

Panaji, 1st September, 2016 (Bhadra 10, 1938)

SERIES II No. 22

OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

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Order

No. 2/9/95-AGR/2016-17/Part (I)/174

On recommendation of the Departmental Promotion Committee conveyed by Goa Public Service Commission vide their letter No. COM/II/11/2(1)/2011/209 dated 21-07-2016, Government is pleased to promote the following Assistant Agriculture Officers to the post of Agriculture Officer, Group 'B', Gazetted, in the Directorate of Agriculture on regular basis in the Pay Band of PB-II Rs. 9,300-34,800+4,600/- Grade Pay with immediate effect.

- 1) Shri Dattaprasad Dessai.
- 2) Shri Anil A. De Noronha.
- 3) Shri Shivram D. Naik Gaonkar.
- 4) Smt. Janice Flossy Gomes.
- 5) Shri Shivdas Gaonkar (ST).

On promotion they shall continue at the same place of their posting as shown below:

- 1) Shri Dattaprasad Dessai, Agriculture Officer (R.K.VY).
- 2) Shri Anil A. De Noronha on deputation to Water Resources Department, against the post of Water Management Specialist.
- 3) Shri Shivram D. Naik Gaonkar, Zonal Agriculture Officer, Canacona.
- 4) Smt. Janice Flossy Gomes, Farm Superintendent, Government Agriculture Farm, Kalay.
- 5) Shri Shivdas Gaonkar (ST), Zonal Agriculture Officer, Dharbandora.

They shall exercise option within one month from the date of promotion to fix their pay in terms of F.R. 22(I) (a) (1).

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

U. B. Pai Kakode, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 25th August, 2016.



Department of Education, Art & Culture

Directorate of Education

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Order

No. 1(1)58-2003/SE/1133

Government is pleased to re-employ Shri Manjunath R. Kadam, Headmaster, Government High School, Betoda, Ponda, Goa, under the Directorate of Education beyond his superannuation w.e.f. 01-04-2016 to 30-04-2016 (i.e. till the end of the academic year 2015-16) in terms of letter No. F. 5-64/83-U.T. 1 dated 28th April, 1984 of the Government of India, Ministry of Education & Culture (Deptt. of Education), New Delhi.

On his re-employment he is posted as Headmaster, Government High School, Betoda, Ponda Goa and his pay and allowances shall be fixed in terms of Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986.

The above re-employment is subject to termination without assigning any reason at any time during the period of re-employment.

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

Gajanan P. Bhat, Director & ex officio Joint Secretary (Education).

Porvorim, 28th March, 2016.

Order

No. 1(2)-24/2005/SE/Part-II/1156

Ex-post facto approval of the Government is hereby conveyed for the appointment of Shri Anil V. Powar, retired Director of Education as State Project Director, Goa Sarva Shiksha Abhiyan, Porvorim-Goa, on contract basis for a period of one year from the date he assumed the charge of the post w.e.f. 11-06-2015 to 10-06-2016.

His pay shall be fixed in terms of Central Civil Service (Fixation of Pay of re-employed Pensioners) Order, 1986.

This issues with the concurrence of the Finance (Budget) Department vide U.O. No. 1423207 dated 30-07-2015 and also the approval of the Council of Ministers as conveyed by the General Administration Department, Secretariat, Porvorim vide letter No. 1/17/2016-GAD-II dated 10-05-2016.

This supersedes Order No.1 (2)-24/2005/SE/Part-II/891 dated 10-06-2015.

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

Nagaraj Honnekeri, Director & ex officio Joint Secretary (Education).

Porvorim, 12th May, 2016.

Order

No. 1(2)-24/2005/SE/Part-II/1204

Government is pleased to extend the contractual appointment of Shri Anil V. Powar as State Project Director, Goa Sarva Shiksha Abhiyan, Porvorim-Goa for a further period of one year from 11-06-2016 to 10-06-2017, subject to approval of the Personnel Department and concurrence of Finance Department.

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

Gajanan P. Bhat, Director & ex officio Joint Secretary (Education).

Porvorim, 1st July, 2016.

Order

No. 1(2)-1-2015/SE/1205

Government is pleased to transfer Shri Manoj Savoikar, Headmaster of Government High School, Thane-Satari, and to post him as Vice Principal, Govt. Hr. Secondary School, Sanquelim, against the vacant post with immediate effect.

Shri Manoj Savoikar shall also hold the charge of Headmaster, Government High School, Thane-Satari in addition to his own duties until further orders.

He shall report to Govt. Higher Secondary School, Sanquelim, immediately and submit joining report to the North Educational Zone, Mapusa, under intimation to this Directorate.

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

Gajanan P. Bhat, Director & ex officio Joint Secretary (Education).

Porvorim, 4th July, 2016.

Order

No. DE/Leg.Cell/W.P./514/2010/1209

Whereas, Smt. Cynthia Coelho, Ex-Headmistress, Government High School, was recommended by the Goa Public Service Commission vide their Communication letter No. COM/II/11/15(2)/2011/70 dated 16-06-2011 for the post of Deputy Education Officer/Principal, Government Higher Secondary School/Deputy Director S.I.E./Vocational Education Officer, under the Directorate of Education, on regular basis with immediate effect.

And whereas, as per Departmental Promotional Committee conducted on 14-06-2011 by Goa Public Service Commission, the Government had conveyed its approval for promotion of the applicant.

And whereas, as per remarks of ex officio Joint Secretary then Director of Education, the order was kept in abeyance, without any reason till Smt. Cynthia Coelho, retired on superannuation.

And whereas, Smt. Cynthia Coelho on retirement from service attaining the age of superannuation w.e.f. 30-09-2012 (a.n.), filed Writ Petition bearing No. 675/2013 in the Hon'ble High Court of Bombay at Goa for grant of Notional Promotion and consequential benefits to the post of cadre of Deputy Education Officer/Principal Government Higher Secondary School/Deputy Director S.I.E./Vocational Education Officer, with effect from the date of the recommendation of the Goa Public Service Commission.

And whereas, the Hon'ble High Court of Bombay at Goa disposed of the said Writ Petition No. 675 of 2013 filed by Smt. Cynthia Coelho, Ex-Headmistress Government High School, by passing the following order on 18-02-2014.

1. The Petitioner's application for grant of notional promotion and the consequential benefits has been favourably considered by the Department of Education where the Petitioner serves and is pending with the Government for final orders.
2. Rule granted with liberty to apply upon final orders".

Now, therefore, in pursuance to the directives of the Hon'ble High Court of Bombay at Goa vide their order dated 18-02-2014 in Writ Petition No. 675 of 2013 and with the approval of the Government, Smt. Cynthia Coelho, Ex-Headmistress, Government High School, have been granted notional benefits of promotion and consequential benefits viz. Pensionary benefits, in the PB-Rs.15,600-39,100+ Grade Pay Rs. 6,600/- to the post in the cadre of Deputy Education Officer/Principal Government Higher Secondary School/Deputy Director S.I.E./Vocational Education Officer, under the Directorate of Education, w.e.f 29-06-2011.

Further, the benefits declared to Smt. Cynthia Coelho, Ex-Headmistress, Government High School, are treated as personal to her, subject to authentication of the financial implications from the Directorate of Accounts and availability of funds.

This issues with the approval of the Finance (R&C) Department, vide their U. No.1480185 dated 24-06-2016.

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

Gajanan P. Bhat, Director & ex officio Joint Secretary (Education).

Porvorim, 12th July, 2016.

Order

No. 1-(2)-18-2004/SE/Part-II/1249

Government is pleased to effect the transfers of the following Officers under the Directorate of Education as detailed below, in public interest, with immediate effect.

Sr. No.	Name	Present place of posting	Place of posting on transfer
1	2	3	4
1.	Shri Jose Francisco Gomes	Principal, Government Higher Secondary School, Canacona	Principal, Government Multipurpose Higher Secondary School, Borda, Margao vice from Shri M.V. Gadgil, transferred.

1	2	3	4
2.	Shri M.V. Gadgil	Principal, Government Multipurpose Higher Secondary School, Borda, Margao	Principal, Government Higher Secondary School, Sanguem.

The Officer at Sr. No.1 should move first immediately by getting self relieved. He shall continue to hold the additional charge of Dy. Education Officer, South Educational Zone, Margao until further orders. His arrangement of drawal of salary against the post of Dy. Education Officer, South Educational Zone, Margao stands withdrawn.

The Officer at Sr. No. 2 above shall draw his pay and allowances with effect from April 2016 onwards against the post of Dy. Education Officer, South Educational Zone, Margao vacated by Shri Shailendra P. Virdikar, until further orders. His additional charge of Dy. Education Officer, South Educational Zone, Margao stands withdrawn.

They should report to the place of posting immediately without availing joining time.

They should submit their relieving and joining reports to this office immediately.

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

Gajanan P. Bhat, Director & ex officio Joint Secretary (Education).

Porvorim, 8th August, 2016.

Directorate of Archives & Archaeology

Notification

No. 8/340/2016/DAA-889

The Government of Goa is pleased to constitute a Committee of Experts to scrutinize the technical qualification, expertise and experience of the Expressions of Interest received by the Directorate of Archives and Archaeology for the Empanelment of Architects to undertake the restoration and conservation work of the Protected Monuments in Goa.

The Composition of the Committee of Experts is as under:-

1. Dr. Ashisk K. Sinai Rege, — Chairperson.
Principal, Goa College of
Architecture, Panaji
2. Shri Marwin Gomes, — Member.
Chief Architect, Public
Works Department,
Altinho-Panaji
3. Smt. Radha Bhawe, — Member.
Director, Directorate of
Museum, Panaji
4. Shri Varad Sabnis, — Member.
Asstt. Supr. Archaeologist,
Directorate of Archives
and Archaeology
5. Smt. Blossom Medeira, — Member
Director, Archives and Secretary.
Archaeology

The Committee will scrutinize the Expressions of Interest and submit the report at the earliest.

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

B. Medeira, Director & ex officio Joint Secretary.
Panaji, 23rd August, 2016.

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Department of Fisheries

Directorate of Fisheries

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Order

No. DF/ADMN/PF/CPH/SOF/2016/2400

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/20(1)/2016/208 dated 21-07-2016, Government of Goa is pleased to appoint Shri Chandresh Pramod Haldankar on regular basis to the post of Supdt. of Fisheries (Aquaculture) (Group "B" Post) (Gazetted) in the Department of Fisheries, Panaji-Goa with effect from the date he takes over the charge of the said post in the pay scale PB-2 Rs. 9,300-34,800+Grade Pay Rs. 4,600/- plus other allowances as admissible from time to time.

