karaswada, Bardez-Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Bardez Village: Socorro

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Appox. area in sq. meters
1	2	3

57/3 part	O: Comunidade of Serula. T: Chandrakant S. Falkar.	355
59/18 part	O: Comunidade of Serula. T: Sagun N. Satardekar.	1166
61/1 part	O: Comunidade of Serula.	14
61/21 part	O: Comunidade of Serula. T: Dadu R. Ambre.	1032
62/1 part	O: Comunidade of Serula.	200
62/2 part	O: Comunidade of Serula. T: Ana Maria D'Silva.	583
62/3 part	O: Ambrosio Joao Xevier Vaz. T: Ana Maria Pinto E Vaz.	160
62/4 part	O: Comunidade of Serula. T: Ratnabai Shantaram Pingulkar.	70
62/5 part	O: Comunidade of Serula. T: Esmera Mascarenhas.	65
62/6 part	O: Comunidade of Serula. T: Dolorosa Fernandes.	165

Boundaries :

- North : S. No. 64, 63/29, 21, 59/17,
18, 57/19, 18, 61/1, 21.
- South : S. No. 57/4, 59/19, 18, 61/1,
22, 21, 62/2, Village Sangolda.
- East : S. No. 62/2, 3, 4, 5, 6, Road,
Nalla, 57/16.
- West : S. No. 62/1, 2, 3, 4, 5, 6.

Taluka: Bardez Village: Sangolda

65/5 part	O: Comunidade of Sangolda.	1
65/12 part	O: Comunidade of Sangolda. T: Sitaram B. Satardekar.	500
66/12 part	O: Udai Dattaram Mandrekar.	18
66/13 part	O: Tiodorin Mascarenhas.	55
66/4 part	O: Comunidade of Sangolda.	13
66/23 part	O: Laxmi Laxman Nagvekar.	18
66/24 part	O: Balchandra Gangaram Rayker. T: Anta Korgaoker.	39
66/25 part	O: Comunidade of Sangolda.	6

1	2	3
69/6 part	O: Fagun Faria Mello. T: Shabi Rama Tendulkar.	194
69/7 part	O: Pedro Joao Mascarenhas. T: Sabaji Tato Pednekar.	83
69/8 part	O: Comunidade of Sangolda. T: Afimiya Mendonsa.	150
69/10 part	O: Comunidade of Sangolda. T: Maria Oral D soza.	50
69/11 part	O: Comunidade of Sangolda. T: Maria Jose D sa.	50
69/12 part	O: Comunidade of Sangolda. T: Sabastin Poubras Lobo.	96
69/13 part	O: Comunidade of Sangolda. T: Ubaldina Mascarenhas.	52
69/14 part	O: Comunidade of Sangolda. T: Maria Mascarenhas.	57
69/15 part	O: Comunidade of Sangolda. T: Anton Fransis Sequira.	81
69/16 part	O: Comunidade of Sangolda. T: Narsiva Mahadev Mandrekar.	83
69/17 part	O: Comunidade of Sangolda. T: Especiosa Mascarenhas.	58
101/2 part	O: Comunidade of Sangolda. T: Mahadev Arjun Salgaoker.	86
101/3 part	O: Comunidade of Sangolda. T: Antonio Pereira.	45
101/4 part	O: Comunidade of Sangolda. T: Rajaram Shankar Bali.	41
101/5 part	O: Comunidade of Sangolda. T: Lurdin Rodrigues.	30
101/6 part	O: Comunidade of Sangolda. T: Emelda Mendonsa.	58
101/7 part	O: Comunidade of Sangolda. T: Bablo Jairam Tuyeker.	45
101/8 part	O: Comunidade of Sangolda. T: Bablo Jairam Tuyeker.	45
101/9 part	O: Comunidade of Sangolda. T: Raghuvir Mahadev Mandrekar.	35
101/10 part	O: Comunidade of Sangolda. T: Pundalik Vithal Mandrekar.	30
101/11 part	O: Comunidade of Sangolda. T: Bablo Jairam Tuyeker.	30
101/12 part	O: Comunidade of Sangolda. T: Sitabai Rama Salgaoker.	55
101/13 part	O: Comunidade of Sangolda. T: Jose Santan Costa.	54
101/14 part	O: Comunidade of Sangolda. T: Pedrin Fernandes.	59
101/15 part	O: Comunidade of Sangolda. T: Jakina Truase.	55
101/16 part	O: Comunidade of Sangolda. T: Bablo Jairam Tuyeker.	110
101/17 part	O: Comunidade of Sangolda.	10