His appointment is made against the post vacated by Shri Hrishikesh Babasaheb Pawar (resigned).

He shall be on probation for a period of two years.

The expenditure on this shall be debited to the Budget Head "2405—Fisheries; 00 102—Estuarine/Brackish Water; 02—Estuarine Farming (Non Plan); 01—Salaries under Demand No. 66.

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

Dr. Shamila Monteiro, Director & ex officio Joint Secretary (Fish).

Panaji, 17th August, 2016.

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Department of Information and Publicity

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Notification

No. DI/INF/RTI-Notif/2011/1720

In exercise of the powers conferred by sub-section (4) of Section 24 of the Right to Information Act, 2005 (Central Act No. 22 of 2005) (hereinafter referred to as the "said Act"), the Government of Goa hereby specifies the following intelligence and security organization of the Goa Police Department, Panaji for the purpose of said sub-section (4) of Section 24 of the said Act, namely:- Communication Unit (Police Wireless) consisting of Operational, Technical and Cipher, Division of Police Department, Goa.

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

Menino Peres, Director & ex officio Joint Secretary (Information & Publicity).

Panaji, 13th July, 2012.

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Department of Labour

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Order

No. 28/11/2016-Lab/652

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of Smt. Chandrabhaga Tukoba Naik Higher Secondary School, Curchorem, Goa, and it's workmen, represented by the Higher Secondary & College Attendants Association of Goa, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

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

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

SCHEDULE

"(1) Whether the action of the management of Smt. Chandrabhaga Tukoba Naik Higher Secondary School, Curchorem, Goa, in refusing to concede the following demands raised by the Higher Secondary & College Attendants Association of Goa is legal and justified?

- (a) Laboratory Attendants and Library Attendants in Higher Secondary Schools should be granted vacation as is granted to Laboratory Assistants and Librarian every year as per rules.
- (b) Laboratory Attendants should be allotted duties only in laboratories and Library Attendants should be allotted duties only in libraries as per rules.
- (c) The working hours for Laboratory Attendants and Library Attendants should be 6 hours and 30 minutes every day as per rules. Beyond 6 hours and 30 minutes work, Laboratory Attendants and Library Attendants should be paid overtime at the rate of double the gross wages paid for that day. This overtime should be paid retrospectively from the date of joining till the date this issue is settled.
- (d) Laboratory Attendants and Library Attendants should be treated as Group C employees as per rules.
- (e) Laboratory Attendants should be provided with Lab Coats and Lab Safety Shoes while at work.

(2) If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"

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

Nathine Steva Araujo, Under Secretary (Labour).
Porvorim, 24th August, 2016.

Order

No. 28/31/2016-Lab/653

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of GVK Emergency Management and Research Institute, Bambolim, Goa and its workman, Shri Prasad Naik, Pilot/Driver on 108 Ambulance Service, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

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

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

SCHEDULE

- "(1) Whether the action of the management of GVK Emergency Management and Research Institute, Bambolim, Goa, in refusing employment to Shri Prasad Naik, Pilot/Driver on 108 Ambulance Service, with effect from 10-10-2015 is legal and justified?
- (2) If not, what relief the workman is entitled to?"

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

Nathine Steva Araujo, Under Secretary (Labour).
Porvorim, 24th August, 2016.

Notification

No. 28/6/2013-Lab/650

The following award passed by the Presiding Officer of the Labour Court-II, at Panaji-Goa on 15-06-2016 under reference No. LC-II/IT/06/13 in respect of workman, Mrs. Aditi A. Tuyenkar, represented by the President, Cidade-de-Goa Hotel Employees Union, Vaguinim Beach, Dona Paula-Goa is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Nathine Steva Araujo, Under Secretary (Labour).
Porvorim, 24th August, 2016.

IN THE LABOUR COURT-II

GOVERNMENT OF GOA

AT PANAJI

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

Case No. Ref. LC-II/IT/06/13

Mrs. Aditi A. Tuyenkar,

Rep. by the President,

Cidade-de-Goa Hotel

Employees Union,

Vaiguinim Beach,

Dona Paula-Goa

... Workman/Party I.

V/s

M/s. Cidade-de-Goa,

Unit of Fomento Resorts &

Hotels Ltd.,

Vaiguinim Beach,

Dona Paula-Goa

... Employer/Party-II.

Workperson /Party I represented by Shri P. Gaonkar.

Employer/Party II represented by Adv. Shri G. B.
Kamat.

Panaji, Dated: 15-06-2016.

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 06-03-2013, bearing No. 28/6/2013-Lab/113, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal cum Labour Court in turn assigned the present dispute to this Labour Court-II, vide her order dated 06-03-2013.

“(1) Whether the action of the management of M/s. Cidade-de-Goa, Unit of Fomento Resorts and Hotels Limited, Dona Paula, Goa, in refusing employment to Mrs. Aditi A. Tuyenkar, Beautician/HD/Sr. HRL Assistant, with effect from 26-09-2012, is legal and justified?

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

2. On receipt of the reference, a case was registered under No. LC-II/IT/06/13 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workperson'), filed her Statement of Claim on 02-04-2013 at Exb-3. The facts of the case in brief

as pleaded by the Workperson are that the Employer/Party II (for short, 'Employer') is an industrial establishment. She stated that she was working with the Employer as 'Beautician/HD/Sr. HRL Asst.' since 24-08-2004. She stated that as she had made an oral complaint against the officer for sexual harassment, she was harassed by the officials of the Employer. She stated that in pursuance to her oral complaint, the HR Manager of the Employer called her and informed that the said officer Mr. Ajay Nayak has tendered his apology. She stated that the HR Manager, therefore requested her to withdraw the complaint. She stated that accordingly, she had withdrawn her complaint lodged against Mr. Ajay Nayak. She stated that due to the harassment by the officers of the Employer, she was mentally disturbed. She stated that due to continuous harassment and mental torture by the officers of the Employer, she had tendered her resignation on 17-09-2012.

3. She stated that she had however, withdrawn her resignation on the next day i.e. on 18-09-2012. She stated that at the time of submitting the said withdrawal of resignation letter, the said Officer told her that he would speak to the personnel department and would give an acknowledgment to that effect. She stated that the next day, being a Ganesh Festival, she could not collect a copy of her withdrawal of resignation letter duly acknowledged. She stated that when she requested for an acknowledgment on 21-09-2012, she was informed that the matter is being looked after by the personnel department. She stated that as no acknowledgment was given to her and as a matter of abundant precautions, she sent another letter dated 20-09-2012 to the Employer by registered post A/D stating all the facts and also informed that she has withdrawn her resignation from 18-09-2012. She submitted that in accordance with the rules applicable to the workers, any workman, who has to resign, has to give at least one month notice. She stated that as per the shift schedule roster, she was on privileged leave from 23-09-2012 to 24-09-2012. She stated that she resumed the duty on 25-09-2012 and worked for full day. She stated that she received letter of the Employer dated 24-09-2012 informing that her resignation letter has been accepted. She submitted that the so called acceptance letter was dated 24-09-2012, which was much after her withdrawal of resignation letter on 18-09-2012. She submitted that she had withdrawn her resignation letter on 18-09-2012 itself and therefore the question of accepting the resignation letter on 24-09-2012 does not arise.

3. She submitted that however, inspite of withdrawal of her resignation on the next day of her resignation letter, the Employer did not allow her to resume the duty w.e.f. 26-09-2012. She submitted that the contention of the management that her resignation was accepted is afterthought and the plea was taken only to terminate her services in order to harass and victimize her for making a complaint against the officer for sexual harassment. She therefore submitted that refusing her to report for the duties on 26-09-2012 amounts to illegal termination of her services. She submitted that vide her letter dated 26-09-2012, she demanded that she should be allowed to resume the duties with immediate effect. She submitted that the Employer has however, refused her to resume the duty. She submitted that she therefore raised a dispute through her union, vide union letter dated 01-10-2012 before the Labour Commissioner, Panaji, Goa, which resulted in failure, due to the adamant attitude of the Employer.

4. The Workperson contended that before refusal/termination of her employment, the Employer has not conducted any enquiry and hence the termination of her services is in violation of the principles of natural justice. She submitted that before refusal of employment, she was not paid any legal dues such as notice pay, retrenchment compensation etc. and as such the termination of her services is illegal for non-compliance of Section 25-F of the I.D. Act, 1947. She submitted that before termination/refusal of employment, the Employer has not obtained any approval in accordance with Section 33 of the I.D. Act, 1947 as the matter in respect of charter of demands is pending before the Hon'ble Tribunal under Ref. No. IT/28/2009. She therefore submitted that the refusal of employment to her is illegal, unjustified and bad-in-law. She submitted that since after the refusal of employment, she is unemployed. The Workperson therefore prayed for a declaration that the action of the Employer in refusing her employment w.e.f. 26-09-2012 is illegal, unjustified and she be granted the relief of reinstatement with full back wages and continuity in service with consequential benefits.

5. The Employer resisted the claim of the Workperson by filing its written statement on 18-06-2013 at Exb.7. The Employer, as and by way of preliminary objections, submitted that the order of reference is itself illegal, bad-in-law, null and void as at no point of time i.e. either on 26-09-2012 or at any other time, it has terminated the services of the Workperson. The Employer submitted that

the Workperson has voluntarily resigned from its services under her letter dated 17-09-2012. The Employer submitted that the said resignation was accepted by them with immediate effect i.e. on 17-09-2012 and the same was given effect to by them. The Employer therefore submitted that the question of termination of services of the Workperson either on 26-09-2012 or any other time, did not arise at all. The Employer submitted that it has stated the aforesaid fact vide its reply dated 27-11-2012 to the complaint of the Workperson dated 09-11-2012 filed before the Asstt. Labour Commissioner and Conciliation Officer. The Employer submitted that however, the same was not considered at all, which is clear from the order of reference. The Employer therefore submitted that the present order of reference has been drawn up arbitrarily, mechanically and without application of mind. The Employer further submitted that the employer-employee relationship between themselves and the Workperson came to an end upon acceptance of the resignation, voluntarily tendered by the Workperson on 17-09-2012. The Employer submitted that the letter of the Workperson dated 20-09-2012 addressed to them was in the nature of an offer to withdraw the said letter of resignation. The Employer submitted that unless and until, the said withdrawal of resignation was accepted by them, the said unilateral withdrawal of the resignation was ineffective. The Employer further submitted that since the resignation had already become effective, the said offer of withdrawal of letter of resignation of the Workperson was not accepted by them. The Employer submitted that on 26-09-2012 it had only informed to the Workperson, the consequences of act of acceptance of the resignation tendered by the Workperson, which had become effective and as such the same did not amount to illegal termination of her services as alleged by the Workperson. The Employer therefore submitted that the dispute raised by the Workperson alleging her termination of services by the Employer w.e.f. 26-09-2012 cannot be styled as an "industrial dispute" within the meaning of Section 2 (k) of the I.D. Act, 1947 and as such the present reference is incompetent and invalid in law.