1	2	3	1	2	3
101/18 part	O: Comunidade of Sangolda. T: Nana Raghoba Salgaoker.	65	28/22 part	O: Sulochana Sadanand Paliencar.	20
101/19 part	O: Comunidade of Sangolda. T: Anton Fransis Sequira.	65	28/20 part	O: Sulochana Sadanand Paliencar.	245
101/20 part	O: Comunidade of Sangolda. T: Radha Saulo Salgaoker.	62		T: Saulo Laxman Palieker.	
101/21 part	O: Comunidade of Sangolda. T: Parvati Mahadeo Salgaoker.	75	28/18 part	O: Joquim Cunha.	58
101/22 part	O: Comunidade of Sangolda. T: Yesubai Vegalkar.	26	28/16 part	O: Margareth Gomes. T: Tucaram Ladu Korgaoker.	37
100/1 part	O: Comunidade.	9	28/13 part	O: Emilia Pereira.	84
100/5 part	O: Comunidade. T: Parwati Mahadeo Salgaoker.	365	28/9 part	O: Comunidade.	6
100/6 part	O: Comunidade of Sangolda. T: Yesso Vagolker.	320	28/7 part	O: Sulochana Sadanand Paliencar.	181
100/9 part	O: Edward D'Soza. Ignes Brijit D'Soza. Sabistiao Naciment D'Soza. Gracian Jose Vicent D'Soza.	16		Rukmini Vital Paliencar. T: Saulo Laxman Palieker.	
104/14 part	O: Comunidade of Sangolda. T: Atmaram Narayan Gure.	151	28/5 part	O: Joquim Cunha. Romado Gomes. Emilia Pereira. T: Manohar Govind Palieker.	30
104/12B part	O: Especiosa Coelho.	75	28/3 part	O: Ana Maria Sabesthiana Mascarenhas.	5
104/12A part	O: Ramakant S. Parsekar.	199	28/2 part	O: Comunidade.	8
104/4	O: Santa Monica. T: Reghunath Kesav Kamble.	18	28/1 part	O: Comunidade. T: Rajaram Shankar Bali.	281
104/11 part	O: Comunidade of Sangolda. T: Carmelin Pinto.	403	31/17 part	O: Comunidade. T: Atmaram Raya Parulekar. Vishvanath Raya Parulekar.	1065
104/1 part	O: Comunidade of Sangolda.	20		<i>Boundaries :</i>	
104/10 part	O: Comunidade of Sangolda. T: Carmelin Pinto.	31	North :	Road, S. No. 101/21, 100/5, 1, 19, 104/14,12-B, 12-A, 4, 11, 1, 10, 19/9, 20, 2, 27, 26, 25, 24, 23, 22, 21, 19, 17, 10, 8, 7, 6, 5, 2, 3, 1, 31/17.	
104/15 part	O: Mahadeva Vamona Rau. Namdeva Vamona Rau.	148	South :	S. No. 101/22, 100/6, 1, 9, 104/14, 13, 12-B, 12-A, 4, 11, 15, 19/19, 29, 2, 27, 26, 25, 24, 23, 28, 26, 20, 18, 16, 13, 9, 7, 5, 1, 31/17, 9, 8, 1, 2, 27/3.	
104/16 part	O: Lucy Mascarenhas. T: Canidita Pereira. Namdeva Vamona Rau.	167	East :	S. No. 65/12, 66/13, 4, 25, 24, 69/6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 101/1 to 21, Road, Nalla, 104/13, 15, 16, 98/11, 31/17, 28/5, 7.	
19/20/part	O: Mahadeva Vamona Rau. Namdeva Vamona Rau.	216	West :	Village Saligao S. No. 31/17, 28/5, 6, 7, 104/10, 13, 65/12, 66/12, 4, 23, 69/6, 8, 10 to 18 101/1 to 21, road, nallah, Road.	
19/28	O: Mahadeva Vamona Rau. Namdeva Vamona Rau.	125			
19/29 part	O: Mahadeva Vamona Rau. Namdeva Vamona Rau.	138	<i>Taluka:</i> Bardez	<i>Village:</i> Saligao	
19/2 part	O: Comunidade of Sangolda.	10			
19/27 part	O: Comunidade of Sangolda. T: Kamal Babuso Madker.	120	217/23 part	O: Comunidade. T: Julia D'Souza Fernandes.	285
19/26 part	O: Comunidade of Sangolda. T: Shanti Nana Korgaoker.	130			
19/25 part	O: Comunidade of Sangolda. T: Mahadeo Raghunath Sangoldeker.	325			
19/24 part	O: Comunidade of Sangolda. T: Anton Barde.	352			
19/23 part	O: Comunidade of Sangolda. T: Laxmi Laxman Vernekar.	346			

1	2	3
217/1 part	O: Comunidade.	17
218/32 part	O: T: Uttam Rama Naik.	56
218/31 part	O: T: Atmaram Surya Naik.	68
218/34 part	O: Comunidade. T: Anant Sadashiva Naik.	390
218/35 part	O: Manuel D'Cruz. T: Atmaram Ragobha Sawant.	31
218/36 part	O: Pandurang Dattaram Videkar alias Ladko Datta Jalmi. Muktabai Dattaram Videkar alias Muktabai Dattaram Jalmi. Nanda Dattaram Videkar. T: Pandurang D. Videkar.	32
218/28 part	O: Oliva Mascarenhas. Muktabai Dattaram Videkar alias Muktabai Dattaram Jalmi. Nanda Dattaram Videkar. Pandurang Dattaram Videkar alias Ladko Datta Jalmi. T: Rama Jilu Diagokar.	265
218/29 part	O: Comunidade. T: Anthony V. M. D'Souza.	140
218/24 part	O: Comunidade. T: Milagrina Fernandes.	165
218/21 part	O: Virginia Pinto E Remedios. T: Virginia Pinto.	121
218/20 part	O: Gregory Homen Coutinho.	267

Boundaries :

North : Road, S. No. 218/35, 31, 32,
217/1, 2, 3.

South : S. No. 217/24, 1, 218/34,
31, 32, 36.

East : S. No. 218/21, 24, 29, 34,
village Sangolda.

West : S. No. 218/20, 28, 35, 36,

Grand Total: 14193

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

Anju S. Kerkar, Under Secretary (Revenue-II).
Porvorim, 2nd April, 2013.

Corrigendum

No. 23/21/2012-RD

Read: Notification No. 23/21/2012-RD dated
24-01-2013, regarding Land Acquisition
for Conservation Reserve at Galgibag

Poiguinim for Turtle Nesting, published
in the Official Gazette, Series II No. 45
dated 07-02-2013.

In the Notification referred to above, at para
No. 5, Sl. No. (3) may be read as "The Deputy
Conservator of Forests, Wildlife and Eco Tourism
(South), Margao-Goa" instead of "The Deputy
Conservator of Forests, Wildlife and Eco Tourism,
Panaji-Goa".

The rest of the contents of above read Notification
shall remain unchanged.

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 3rd April, 2013.



Department of Transport

Directorate of Transport

Notification

No. D.Tpt/EST/F 1727/2013/1435

The Government of Goa is pleased to constitute
a committee of the following members consequent
upon the directions issued by the Hon'ble High
Court of Bombay at Goa in PIL Writ Petition No. 3
of 2008 to suggest measures mention in the Writ
Petition in order to take appropriate decision in
accordance with law.