6. The Employer admitted that the Workperson was working with them as an "Asst. Beautician/Hair Dresser/HRL Assistant", initially on contract from 23-08-2004 to 31-03-2006. The Employer stated that thereafter the Workperson was appointed on probation basis in the said post for a period of six months commencing from 01-04-2006. The Employer stated that upon completion of probation

period, the Workperson was confirmed in the said post in grade VIII w.e.f. 01-10-2006, vide its letter dated 01-10-2006.

7. The Employer stated that in the course of working as aforesaid, the Workperson addressed a letter dated 17-09-2012 to them inter alia stating that she is resigning from the organisation and further requested to accept the said resignation. The Employer stated that however, no reason of whatsoever nature was assigned by the Workperson for resigning from the job. The Employer stated that upon receiving the said letter dated 17-09-2012, the Workperson was called by its Manager-HR in his office. The Employer stated that the Workperson once again reiterated before him that she had submitted her resignation as aforesaid and requested to accept the same. The Employer stated that since the resignation was voluntary, the same was accepted by its Manager-HR with immediate effect i.e. on 17-09-2012. The Employer submitted that the Workperson was ordered to be relieved immediately and necessary endorsement to that effect was made on the said letter. The Employer stated that the acceptance of the resignation was communicated to the Workperson by them, vide their letter dated 24-09-2012.

8. The Employer stated that in the meantime, they received a letter of the Workperson dated 20-09-2012 by registered post A/D on 22-09-2012 stating that she would like to withdraw her resignation letter as the same was allegedly given under tension on 17-09-2012. The Employer stated that by the said letter, the Workperson further alleged that she had given a withdrawal letter of her resignation on 18-09-2012 and that she had not received any acknowledgment for the same, in spite of asking for the same. The Employer stated that on 21-09-2012, the Workperson did not report for duties and therefore requesting for acknowledgment on the same date as alleged in the said para did not arise at all. The Employer stated that thereafter on 26-09-2012, the Workperson forcibly tried to enter the premises of the hotel establishment for re-joining the duties on the pretext that she had already withdrawn the resignation tendered by her, at which point of time, she was informed by the management that in view of acceptance of her resignation by them w.e.f. 17-09-2012, question of her reporting for duties/re-join the duties or permitting her by them to re-join the duties, did not arise at all. The Employer submitted that by accepting the resignation tendered by the Workperson with immediate effect, they had only given effect to the resignation tendered by the Workperson and in the

circumstances, question of refusal of employment to Workperson or termination of her services on 26-09-2012 as alleged by the Workperson did not arise at all. The Employer therefore submitted that the dispute raised by the Workperson alleging her termination of services by them w.e.f. 26-09-2012 is non-existent and as such the present reference is incompetent and bad-in-law.

9. The Employer stated that the Workperson had filed an oral complaint in February, 2012 against Shri Ajay Nayak, the Manager Sales, alleging sexual harassment. The Employer stated that since the allegations were serious in nature, they had taken immediate necessary action in the matter. The Employer stated that it had conducted necessary enquiry from their end in the matter by calling an explanation from the concerned officer. The Employer stated that they did not find any truth in the matter. The Employer stated that the Workperson had filed the said complaint under misconception. The Employer stated that however, by way of abundant caution and in order to assuage the feelings of the Workperson, they had issued a letter of warning to the concerned officer. The Employer stated that the Workperson was fully made aware of the said facts. The Employer stated that pursuant to the apology tendered by the concerned officer to the Workperson, she has duly accepted the said apology and withdrawn her said complaint. The Employer stated that the allegations of the Workperson that she was continuously harassed by their officials stands fully falsified from the fact that at no point of time, during her working, the Workperson had submitted any complaint either to the union of which she was a member or to them directly alleging her harassment and mental torture by their officials at any time after the said incidents till the date of submitting the resignation as alleged by her.

10. The Employer stated that the alleged incident i.e. making of complaint of alleged sexual harassment as alleged had no connection of whatsoever nature with the voluntary resignation tendered by the Workperson on 17-09-2012. The Employer submitted that it is significant to note that the Workperson has mischievously, deliberately and with a malafide intension, nowhere stated as to the particular date when the said alleged incident i.e. making of complaint by her for alleged sexual harassment had taken place and has preferred to remain vague. The Employer therefore submitted that the Workperson has, purely by way of an afterthought, decided to link the said alleged incident with the resignation

tendered by her voluntarily so as to make out some semblance of a case to raise an industrial dispute and to obtain sympathy of the Hon'ble Court, being a lady employee.

11. The Employer stated that there is no statute or rule which prescribes or mandates giving of one month's prior notice before resigning and the same governed by contract between the parties. The Employer stated that as per the letter of appointment issued by them to the Workperson, she was required to give one month's prior notice before resignation. The Employer stated that however, the same was not absolute as the said clause further provided that in case of failure to give prescribed notice that the Company was at liberty to deduct amount equivalent to one month's pay from any money or monies that may be due to her.

12. The Employer stated that the Workperson had contested the election for Village Panchayat of Naroa in Bicholim Taluka held on 16-05-2012. The Employer stated that in the said election, the Workperson was elected as panch member of the Village Panchayat of Naroa from ward V reserved for women. The Employer stated that thereafter the Workperson was also elected as a Sarpanch of Village Panchayat of Naroa in Bicholim Taluka on 28-05-2012. The Employer stated that though the Workperson had contested the election and was elected as above, while in their employment, however, she did not take permission for the same from them nor bothered to inform the said fact to them at any time. The Employer stated that however inspite of the same, they did not take any action in the matter. The Employer stated that it may be that as the Workperson was finding it difficult to efficiently discharge duties in both positions simultaneously i.e. as an employee of the company and the Sarpanch of the Village Panchayat of Naroa, the Workperson might have decided to tender her resignation. The Employer stated that wholehearted participation by the Workperson in the election process and thereafter getting elected and thereafter discharging the duties to the responsible post of "Sarpanch" of Village Panchayat of Naroa in Bicholim Taluka itself falsifies the entire case of the Workperson alleged in the claim statement that the resignation tendered by her on 17-09-2012 from their employment was under mental tension as alleged.

13. The Employer denied that the Workperson was refused employment by them at any time. The Employer therefore submitted that question of payment of legal dues such as notice pay or

retrenchment compensation in accordance with Section 25-F of the I.D. Act, 1947 as alleged did not arise at all. The Employer stated that the services of the Workperson were never terminated by them nor she was refused the employment by them at any time and therefore question of styling the same as illegal, unjustified or bad-in-law does not arise at all. The Employer submitted that the question of obtaining any approval from the industrial tribunal in accordance with Section 33 of the I.D. Act, 1947 as alleged also did not arise at all.

14. The Employer denied that the Workperson is unemployed. The Employer stated that the Workperson, by virtue of her being elected as a panch of the Village Panchayat of Naroa of Bicholim Taluka is in receipt of remuneration every month, which fact has been deliberately concealed from the Hon'ble Court. The Employer stated that the Workperson had also worked in hotel establishment under the name and style as "CROWN" situated at Panaji, Goa for some time. The Employer denied that the Workperson is entitled to any relief and prayed for rejection of the present reference by holding that the Workperson is not entitled to any reliefs prayed for or to any other relief.

15. Thereafter, the Workperson filed her Re-joinder on 19-09-2013 at Exb. 8. The Workperson, by way of her Re-joinder confirms and reiterates all her submissions, averments and statements made in her Claim Statement to be proved and correct and denied all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to her Statement and averments made in her Claim Statement.

16. Thereafter this court framed the following issues on 09-10-2013 at Exb. 10.

1. Whether the Employer/Party II proves that the present Order of Reference is illegal and bad-in-law in view of the allegation made in para 2 of its Written Statement?
2. Whether the Workman/Party I proves that she has been refused employment by the Employer w.e.f. 26-09-2012?
3. Whether the Workman/Party I proves that the action of management of the Employer in terminating her services w.e.f. 26-09-2012 is illegal and unjustified?
4. Whether the Workman is entitled to any relief?
5. What Order? What Award?

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

- (a) Issue No. 1 : In the Affirmative.
- (b) Issue No. 2 : In the Negative.
- (c) Issue No. 3 : Does not arise.
- (d) Issue No. 4 : In the negative.
- (e) Issue No. 5 : As per final order.

REASONS

18. *Issue Nos. 1 and 2:*

I have heard the oral arguments of Ld. Rep. Shri P. Gaonkar appearing for the Workperson as well as Ld. Adv. Shri G.B. Kamat appearing for the Employer. Both the parties also filed their synopsis of written arguments respectively.

19. Ld. Rep. Shri P. Gaonkar representing the Workperson, during the course of his oral arguments, submitted that the Workperson was working with the Employer as Beautician/HD/ /Sr. HRL Assistant, since 24-08-2004 continuously till the date of her illegal refusal of employment w.e.f. 26-09-2012. He submitted that the Workperson had lodged an oral complaint against Mr. Ajay Nayak, an officer of the Employer for sexual harassment. He submitted that pursuant to her complaint, the said Mr. Ajay Nayak tendered his apology and therefore she has withdrawn her complaint. He submitted that though she had withdrawn her complaint as aforesaid, the officials of the Employer continued to harass and mentally tortured her. He submitted that due to the harassment of the officers of the Employer, she was mentally disturbed. He submitted that she had tendered her resignation on 17-09-2012 on account of tension and duress. He submitted that she had withdrawn her resignation on the next day i.e. on 18-09-2012. He submitted that since she was not given any acknowledgment to her withdrawal of resignation letter dated 18-09-2012, she sent another letter of withdrawal of resignation letter dated 20-09-2012 by registered post A/D. He submitted that as per duty roaster for the period from 23-09-2012 to 29-09-2012, she was shown as on PL on 23-09-2012 to 24-09-2012 and on 25-09-2012 she was on duty from 11.00 a.m. to 8.00 p.m. and 8.00 a.m. to 5.00 p.m. and worked for full day. He further submitted that the Workperson was however, not allowed to resume for her duties on 26-09-2012, when she went to report for her duties. He submitted that as per roaster, on 26-09-2012 and 27-09-2012 the Workperson was shown on duty roaster and her weekly off was shown on 28-09-2012. He therefore submitted that the Workperson was refused the employment w.e.f.