The members of the committee are as under:

- | | | |
|---|---|----------------------|
| 1. Shri Arun L. Desai,
Director of Transport, Panaji | — | Member
Secretary. |
| 2. Shri Gurudas Zuwarkar,
Goa Velha, Goa | — | Convenor. |
| 3. Shri Suresh Kudchadekar,
Miramar, Panaji | — | Member. |
| 4. Shri Subhash Sawant,
Ribandar Tiswadi-Goa | — | Member. |

The Committee shall submit the report
alongwith suggestions and measures on the issue
within 12 weeks from the date of this Notification.

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

Arun L. Desai, Director & ex officio Addl.
Secretary (Transport).

Panaji, 9th April, 2013.

Department of Water Resources

Office of the Chief Engineer

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Order

No. 4/6/CE-EO-WRD/2013-14/49

Read: Office Order No. 16/2-EO-CE-WRD/
/2006-07/330 dated 08-08-2006.

In suppression of Order No. 16/2-EO-CE-WRD/
/2006-07/330 dated 08-08-2006 the sanction of
Government is hereby conveyed for re-constitu-
tion of the Rehabilitation Committee of the Salauli
Irrigation Project with immediate effect:

1. Minister for Water Resources ... Chairman.
2. M.L.A. Sanguem Constituency ... Member.
3. M.L.A. Quepem Constituency ... Member.
4. Principal Secretary, Water ... Member.
Resources
5. Chief Engineer, Water Resources ... Member.
Department
6. Superintending Engineer, ... Member.
Circle-IV, W.R.D.
7. Executive Engineer, W.D. X, ... Member
W.R.D. Pajimol, Sanguem Secretary.
8. Zilla Panchayat Member, Rivona ... Member.
9. Sarpanch V. P. Curdi, Vaddem ... Member.
10. Sarpanch V. P. Uguem ... Member.
11. Sarpanch V. P. Bhati ... Member.
12. Sarpanch V. P. Malcornem ... Member.
13. Shri Manoj N. Paryekar, Valkini ... Member.
14. Shri Gokuldas Gaonkar, Vaddem ... Member.
15. Shri Sajjan Anant Dessai, Valkini ... Member.

The Committee will hold regular meetings at
least once in three months to review the progress
achieved in the rehabilitation programme of Project
Affected People.

This order issues with the approval of
Government conveyed under No. 3015/F dated
26-03-2013.

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

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

Panaji, 4th April, 2013.

Order

No. 4/6/EO-WRD/2012-13/496

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 pertain-
ing to 'Command Area Development of Tillari Irri-
gation Project' as follows:

1. Hon'ble Minister for Water Resources, Government of Goa Chairman.
2. Hon'ble Member of the Parliament for North Goa Member.
3. Hon'ble Member of Legislative Assembly, Mandrem Member.
4. Hon'ble Member of Legislative Assembly, Pednem Member.
5. Hon'ble Member of Legislative Assembly, Bicholim Member.
6. Hon'ble Member of Legislative Assembly, Tivim Member.
7. Hon'ble Member of Legislative Assembly, Mapusa Member.
8. Hon'ble Member of Legislative Assembly, Siolim Member.
9. Hon'ble Member of Legislative Assembly, Saligao Member.
10. Hon'ble Member of Legislative Assembly, Calangute Member.
11. Hon'ble Member of Legislative Assembly, Porvorim Member.
12. Hon'ble Member of Legislative Assembly, Aldona Member.
13. Hon'ble Member of Legislative Assembly, Maem Member.
14. Principal Secretary, Water Resources Department Chief Execu-
tive of the
CAD Board.
15. Secretary, Finance or his representative not below the rank of Joint Secretary, Finance Member.
16. Chief Engineer, Water Resources Department, Government of Goa Member.
17. Additional Chief Engineer/
/Managing Director, Goa
Tillari Irrigation Development
Corporation Member.

18. Representative of the Ministry of Water Resources, Government of India	Member.	36. Shri Harishchandra Malik, Chairman, Shree Kaleshwar Tamar Naik Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Kholpewadi-Bicholim	Member.
19. Chairperson of Goa Horticulture Development Corporation	Member.	37. Shri Uttam Kajeri, Chairman, Shree Taleshwar Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Valshi-Bicholim	Member.
20. Director of I.C.A.R., Goa	Member.	38. Shri Shivaji Gawas, Anjuna-Bardez	Member.
21. Director of Agriculture, Government of Goa	Member.	39. Shri Dnyaneshwar Parab, Mencurem-Bicholim	Member.
22. Registrar of Co-operative Societies, Government of Goa	Member.	40. Shri Sunil Methar, Chapora-Anjuna	Member.
23. Director of Veterinary Services, Government of Goa	Member.	41. Shri Shashikant Colvalkar, Makhazan, Dhargal	Member.
24. Director of Land Survey, Government of Goa	Member.	42. Shri Narayanrao Parab, Sal	Member.
25. Sr. Hydrogeologist, Ground Water Cell, Water Resources Department	Member.	43. Umesh Pilankar, Kumyomol, Sal	Member.
26. Deputy Collector Revenue, North Goa District	Member.	44. Balasaheb Rane, Vadval, Bicholim	Member.
27. Shri Anand Kandolkar, Deputy Sarpanch, V. P. Assagao, Goa	Member.	45. Shri Shashikant Colvalkar, Makhazan, Dhargal	Member.
28. Shri Vinayak Mahale, Sarpanch V. P. Ugvem-Tamose, Mopa, Goa	Member.	46. Superintending Engineer (Circle-II), Goa Tillari Irrigation Development Corporation	Member-Secretary.
29. Shri Pandhari Arolkar, Sarpanch V. P. Korgao, Goa	Member.		
30. Smt. Lakshata Dessai, Sarpanch V. P. Advalpal, Goa	Member.		
31. Shri Dharma Naik, Chairman, Shree Bharadi Devi Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Hankane-Pernem	Member.		
32. Shri Prashant Gawas, Chairman, Shree Sateri Devi Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Ibrampur-Pernem	Member.		
33. Shri Vishram Narulkar, Chairman, Shree Devi Mahalaxmi Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Hali-Pernem	Member.		
34. Shri Ladu Babaji Keni, Chairman, Shree Rsahtroli Taleshwar Pani Vatap Vyavastha Sahakari Saunstha, Kumyachi Vhal, Torshem-Pernem	Member.		
35. Shri Sagun Raut, Chairman, Shree Bhumika Devi Pani Vatap Vyavastha Sahakari Saunstha Maryadit, Sal-Bicholim	Member.		

Expenditure on account of TA/DA to the official members of the committee will be met from the source from which they draw their salary and that of non-official members will be borne by Goa Tillari Irrigation Development Corporation as per rules in force.

This issues with the approval of Government vide No. Pr. Secy/WR./165 dated 16-03-2012.

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

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

Panaji, 30th August, 2012.