26-09-2012. He submitted that neither the Employer has conducted an enquiry by issuing charge-sheet to her nor followed Section 25-F of the I.D. Act, 1947. As such, the said refusal of employment to the Workperson has resulted into the illegal termination of her services. In support of his oral contention, Ld. Rep. Shri P. Gaonkar relied upon the following three judgments of Hon'ble Supreme Court of India:-

- (a) In the case of Balram Gupta v/s. Union of India and Anr., reported in 1987 AIR 2354.
- (b) In the case of Shrikantha S. M. v/s. Bharath Earth Movers Ltd., reported in 2006 I LLJ 51.
- (c) In the case of Ravinder Singh v/s. State of M.P. and Ors., reported in 1995 (2) SCR 519.

Ld. Rep. Shri P. Gaonkar also relied upon two judgments of Hon'ble High Court of Bombay:-

- (d) In the case of Shubhangi Sopanrao Ehosie (Smt.) v/s. A. D. Deshpande and Ors., reported in 1994 LLR 960.
- (e) In the case of Bank of India v/s. Kalidas Haribhau More, reported in 2000 I LLJ 217.

20. On the contrary, Ld. Adv. Shri G. B. Kamat, representing the Employer, during the course of his oral arguments, submitted that the order of reference referred for adjudication to this Hon'ble Court is to decide as to whether the action of the Employer in refusing the services of the Workperson w.e.f. 26-09-2012 is legal and justified and if not, to what relief the Workperson is entitled to. He submitted that at no point of time i.e. either on 26-09-2012 or at any other time, the Employer has terminated the services of the Workperson. He submitted that the Workperson had voluntarily resigned from the service of the Employer under her letter dated 17-09-2012, which said resignation was accepted by the Employer with immediate effect and the same was given effect to by the Employer. He therefore submitted that the question of termination of service or refusal of employment did not arise at all. He further submitted that thus the employer-employee relationship between the Employer Company and the Workperson came to an end on 17-09-2012 itself. He therefore submitted that the letter of the Workperson dated 20-09-2012 addressed to the Employer was in the nature of an offer to withdraw the said letter of resignation. He submitted that unless and until the same was accepted by the Employer, the said unilateral withdrawal of resignation was ineffective. He submitted that since the resignation had already

become effective, the said offer of withdrawal of letter of resignation of the Workperson was not accepted by the Employer. He submitted that on 26-09-2012 the Employer had only informed to the Workperson, the consequences of an act of acceptance of the resignation tendered by her which had become effective and as such the same did not amount to illegal termination of her services as alleged by the Workperson. He submitted that the dispute raised by the Workperson alleging her termination of services by the Employer w.e.f. 26-09-2012 is not an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947. He therefore submitted that the entire order of reference issued by the Government of Goa is illegal, bad-in-law, null and void and liable to be rejected. In support of his oral contention, Ld. Adv. Shri G. B. Kamat relied upon the following judgments of Hon'ble Supreme Court of India:-

- (a) In the case of M/s. J.K. Cottons Spg. And Wvg. Mills Co. Ltd., Kanpur v/s. State of U.P. and Ors., reported in AIR 1990 SC 1808.
- (b) In the case of Raj Kumar v/s. Union of India, reported in AIR 1969 SC 180.
- (c) In the case of North Zone Cultural Centre and Anr. v/s. Vedpathi Dinesh Kumar, reported in 2003 (3) LLN 30.
- (d) In the case of S. Kesireddy v/s. Managing Director, A.P. State Ware-housing Corp. Hyderabad, reported in 1999 0 Supreme (A.P) 20586.
- (e) In the case of Union of India and Ors. v/s. Hitendra Kumar Soni, reported in 2014 LAB. I.C. 3835.
- (f) In the case of Gujrat Leather Industries Ltd. v/s. Abdul Sattar Gulam Rasul Shaikh, reported in 2001 (3) LLJ 11.
- (g) In the case of 'Chand Mal Chayal v/s. State of Rajasthan, reported in 2006 (111) FLR 573.
- (h) In the case of P. Kasilingam v/s. P. S. G. College of Technology reported in 1988 (LAB. I.C. 189).

He also relied upon the following judgments of Hon'ble High Court of Karnataka, Bombay, Gauhati and Andhra Pradesh respectively.

- (i) In the case of M. Ramkrishna v/s The Management of Bharat Electronics Ltd. and Ors., reported in 1995 Lab. I.C. 2090.
- (j) In the case of N. Dinakara Shetty v/s. Union of India and Ors., reported in 2005 (2) Goa L. R. 358.

(k) In the case of Smt. S. N. Dharitri Burman v/s. The Gauhati High Court and Anr., reported in 2014 LAB. I.C. 4141.

(l) In the case of Chairman, Vishakhapatnam Port Trust and Ors. v/s. Ch. V. V. Satyanarayana and Anr., reported in 2003 (96) FLR 337.

21. He submitted that the Workperson alleged that she had given resignation under mental tension. He submitted that the said stand taken by the Party I is an afterthought and can be seen from the subsequent participation of the Workperson in the Village Panchayat election and got elected as Panch Member of Village Panchayat of Naroa, Bicholim and further got elected as Sarpanch of Village Panchayat of Naroa. He submitted that the Workperson under mental tension cannot even think to contest the election of Panch member of Village Panchayat of Naroa.

I have carefully perused the entire records of the present case including synopsis of written arguments filed by both parties. I have carefully considered the oral submissions made by Ld. Rep. Shri P. Gaonkar appearing for the Workperson as well as Ld. Adv. Shri G. B. Kamat, appearing for the Employer.

22. It is not in dispute that initially, the Workperson was working with the Employer on contract as an 'Assistant Beautician/Hair Dresser/ /HRL Assistant' for the period from 23-08-2004 till 31-03-2006. It is also not in dispute that Workperson was further appointed on probation basis in the said post for a period of 6 months commencing from 01-04-2006, vide letter of Employer dated 01-04-2006 (Exb. 28). It is not in dispute that upon completion of the said period of probation, the Workperson was confirmed in the said post in Grade-VIII w.e.f. 01-10-2006, vide letter of Employer dated 01-10-2006 (Exb. 29). In terms of clause 16 of the said confirmation letter issued to the Workperson, her appointment during the service period can be terminated by either party, serving one months' notice in writing of their intension as so to terminate or by payment of one months' pay in lieu of such notice. The said clause 16 of the confirmation letter further states that in case the Workperson leaves employment without giving required notice, the Employer is at liberty to deduct an amount equivalent to one months' pay from any money or monies that may be due to her.

23. It is further not in dispute that the Workperson had submitted her resignation vide her letter dated 17-09-2012 (Exb. 13) to the Manager

of the Employer. By the said letter of resignation, the Workperson alleged that she resign from the organisation of the Employer and further requested to accept the same. It is also not in dispute that neither the Workperson has given any justification for her resignation nor opt for one months' notice in advance as required to be given to the Employer in view of clause 16 contained in her confirmation letter at Exb. 29. The said letter of resignation submitted by the Workperson is resignation simpliciter. The Workperson admitted that in pursuance to her resignation letter dated 17-09-2012 (Exb.13), the HR Manager of the Employer called her on the same day and discussed the matter pertaining to her resignation. The Workperson however, denied that she was not informed by the HR-Manager of the Employer that her resignation was granted with immediate effect i.e. from 17-09-2012 itself. To prove the said facts, the Employer has examined Shri K. Sainath Shetty, its HR-Manager. The oral as well as documentary evidence adduced by the Employer on record clearly indicates that the resignation letter of the Workperson was accepted on the same day i.e. on 17-09-2012 with immediate effect and the Workperson was ordered to be relieved immediately. It is also not in dispute that though the resignation of the Workperson was accepted and ordered to be relieved immediately, she attended her duty on 18-09-2012 and also on 25-09-2012 and got sanctioned her optional leave on 20-09-2012 and provisional leave from 21-09-2012 to 24-09-2012 by making application on 17-09-2012.

24. The Workperson, in her pleadings filed in the present proceedings alleged that she had made oral complaint against the Officer of the Employer viz. Mr. Ajay Nayak for sexual harassment and that the said Officer has tendered his apology and in view of the apology letter issued by the said Officer, she had withdrawn the said complaint. However, the Officer of the Employer continued to harass her and that due to the harassment and mental torture by the Officers of the Company, she had submitted her resignation on 17-09-2012. To prove the said facts, the Workperson has examined herself. The Workperson has vaguely stated in her oral evidence that she was continuously harassed and mentally tortured by the officers of the Employer. The Workperson has however, failed to prove the said fact by giving necessary details of the said alleged incidents as to date, time, venue and name and designation of the Officer of the Employer, nor could give any satisfactory justification as to why she could not able to lodge a complaint before the higher authority or to the

union with whom, she was a member either orally or in writing at the relevant time or at the time of discussion on her resignation on 17-09-2012 with the HR Manager of the Employer. All the aforesaid evidence on record clearly falsifies the case of the Workperson that she was harassed by the Officers of the Employer. On the contrary the evidence on record indicates that the Workperson had withdrawn her oral complaint on 10-02-2012 upon tendering the apology by Mr. Ajay Nayak, the Officer of the Employer. The evidence on record indicates that the Workperson thereafter contested the election to the post of Panch Member of Village Panchayat of Naroa in Bicholim Taluka and also got elected as Panch Member of the said Panchayat in the election held on 16-05-2012. The evidence on record further indicates that the Workperson also subsequently elected as Sarpanch of Village Panchayat of Naroa, Bicholim in the election held on 20-05-2012 and discharged the duties and responsibilities of Sarpanch of V.P. Naroa as well as an employee of the Employer simultaneously. The said evidence on record clearly proves that the Workperson was mentally fit to contest the election as well as holding the post of Sarpanch at the relevant time. Hence, it is held that the Workperson has tendered her resignation voluntarily on 17-09-2012.

25. The Workperson alleged that she has submitted her withdrawal of resignation letter on 18-09-2012 to her superior, however, no acknowledgment of having received the said letter was issued to her. The Workperson alleged that she was informed by her superior that he would talk to the personnel department and would give acknowledgment to her and that the next day being Ganesh Festival, she could not collect the said acknowledgment. The Workperson further alleged that on 21-09-2012, when she requested for acknowledgment, she was informed that the matter is being look after by the personnel department and that since no acknowledgment was given to her and with abundant precaution, she sent another letter dated 20-09-2012 (Exb. 14) to the Employer by registered post A/D stating all the facts. On the contrary, the Employer contended that the Workperson never submitted her withdrawal of resignation letter dated 18-09-2012 and that alleged letter dated 18-09-2012 is false, bogus and fabricated document. The Employer submitted that it has received the withdrawal of resignation letter of the Workperson for the first time on 22-09-2012. The Employer submitted that the Workperson was on leave on 20-09-12 and also on 21-09-2012. Hence, the question of requesting for acknowledgment does not arise.

26. Upon careful perusal of the said withdrawal of resignation letter dated 18-09-2012, it is noticed that there is no acknowledgment of having received the said letter of withdrawal of resignation of the Workperson dated 18-09-2012. By the said letter dated 18-09-2012, the Workperson alleged that she would like to withdraw her resignation letter as it was given in tension on 17-09-2012. By her another letter dated 20-09-2012 addressed to the HR-Manager of the Employer, the Workperson again reiterated that she would like to withdraw her resignation letter as it was given in tension on 17-09-2012 and that she would like to get an acknowledgement, which she did not receive from the HR, Manager even after requesting for the same. Upon careful perusal of the letter of withdrawal of resignation of the Workperson dated 20-09-2012 Exb. 25-colly(cross), it is noticed that the said letter was posted on 21-09-2012 from the Bicholim post office by registered post A/D. The evidence on record indicates that the said letter of withdrawal of resignation of the Workperson dated 20-09-2012 was received by the Employer on 22-09-2012. The evidence on record indicates that though the Employer has not responded to the said letter of the Workperson by disputing the contents of the said letter, the Workperson was on leave on 20-09-2012 and also on 21-09-2012 and as such question of requesting for acknowledgment from the officials of the Employer does not arise. The aforesaid evidence on record clearly inferred that the Workperson was not present at her work place on 20-09-2012 and also on 21-09-2012. The said evidence on record clearly falsifies the case of the Workperson. Hence, it is held that the Workperson had never submitted its letter of withdrawal of her resignation dated 18-09-2012 to the HR, Manager.

27. Ld. Rep. Shri P. Gaonkar, representing the Workperson, during the course of his oral arguments, submitted that the Workperson has withdrawn her resignation by her letter dated 18-09-2012 and also reported for duties on 18-09-2012 and again on 25-09-2012 and as such the jural relation of employer and employee between the Employer and the Workperson does not come to an end and relied upon a decision of the Hon'ble Supreme Court of India in the case of **Srikantha S. M. (supra)**. In the said case, before the Hon'ble Apex Court, the Appellant had tendered his resignation from 04-01-1993. The letter of resignation tendered by the Appellant states that the same was as per Company's Rule i.e. Rule 16 of the Bharat Earth Movers Ltd. Service Rules, which provided for giving one month's notice prior to resignation. The said resignation of the

Appellant was accepted by the Respondent on the same day and the Appellant was informed that his resignation had been accepted and that he was ordered to be relieved. The Appellant was also granted casual leave from 04-01-1993 till 13-01-1993 and 14-01-1993 being holiday and he was informed that he would be relieved after office hours on the next working day i.e. 15-01-1993. The Appellant changed his mind and withdrew his resignation by his another letter dated 08-01-1993. However, the Appellant was not allowed to work after 15-01-1993. The Appellant therefore filed a writ petition before the Hon'ble High Court of Karnataka. The Hon'ble Single Judge as well as Division Bench of Hon'ble High Court of Karnataka, while dismissing the petition, held that since the Appellant had submitted his resignation on 04-01-1993 and it was accepted on the same day by the Company, by not continuing him in service, no illegality had been committed by the Company. Being aggrieved, the Appellant filed an appeal before the Hon'ble Apex Court. The Hon'ble Apex Court while allowing the appeal, held that the Appellant's resignation was to be acted upon as per Company's Rules. Rule 16 of the Company's Service Rule provided that an employee could resign by giving one month's notice or pay in lieu of notice. The Appellant had not paid one month's basic pay in lieu of notice to the Company. It is therefore clear that since the letter of resignation was as per Company's Rules, it was to be effective after one month. In these circumstances, the *vinculum juris* of employer-employee relationship did not come to an end. The Company was therefore held to have acted contrary to law and the employee is entitled to be treated as in continuous service till he attained the age of superannuation in December, 1994 with all benefits including arrears of salary.

The facts of the aforesaid case are clearly distinguishable and hence, the ratio laid down by the Hon'ble Apex Court in its aforesaid judgment is not applicable to the case in hand.

28. In another case of **Shubhangi Sopanrao Ehosie (Smt.) (supra)**, in the said case before the Hon'ble High Court of Bombay, the Petitioner was working as 'Billing Clerk' with the Employer since 20-08-1979. Neither she had been paid wages nor given increment as demanded. She therefore approached Respondent No. 2 from time to time claiming increment and higher wages. The petitioner had also detected some serious mistakes in the month of November, 1984. In view of the above investigation made by her, the honorary secretary got disturbed and continuously harassed

her. Due to the constant harassment, she tendered resignation in a state of distress on 13-12-1984, particularly she was publicly scolded in front of others. As per the said letter, the resignation was to be effective on Monday i.e. 17-12-1984. The Petitioner withdrew her resignation on Saturday i.e. on 15-12-1984. Since Saturday 15-12-1984 was not a working day in the office and therefore her withdrawal letter dated 15-12-1984 came to be accepted on 17-12-1984. The Employer proceeded on the basis that since the resignation letter was accepted on 15-12-1984, the resignation came into force from that very day and therefore the services of the Petitioner came to be terminated. The Petitioner therefore challenged the same in a reference before the Labour Court. The Labour Court found that since the Workman had resigned voluntarily her services have been rightly terminated. The Petitioner challenged the award of the Labour Court by filing writ petition before the Hon'ble High Court. The Hon'ble High Court, while allowing the writ petition filed by the Petitioner, held that the fact of the case also show that the petitioner had also tendered her resignation earlier on 8th December, 1984. The petitioner had raised the demand for increment. For the above reasons, it cannot be said that the resignation tendered by the petitioner was a voluntary resignation. I am not going to the extent of saying that the resignation was tendered under coercion. However, the facts clearly indicate that the petitioner was under mental stress and therefore, she tendered her resignation on 13th December, 1984, which she withdrew before it came into force on 17th December, 1984. The Labour Court erred in not taking into account, the above facts.

The facts of the aforesaid case is clearly distinguishable than the case in hand and as such the principle laid down by the Hon'ble High Court is not applicable to the case in hand.

29. In the case of **Bank of India (supra)**, before the Hon'ble High Court of Bombay, the Respondent gave three months' notice of resignation to the employer by his letter dated 10-07-1990. However, the Employer i.e. bank while accepting the notice of resignation made it clear that before he could be relieved from the service of the bank, he would be required to repay the entire dues of the bank or give suitable authority letter to recover dues from the terminal dues payable to him. Thus, acceptance of resignation by the Employer was conditional i.e. subject to clearance of all dues by the employee. The employee however, vide his letter dated 17-10-1990 expressed his intension to withdraw

the resignation letter by alleging that he reserves his right to have lien on the job. The acceptance of resignation never became effective since the outstanding amount as was required to be repaid by the employee to the employer vide communication dated 03-09-1990, remained to be paid by 10-10-1990. The acceptance letter dated 03-09-1990 was conditional and since the dues remains to be paid, it did not become effective and therefore the jural relationship of the employee and employer did not cease.

The facts of the aforesaid case is clearly distinguishable than the case in hand and as such the principle laid down by the Hon'ble High Court is not applicable to the case in hand.

30. In the case of **Balram Gupta (supra)**, before the Hon'ble Apex Court, the Appellant offered to resign from his service by letter dated 24-12-1980 w.e.f. 31-03-1981 under Rule 48 A of the Central Civil Services (Pension) Rules, 1972. The notice period of three months was to commence from 01-01-1981. By an order dated 20-01-1981, he was allowed to retire voluntarily prospectively with effect from the afternoon of 31-03-1981. On account of personal requests from the staff members, the Appellant however, changed his mind and by his letter dated 31-01-1981 requested the authorities that his resignation might be treated as cancelled and notice given by him be treated as withdrawn. He was not allowed to do so and was relieved by an order dated 31-03-1981. The Respondent No. 2 informed him that in view of the activity of the Appellant in his capacity as the Secretary of the employees association, it has been found appropriate to ease him out from service. The Hon'ble High Court dismissed the Appellants writ petition on the ground that sub rule-4 of Rule 48 A of the Pension Rule enables the Government servant to withdraw his application for voluntary retirement only with the approval of the Government. The approval, having not been given, the rule had been complied with. In a special leave appeal, the Hon'ble Apex Court has held that there was no valid reason for withholding the permission by the Respondent to the Appellant to withdraw his notice of voluntary retirement. On the principle of general law that in the absence of legal, contractual or constitutional bar an intimation in writing sent to the appropriate authority by an incumbent, of his intension or proposal to resign his office/post from future specified date, can be withdrawn by him at any time before it effects termination of the tenure of the office/post or employment, the offer of relinquishment in the

instance case, would have been withdrawn by the Appellant before the date it became effective if sub rule 4 of Rule 48 A was not there. Accordingly, the appeal was allowed with costs and the Appellant is entitled to be put back to his job with all the consequential benefits being treated as in the job from 31-03-1981.

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

31. In the case of **Ravinder Singh (supra)**, before the Hon'ble Apex Court, the resignation of the Appellant was obtained by threat and coercion, therefore that was an appropriate case where the Appellant should continue in service. It is on that factual basis, acceptance of resignation was quashed. The Hon'ble Apex Court observed that he might have tendered resignation on 03-01-1991 and had withdrawn the same on 02-02-1991 before the acceptance was communicated to him. On the same day the resignation was accepted. The ratio laid down by the Hon'ble Apex Court has been quashed and set aside in its subsequent judgment in the case of North Zone Cultural Centre and Anr. As such the principle laid down by the Hon'ble Apex Court is not applicable to the case in hand.

32. On the contrary, Ld. Adv. Shri G.B. Kamat, representing the Employer submitted that once the resignation is accepted by the Employer the jural relationship of employer and employee comes to an end and that the employee has no right to withdraw his resignation after it has been accepted. He has relied upon the following judgments of Hon'ble Apex Court as well as Hon'ble High Courts.