Order

No. 4/6/EO/WRD/2013-14/59

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:		23. Shri Pramod Gauns Dessai, Sarpanch V. P. Xeldem, Goa	Member.
1. Hon'ble Minister for Water Resources, Government of Goa	Chairman.	24. Shri Krishna Gauns Dessai, Dy. Sarpanch, V. P. Avedem-Quepem, Goa	Member.
2. Hon'ble Member of the Parliament for South Goa	Member.	25. Shri Milagris Gonsalves, Sarpanch V. P. Girdolim, Goa	Member.
3. Hon'ble Member of Legislative Assembly, Sanguem-Goa	Member.	26. Smt. Sharmila Bhandari, Sarpanch V. P. Vaddem-Kurdi, Sanguem-Goa	Member.
4. Hon'ble Member of Legislative Assembly, Sanvordem-Goa	Member.	27. The Chairman, Shri Cuncolim Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Cuncolim, Salcete-Goa	Member.
5. Hon'ble Member of Legislative Assembly, Curchorem-Goa	Member.	28. The Chairman, Shri Shantadurga Gotton Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Gotton, Cuncolim, Salcete-Goa	Member.
6. Hon'ble Member of Legislative Assembly, Quepem-Goa	Member.	29. The Chairman, Shri Vorcottomollo Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Vorcottomollo, Sanguem-Goa	Member.
7. Hon'ble Member of Legislative Assembly, Velim-Goa	Member.	30. The Chairman, Shri Chirknolli Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Valkini, Sanguem-Goa	Member.
8. Hon'ble Member of Legislative Assembly, Cuncolim-Goa	Member.	31. The Chairman, Shri Grampurush Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Xeldem, Quepem-Goa	Member.
9. Hon'ble Member of Legislative Assembly, Navelim-Goa	Member.	32. The Chairman, Shri Jamu Sarad Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Denmol, Shirvoi, Quepem-Goa	Member.
10. Hon'ble Member of Legislative Assembly, Margao-Goa	Member.	33. The Chairman, Shri Xelvona Pani Vantop Vyavastha Sahakari Saunstha Maryadit, Xelvona, Quepem-Goa	Member.
11. Principal Secretary, Water Resources Department, Goa	Chief Executive of the CAD Board.	34. Shri Sangram Saunskrutik Manch, Sanguem, Rivona, Sanguem-Goa, NGO Representative	Member.
12. Secretary, Finance or his representative not below the rank of Joint Secretary, Finance	Member.	35. Shri Sangram Kala Saunskrutik Manch, Sanguem-Goa, NGO Representative	Member.
13. Chief Engineer, Water Resources Department, Government of Goa	Member.	36. Dr. Venkatesh Prabhudessai, Quepem-Goa, Academician	Member.
14. Representative of the Ministry of Water Resources, Government of India	Member.	37. Shri Vijay Pai Khot, Canacona-Goa	Member.
15. Chairperson of Goa Horticulture Development Corporation	Member.	38. Shri Chinmaya Tansikar, Netravali-Goa	Member.
16. Director of I. C. A. R., Goa	Member.		
17. Director of Agriculture, Government of Goa	Member.		
18. Registrar of Co-operative Societies, Government of Goa	Member.		
19. Director of Veterinary Services, Government of Goa	Member.		
20. Director of Land Survey, Government of Goa	Member.		
21. Sr. Hydrogeologist, Ground Water Cell, Water Resources Department, Goa	Member.		
22. Deputy Collector Revenue, South Goa District	Member.		

		Corrigendum
39. Shri Anant Dessai, Valkini-Goa	Member.	
40. Shri Vithal Khandeparkar, Usgali, Mal-Pirls-Goa	Member.	No. 4/6/EO/WRD/2012-13/664
41. Shri Rajan Gaonkar, Ambavali-Goa	Member.	Read: Order No. 4/6/EO/WRD/2012-13/ /496 dated 30-08-2012.
42. Superintending Engineer (Circle-IV), Water Resources Department	Member- Secretary.	In partial modification to above referred order, the name at Sr. No. 45 shall be read as Shri Amit Parab, Warkhand, Pedne instead of Shri Shashikant Colvalkar, Makhazan, Dhargal.
The non-official members will be entitled for TA/ /DA as per rules.		
This issues with the approval of Government vide Pr. Sec. (WR) No. 1467697 dated 16-01-2013 and in suppression of earlier orders of even number dated 04-11-1991.		This issues with the approval of Government vide No. Pr. Secy/WR./236/F dated 11-10-2012.
By order and in the name of the Governor of Goa.		By order and in the name of the Governor of Goa.
S. T. Nadkarni, Chief Engineer and ex officio Additional Secretary (WRD).		S. T. Nadkarni, Chief Engineer and ex officio Additional Secretary (WRD).
Panaji, 8th April, 2013.		Panaji, 30th October, 2012.

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