33. In the case of '**Raj Kumar (supra)**, before the Hon'ble Apex Court, the Appellant belonged to the Indian Administrative Service and posted as Collector and District Magistrate, Kota in August, 1964. On 21-08-1964, he submitted a letter to the Chief Minister, Rajasthan requesting to accept his resignation from service. He also addressed a letter dated 30-08-1964 to the Chief Secretary, to the Government of Rajasthan submitting his resignation from the Indian Administrative Service for early acceptance and requested to forward the same to the Government of India with its remark. On 31-10-1964, the Government of India accepted the resignation of the Appellant and requested the Chief Secretary to the Government of Rajasthan to intimate the date on which the Appellant was relieved of his duties so that a formal notification could be issued in that behalf. The Appellant

changed his mind and by his letter dated 27-11-1964 requested the Chief Secretary to the Government of Rajasthan to recommend acceptance of the withdrawal of his resignation from the Indian Administrative Service. He also addressed a separate letter to the Secretary, Government of India, Ministry of Home Affairs, intimating that he was withdrawing his resignation from the Indian Administrative Service. On 29-03-1965, an order accepting the resignation of the Appellant from the Indian Administrative Service was issued and the Appellant was directed to hand over the charge to the Addl. Collector, Kota. The Hon'ble High Court while rejecting the writ petition held that the resignation became effective on the date on which it was accepted by the Government of India, and subsequent withdrawal of the resignation was ineffective, even if the acceptance of the resignation was not intimated to the Appellant. The Hon'ble Apex Court while dismissing the appeal filed by the Appellant in para 5 of its judgment observed as under:

"5..... But when a public servant has invited by his letter of resignation determination of his employment, his services normally stand terminated from the date on which the letter of resignation is accepted by the appropriate authority and, in the absence of any law or rule governing the conditions of his service, to the contrary, it will not be open to the public servant to withdraw his resignation after it is accepted by the appropriate authority. Undue delay, intimating to the public servant concerned the action taken on the letter of resignation, may justify an inference that the resignation has not been accepted. The Hon'ble Apex Court in para 16 of its judgment further observed that "16. Therefore it is clear that non-communication of the acceptance does not make the resignation in-operative provided there is, in fact, an acceptance before the withdrawal."

34. In the case of **Union of India (supra)**, before the Hon'ble Apex Court, the Respondent submitted his resignation by his letter dated 07-10-1997, which was accepted by the competent authority by its order dated 16-06-1998. The Hon'ble High Court held that the resignation could not have come into effect because as per clause (4) of office memorandum dated 11-02-1988 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, the Respondent was also required to be relieved of his duties, which was not done by the Appellant. The Hon'ble Apex Court in para 10 of his judgement observed that "the

normal rule, however, remains that Government has the power to accept a resignation with immediate effect. In case the Government for some reasons wishes to defer or specify the date from which resignation would become effective, it is entitled to take work from the concerned Government servant till he is relieved in accordance with the facts and requirement of the case. The letter of Government accepting an offer of resignation itself shows normally be conclusive for deciding whether the Government has obtained for immediate termination of service by accepting the resignation or has deferred such termination to a future date. Only in the latter eventuality the relationship of master and servant shall continue till the concerned Government servant is relieved of his duties. In the instant case, the letter of acceptance clearly shows that termination of Respondent's service as per his offer of resignation was not deferred to any future date and hence, there was no requirement to relieve him of his duties. The Hon'ble Apex Court while allowing the appeal further observed that "the word 'relieving' itself must be understood in the ordinary parlance because it is not defined in the O.M. or in the relevant rules as is apparent from the judgment of the High Court. The meaning of the word 'relieved' given in the law lexicom (second Edition 1997 by P. Ramanatha Aiyar) is – "to free or clear a person from an obligation". This result manifests itself from the order accepting the resignation by the Government that the respondent has to continue in service till any particular time or till being relieved. Hence, in the instant case, there was no obligation on the Government to write a formal letter that the Respondent has been relieved. Even if such requirement had been there, in the case in hand it would be an empty formality.

35. In the case of **N. Dinakara Shetty (supra)**, the Division Bench of Hon'ble High Court of Bombay at Goa Bench has held that the Petitioner's offer was accepted and it brought about a valid and binding contract between the Petitioner and the Bank. It is only at the option of the Bank that the Bank chose to relieve him at a future date, but that in itself would not give a right to the Petitioner to withdraw the offer after a concluded contract of termination of service came about between the Petitioner and the Bank.

36. In the case of **P. Kasilingam (supra)**, the Hon'ble Apex Court has held that it may be conceded that it is open to a servant to make his resignation operative from a future date and to withdraw such resignation before its acceptance. The principle that the services of a Government

servant normally stand terminated from the date on which the letter of resignation is accepted by the Appropriate Authority, unless there is any law or statutory rule governing the conditions of service to the contrary can apply to the case of any other employee.

37. In the case of **Smt. S. N. Dharitri Burman (supra)**, before the Hon'ble High Court of Gauhati, the Petitioner was working as Addl. CJM, Goalpara. She submitted her resignation from service on 03-10-2012 without mentioning any prospective date. Her letter was forwarded to the High Court on 05-10-2012. On 06-10-2012, she was telephonically informed that her resignation was accepted by the High Court. On 08-10-2012, at about 3.00 p.m., she met the Registrar General of the High Court and submitted a letter of withdrawal of her resignation, but, she was asked by the Registrar General to proceed to Goalpara and handover charge and accordingly she handed over charge of her office on 08-10-2012 at 11.00 p.m. The Hon'ble High Court after relying upon a judgment of Hon'ble Apex Court in the case of **Raj Kumar v/s. Union of India (AIR 1969 SC 180)** in para 20 of its judgment observed as under:

"20. In view of the above decisions, there is no difficulty in concluding that the resignation letter, issued by an employee, expressing his or her desire to resign from the job, without mentioning any prospective date of resignation, will come into effect immediately on acceptance of the same by the appropriate authority. However, if any prospective date of resignation is mentioned, the resignation shall be effective from such future date only. In absence of any prospective date, the resignation letter cannot be allowed to be withdrawn, once the same is accepted by the authority. Whereas, in respect of cases where future date of coming into effect of the resignation is mentioned, than the employee is entitled to withdraw the same before the prospective date."

38. In the case of **J. K. Cotton Spinning And Weaving Mills Co. Ltd., Kanpur (supra)**, the Hon'ble Apex Court in Para 4 of its judgment observed as under:

4. Therefore, one of the ways of terminating the contract of employment is resignation. If an employee makes his intention to resign his job known to the employer and the later accepts the resignation, the contract of employment comes to an end and with it stands

severed the employer-employee relationship. Under the common law the resignation is not complete until it is accepted by the proper authority and before such acceptance an employee can change his mind and withdraw the resignation but once the resignation is accepted, the contract comes to an end and the relationship of master and servant stands snapped.

39. In the case of '**Chand Mal Choyal (supra)**', the Hon'ble Supreme Court in para 3 of its judgment has held as under:

".....3. By now it is well settled principle of law that an incumbent is entitled to withdraw his resignation before the acceptance. Once his resignation is accepted there is no jural relationship between the employee and the employer and the employee cannot claim for withdrawal of the resignation nor reinstatement in the post...."

40. In the case of "**North Zone Cultural Centre (supra)**", before the Hon'ble Supreme Court the Respondent was working as temporary Accountant in the organization of the Appellant. The Respondent tenders his resignation on 18-11-1988 alleging that he tenders his resignation w.e.f. 18-11-1988. The said resignation of the Appellant was accepted by the Director of the Appellant on the very same day. The Respondent withdrew his resignation on 21-11-1988 by sending a telegram alleging that the resignation was obtained by pressure. The Respondent however, continued to attend his duties till he received the communication of accepting his resignation. Since after the service of acceptance letter, the Appellant was not permitted to continue to work in the concerned post, he filed a writ petition before the Single Judge of Hon'ble High Court of Punjab and Haryana. The Hon'ble High Court while allowing the writ petition filed by the Appellant gave two reasons for holding that the resignation had not become effective (i) The acceptance was not communicated till the withdrawal and (ii) Respondent was permitted to attend duty even after the acceptance of resignation. An appeal filed by the Appellant before the Appellate Bench came to be dismissed, the Appellant therefore filed the present appeal before the Hon'ble Apex Court. The Hon'ble Apex Court, while allowing the appeal in para 23 of its judgment observed as under:

"23. As noticed above, in the present case the resignation is dated 18-11-1988 and the same as found by us is accepted on 18-11-1988 itself.

The communication was on 1-12-1988 about 13 days thereafter which delay, in our opinion, is not an undue delay so as to make us draw an inference that there has been no acceptance of the resignation. Even the fact that in the meantime the respondent either attended duty or signed the attendant register will be of no assistance to claim his resignation had not taken effect. Even otherwise the appellants have urged that because there was no responsible officer in the headquarter from 18-12-1988 after respondent's resignation was accepted till 1-12-1988 and the respondent took advantage of the same and marked his attendance and such attendance cannot be treated as lawful attendance in view of the acceptance of his resignation on 18-11-1988. We agree with this contention of the appellant.

41. In case of '**Chairman, Vishakhapatnam Port Trust & Ors, (supra)**', the Hon'ble High Court of Andhra Pradesh in para 21 of its judgment has observed as under:

"... The moment an order is passed accepting their request for VRS under the Scheme, mere signing in the attendance register is of no consequence. It may be that order passed on 5th June, 2001 accepting the request of the Petitioners for voluntary retirement was not communicated to the time keeper immediately and therefore the Petitioners might have been allowed to sign the registers as usual. In our considered opinion, that will not vitiate the order of acceptance passed by the Appellants on 5th June, 2001...."

42. In the case of **M. Ramakrishna (supra)**, before the Hon'ble High Court of Karnataka, the Petitioner, who was working as an 'A' grade mechanic with the first Respondent, submitted his letter of resignation on 18-03-1982. The petitioner changed his mind and sought to withdraw his resignation by his letter dated 20-03-1982. In the meantime the competent authority had accepted the resignation letter of the Petitioner on 19-03-1982 after weaving the notice period and directed that the employee may be relieved. Aggrieved by the Employers action in not allowing him re-join his duties, the Petitioner raised an industrial dispute. The State government referred the said dispute for its adjudication to the Labour Court. The Labour Court rejected the reference by its award dated 23-09-1986. The Petitioner therefore, filed the writ petition. The Hon'ble High Court while dismissing the writ petition held as under:

“15. The proposition that a resignation meant to be effective from a future date can be withdrawn by the person submitting the same before it has become effective, cannot be disputed. The question however is whether the resignation in the instant case was meant to be effective from a future date or was to bring to an end the relationship of employer and employee in present. A plain reading of the letter of resignation submitted by the petitioner leaves no manner of doubt that the resignation was not meant to be effective from a future date as was the position in the Cases relied upon by the learned Counsel. It therefore become effective the moment the same was accepted by the Competent Authority. This acceptance it has been held by the Labour Court was recorded by the Authority concerned on the 19th March, 1982 i.e. before the date the petitioner purported to withdraw the same. In other words, as on the date, the resignation was purported to have been withdrawn the same had already been accepted thereby putting an end to the employment of the petitioner under the Respondent-management.”

43. In the case of **Gujrat Leather Industry Ltd., (supra)**, before the Hon'ble Apex Court, the Respondent was a permanent worker designated as Helper in dyes section of the Petitioner Company, dismissed from service on 15-01-1985 in view of his written and signed resignation tendered to the manager of the Petitioner Company. The Respondent however, took a stand that he was dismissed illegally w.e.f. 01-01-1985 without conducting any domestic enquiry and without giving him an opportunity of hearing and further that neither one months' notice was given nor salary in lieu of one months' notice was paid to him. The Labour Court vide its award repelled the stand of the Petitioner and found that termination of service of the Respondent was illegal. The Hon'ble Apex Court, while quashing aside the award of the Labour Court, in para 6 of its judgment observed as under:

“6. The sentence I am unable to work in your Company, and therefore, I am willingly tendering my resignation makes it clear and speaks loudly that the resignation was voluntary and not involuntarily obtained under threat or coercion. The Labour Court on mere presumption observed that since the Employer did not wait for a period of one month and relieved the respondent on the same day i.e. on 15-01-1985 it was suspicious circumstance

rendering the termination order invalid. Needless to say that sea of suspicion has no shore. There was no occasion for the Labour Court to draw such suspicion. It was for the employee, namely, the respondent to establish that the resignation letter was got written in a closed room by the Manager in presence of one employee. There is no evidence on this point except a belated stand taken by the employee, namely, the respondent in the witness-box after a period of six years on 28-8-1991. Even in his statement of claim it was not asserted that the resignation was tendered under compulsion or threat. The only thing contained in the statement of claim Annexure-A is that the petitioner was dismissed on 01-01-1985 in an unjustified and unlawful manner.”

Thus, from the above referred judgments of the Hon'ble Apex Court as well as Hon'ble High Courts, it is not well settled that principle of law that an incumbent is entitled to withdraw his resignation before the acceptance. Once his resignation is accepted, there is no jural relationship between the employee and the employer and the employee cannot claim for withdrawal of the resignation nor reinstatement in the post.

44. In the case in hand, the Workperson had submitted her resignation vide letter dated 17-09-2012. The said resignation letter is in presenti. Perusal of the said resignation letter of the Workperson clearly indicates that the Workperson had intended to resign from the organisation of the Employer and requested the Employer to accept the same. No one months' notice was given by the Workperson to the Employer of her intention to resign from service or to terminate the contract of service as required under clause 16 of the confirmation letter at Exb.29 issued to her. The said resignation letter of the Workperson is clear and unambiguous. The said resignation letter of the Workperson is resignation simpliciter in nature. The said resignation letter of the Workperson has been accepted by the HR, Manager of the Employer on the same day i.e. on 17-09-2012 by putting an endorsement on the said letter of resignation after discussing the matter with the Workperson. The Workperson, by her letter dated 20-09-2012 submitted that she would like to withdraw her resignation letter dated 17-09-2012 as it was given in tension. The Workperson also attended her duties on 18-09-2012 and also obtained leave of absence from 20-09-2012 till 24-09-2012 on account of Ganesh Chaturthi Festival and again attended her duties on 25-09-2012. The Workperson was informed about her acceptance of resignation letter dated 17-09-2012 with immediate effect by

registered post A/D letter of the Employer dated 24-09-2012. By the said letter the Workperson was further informed that she would be relieved from the services of the Company after completion of the necessary formalities and that she was requested to contact the Human Resources Department for her final settlement of dues. However, she was not allowed to report for her duties on 26-09-2012. In my considered opinion, since the resignation of the Workperson has already been accepted by the HR Manager of the Employer on the same day i.e. on 17-09-2012, the jural relationship of the employer-employee comes to an end on the same day and the Workperson has not right to withdraw her resignation thereafter. The letter of the Workperson dated 20-09-2012 is in the nature of an offer to withdraw her letter of resignation and unless and until the same was accepted by the Employer, the said unilateral withdrawal of the resignation was ineffective. Since the resignation had already become effective, the said offer of withdrawal of resignation of the Workperson was not accepted by the Employer. There is nothing on record to show that the Employer is mandatorily required to communicate its decision in writing of accepting the resignation of the Workperson and/or about the completion of formalities of relieving and settlement of her legal dues. In the circumstances, the attendance of the Workperson for duties on 18-09-2012 and again on 25-09-2012 is not legal. The leave of absence of the Workperson for the period from 20-09-2012 to 24-09-2012 was applied on 17-09-2012. There is nothing on record to show that the Workperson has been paid salary for the period from 18-09-2012 till 25-09-2012. Hence, it cannot be said that the attendance as well as leave of absence for the aforesaid period of the Workperson is legal. Thus, I find merits in the submissions of Ld. Adv. Shri G. B. Kamat appearing for the Employer that the present reference issued by the Government of Goa is bad-in-law as at no point of time the Employer has terminated the services of the Workperson, but it has given the effect to the letter of resignation of the Workperson dated 17-09-2012 by accepting the same with immediate effect. As such the question of termination of service of the Workperson or refusal of employment to the Workperson did not arise at all. The order of reference is therefore incompetent and bad-in-law. The issue No. 1 is therefore answered in the affirmative and issue No. 2 is answered in the negative.

45. Issue Nos. 3 and 4:

While deciding the issue Nos. 1 and 2 hereinabove, I have come to the conclusion and held that the reference is incompetent and bad-in-law as the Employer neither terminated the

services of the Workperson nor refused employment to her either from 26-09-2012 or from any other date. The question of deciding whether the action of the Employer in terminating her service w.e.f. 26-09-2012 is illegal and unjustified and that the entitlement of the Workperson does not arise. The issue No. 3 is therefore answered accordingly and issue No. 4 is answered in the negative.

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

ORDER

1. It is held that the dispute as to whether the action of the management of M/s. Cidade-de-Goa, Unit of Fomento Resorts and Hotels Limited, Dona Paula, Goa, in refusing the employment to Mrs. Aditi A. Tuyenkar, Beautician/HD/Sr. HRL Assistant, with effect from 26-09-2012, is legal and justified, is incompetent and bad-in-law and hence the same is rejected.
2. The Workperson Smt. Aditi A. Tuyenkar is not entitled to any relief.
3. No order as to cost.
4. Inform the Government accordingly.

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

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Department of Law & Judiciary

Law (Establishment) Division

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Order

No. 2-1-97/LD/Estt-Part/1432

On the recommendation of the High Court of Bombay at Bombay vide Confidential letter No. A. 5504/2016/2851 dated 07-07-2016 and in exercise of the powers conferred under Rule 56(j) (ii) Chapter IX of the Fundamental Rules and Supplementary Rules, read with Rule 18 of the Goa Judicial Service Rules, 2013, Government of Goa is pleased to order that Shri Sandeep Jayawant Natekar, Civil Judge, Senior Division & J.M.F.C., Ponda, Panaji stands retired from Judicial Service in public interest, from the date on which this order is served on him, on payment of three months' pay and allowances to him, in lieu of three months' notice.

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

Manuel Barreto, Under Secretary (Estt.).

Porvorim, 5th August, 2016.

Order

No. 2/65/2016-LD(Estt.)/Part/1510

The Government of Goa is pleased to deploy Shri Ramdas L. Pednekar, District Registrar (South), Group 'B', Gazetted Officer of the Registration Department, Panaji in public interest to the Law Department, Legal Section, Secretariat, Porvorim-Goa with immediate effect. He shall report to the Secretary (Law).

Consequent, upon his deployment, Shri Pednekar should handover the charge of the Office of the District Registrar (South) to the District Registrar (North).

The above Officers shall complete the process of handing over/taking over of charge with immediate effect and report compliance.

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

Manuel Barreto, Under Secretary (Estt.).

Porvorim, 19th August, 2016.

High Court of Bombay at Goa, Panaji**Order**

No. HCB/GOA/PF/PMS/2016

The Honourable Senior Judge is pleased to grant the following Officer leave for the period mentioned against his name:-

Name & Designation	Period of Leave
Shri P. M. Shinde, Deputy Registrar, High Court of Bombay at Goa, Panaji	Earned leave for 6 days w.e.f. 29-8-2016 to 3-9-2016 with permission to prefix 27-8-2016 and 28-8-2016 being 4th Saturday and Sunday respectively and to suffix 4-9-2016, 5-9-2016 and 6-9-2016 being Sunday, Ganesh Chaturthi and 2nd day Ganapati respectively.

Certified that but for leave the Officer would have continued to officiate in the post had he not proceeded on leave during the above period.

II

The charge of the post of Dy. Registrar during the above mentioned leave period, is kept with the undersigned.

S. C. Chandak, Registrar (ADM.)

Panaji, 20th August, 2016.

Department of Public Health**Order**

No. 7/4/91-I/PHD (Part-I)/1459

On the recommendation of Goa Public Service Commission as conveyed vide their letter No. COM/II/11/56(1)/2015/216 dated 22-07-2016, Government is pleased to promote Smt. Nilima V. Mishal, Junior Scientific Officer (Drugs) in the Directorate of Food & Drugs Administration, Bambolim to the post of Senior Scientific Officer (Drugs) (Group "A", Gazetted) in the pay scale of PB-3 Rs. 15,600-39,100 plus Grade Pay Rs. 5,400/- on regular basis with immediate effect.

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

The promotion of the above Officer is against the vacancy occurred due to the retirement of Shri Mahesh Kaissare, Sr. Scientific Officer (Drugs) on superannuation in the Directorate of Food and Drugs Administration, Bambolim-Goa.

The above Officer shall exercise her option for fixation of pay in the promotional grade, in terms of provisions of F.R.22(I)(a)(1) within a period of one month from the date of issue of this Order. The option once exercised shall be final.

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

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 24th August, 2016.

Order

No. 7/4/91-I/PHD (Part-I)/1463

On the recommendation of Goa Public Service Commission as conveyed vide their letter No. COM/II/11/56(2)/2015/214 dated 22-07-2016, Government is pleased to promote Shri Chandrakant R. Kambli, Junior Scientific Officer (Food) in the Directorate of Food & Drugs Administration, Bambolim to the post of Senior Scientific Officer (Food) (Group "A", Gazetted) in the pay scale of PB-3 Rs. 15,600-39,100 plus Grade Pay Rs. 5,400/- on regular basis with immediate effect.

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

The promotion of the above Officer is against the vacancy occurred due to the retirement of Smt. Maria Lucia Caldeira, Sr. Scientific Officer (Food) on superannuation in the Directorate of Food and Drugs Administration, Bambolim-Goa.

The above Officer shall exercise his option for fixation of pay in the promotional grade, in terms of provisions of F.R.22(I)(a)(1) within a period of one month from the date of issue of this Order. The option once exercised shall be final.

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

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 24th August, 2016.

Order

No. 44/8/2010-I/PHD/1471

Government is pleased to accept the technical resignation dated 24-5-2016 tendered by Dr. Swapnil Salelkar, Medical Officer under Directorate of Health Services with effect from 6-6-2016 (a.n.) in order to enable him to join the Short Service Commission in the Army Medical Corps with effect from 7-6-2016 (f.n.).

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

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 25th August, 2016.

Certificate

No. 2/8/2016-II/PHD/1088

Read: Government order No. 4/15/2002-II/PHD/ /Part dated 16-06-2016.

Certified that the character and antecedents of Dr. Saleel Vasant Maulingkar, Assistant Lecturer in the Department of Microbiology in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the Addl. District Magistrate, North Goa District, Panaji and nothing adverse has come to the notice of the Government.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 24th August, 2016.

Certificate

No. 2/7/2016-II/PHD/1099

Read: Government order No. 4/20/2002-II/PHD/ /P.F. dated 01-07-2016.

Certified that the character and antecedents of Dr. Lavita D'Costa (OBC), Assistant Lecturer in the Department of Biochemistry in Goa Medical College and Hospital, Bambolim appointed vide above referred Order has been verified by the Addl. District Magistrate, South Goa District, Margao and nothing adverse has come to the notice of the Government.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 23rd August, 2016.

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Department of Public Works

Office of the Principal Chief Engineer

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Order

No. 64/5/2016/PCE-PWD-ADM(II)/107

Government is pleased to post Shri Anil S. Ringane as Superintending Engineer in Circle Office I (Bldgs.), PWD, Altinho, Panaji with effect from 02-05-2016 (b. n.), who has been repatriated from Goa State Urban Development Agency, Panaji w.e.f. 30-04-2016 (a.n.).

Consequently, Shri R. M. Pandit, Superintending Engineer, Circle Office I (Bldgs.), PWD stands transferred and posted as Superintending Engineer, Circle Office II (Bldgs.), PWD, Altinho, Panaji in the existing vacancy wherein, he is presently drawing his pay and allowances, with immediate effect.

Shri Ringane, SE has joined in this Department on 02-05-2016 b. n. and awaiting for posting.

He shall draw his pay and allowances w.e.f. 02-05-2016 b. n. against the vacant post of Principal Chief Engineer, PWD, Altinho, Panaji, until further orders.

This is issued in supersession of Government Order No. 64/5/2016/PCE-PWD-ADM(II)/36 dated 18-05-2016.

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

Sd/-, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Panaji, 19th August, 2016.

Order

No. 34/4/2016/PCE-PWD-ADM(II)/115

Government is pleased to order the transfers of the following Assistant Engineers/Assistant Surveyor of Works (Civil) in this Department and post them at the places shown against their names in column No. 4 below, with immediate effect in public interest:

Sr. No.	Name	From	To
1	2	3	4
1.	Shri Sudhan V. Keni	Assistant Engineer, Sub-Division VI, Division I (Bldgs.), Porvorim	As Assistant Engineer, Sub-Division I, Division XIX (Bldgs.), Bambolim, vice Shri C. L. George, AE, transferred.
2.	Shri C. L. George	Assistant Engineer, Sub-Division I, Division XIX (Bldgs.), Bambolim	As Assistant Engineer, Sub-Division VI, Division I (Bldgs.), Porvorim vice Shri Sudhan V. Keni, AE, transferred.
3.	Smt. Marise Desiree D'Mello Sawkar	Assistant Engineer, JICA ODA Project on deputation	As Assistant Surveyor of Works in Circle Office V (PHE), Altinho, Panaji, vice Mrs. Noella Maria M. De Souza e Barretto, ASW transferred.
4.	Smt. Noella Maria M. De Souza e Barretto	Assistant Surveyor of Works in Circle Office V (PHE), Altinho, Panaji	As Assistant Surveyor of Works, Circle Office III (Roads), Altinho, Panaji, in the existing vacancy.
5.	Smt. Namita Harish P. Lawande	Assistant Surveyor of Works, Division XXV, Margao	As Assistant Surveyor of Works in Division VIII (Bldgs.), Margao in the existing vacancy.
6.	Shri Euclides F. E. De Souza	Assistant Engineer, repatriated from the Sports Authority of Goa, Panaji	As Assistant Surveyor of Works, in Division XXV (Roads), Margao vice Smt. Namita H. P. Lawande, transferred.
7.	Shri Eduardo J. Pereira	Assistant Surveyor of Works, SSW's Office, Altinho, Panaji	As Assistant Engineer, Sub-Division I, Division VII (NH), Panaji vice Shri Shambu S. Malvankar, AE, transferred.
8.	Shri Shambu S. Malvankar	Assistant Engineer, Sub-Division I, Division VII(NH), Panaji	As Assistant Surveyor of Works, SSW's Office, Altinho, Panaji, vice Shri Eduardo J. Pereira, ASW transferred.

The Officer at Sr. No. 6 who has been repatriated from the Sports Authority of Goa and joined in the Department on 10-06-2016, shall draw his pay and allowances for the period from 10-06-2016 till the date of his joining in Division XXV (Roads), Margao, against the vacant post of Assistant Surveyor of Works in Division IX (PHE), Margao.

No TA/DA is admissible to them.

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

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

Panaji, 25th August, 2016.

Department of Town and Country Planning

Office of the Chief Town Planner

—
Order

No. 36/1/TCP/52/2010-16/3615

The Government is pleased to reconstitute following committee to study development proposals such as construction/sub-divisions/ /conversion of use of land under Land Revenue Code falling within categories of a) Notified Forest, b) Private Forest identified by Karapurkar Committee and Sawant Committee, c) Sloping land having gradient more than 25%, d) Mangroves areas, e) Water bodies and f) Cultivated paddy fields (low lying and presently under cultivation) referred by Town & Country Planning Department where land is shown as developable (Settlement/Industrial zone) in Regional Plan for Goa, which is in force. Initially Committee was recommended by Town & Country Planning Board in its 136th meeting held on 16-04-2010.

The Reconstituted Committee members are as follows:

1. Secretary (TCP), Member — Chairman.
TCP Board
2. Shri Nilesh Cabral, Hon. MLA, — Member.
Member TCP Board
3. Shri Sandeep Falari, Member — Member.
TCP Board

4. Dr. Jagannath (Desh) Prabhu- — Member.
desai, Member TCP Board
5. Senior Town Planner, South/ — Convenor.
/North (as the case may be)

The reference will be made by concerned Taluka Branch office of the Department through their respective District Office with following details:

- a. The site inspection report including status of land also whether there exists any construction.
- b. Whether any sub-division of land was approved in the past.
- c. Whether there is any Conversion Sanad issued in the past.
- d. Any other past commitments.

The said reference shall be made to office of the Chief Town Planner who in turn refer to the Committee which will study/deliberate/inspect, etc., the reference made to it and prepare a report for placing before Town & Country Planning Board and the Government for decision.

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

Dr. S. T. Puttaraju, Chief Town Planner & ex officio Joint Secretary (Town Planning).

Panaji, 19th August, 2016.

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Department of Transport

Directorate of Transport

—
Order

No. D.Tpt/EST/1668/2016/2832

- Read: 1. Order No. D.Tpt/EST/1668/2006/2446 dated 16-11-2006.
2. Corrigendum No. D.Tpt/EST/1668/2007/956 dated 18-04-2007.

In continuation and in partial modification of Order No. D.Tpt/EST/1668/2006/2446 dated 16-11-2006 and Corrigendum No. D.Tpt/EST/1668/2007/956 dated 18-04-2007, referred above, the following additional Officers of the Directorate of Transport are hereby designated as Public Information Officers (PIOs) and the Appellate Authorities as required under sections 5 (1) and 19(1) of the Right to Information Act, 2005 as mentioned in columns 3 and 4 here below, with immediate effect.

Sr. No.	Name of the Section of the Directorate of Transport	Designation and address of the Public Information Officer (PIO)	Designation and address of the Appellate Authority
1	2	3	4
1.	Establishment & Administration Section	Deputy Director (Administration), O/o Directorate of Transport, 1st Floor, Junta House, Panaji-Goa	Director of Transport, 1st Floor, Junta House, Panaji-Goa.

1	2	3	4
2.	Accounts and Subsidy Section	Assistant Accounts Officer (AAO), O/o Directorate of Transport, 1st Floor, Junta House, Panaji-Goa	Accounts Officer (AO), O/o Directorate of Transport, 1st Floor, Junta House, Panaji-Goa.
3.	State Transport Authority (STA) including Motor Vehicles	Assistant Director of Transport (Head Quarters), O/o Directorate of Transport, 1st Floor, Junta House, Panaji-Goa	Deputy Director of Transport (North), O/o Directorate of Transport, 1st Floor, Junta House, Panaji-Goa

Sunil P. Masurkar, Director & ex officio Joint Secretary (Transport).

Panaji, 25th August, 2016.



Department of Water Resources

Office of the Chief Engineer

—
Order

No. 22-1-81/CE-WR/Adm.II/615

Government is pleased to depute Shri Vijaykumar S. Honawad, Executive Engineer, Works Division II, Water Resources Department, Rawanfond, Salcete-Goa, to Goa State Urban Development Agency, Panaji-Goa, as Dy. Chief Project Officer (Dy. C.P.O.), initially for a period of two years, with immediate effect, in public interest.

The deputation of Shri Vijaykumar S. Honawad, Executive Engineer shall be governed as per the standard terms and conditions stipulated in Government O.M. No. 13-4-74-PER dated 12-2-1999, issued by the Department of Personnel, Secretariat, Porvorim and as amended from time to time.

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

S. T. Nadkarni, Chief Engineer & ex officio Addl. Secretary (WR).

Porvorim, 22nd August, 2016.

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Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE—Rs. 24.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA-152/350-9/2016.