

Panaji, 13th December, 2018 (Agrahayana 22, 1940)

SERIES II No. 37

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

## GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

### Relieving Order

No. 8/121/2018-19/Dep-ATMA/D.Agr/257

Read: Order No. 8/121/2017-18/Dep-ATMA/  
/D.Agr/185 dated 24-09-2016.

In pursuance to above referred order, the below mentioned officers stands relieved from their concerned offices w.e.f. 28-09-2018 (a.n.).

Sr. No.	Name of the officer	Present designation on deputation	Place of posting on repatriation
1.	Shri C. B. Perni	Dy. Director (SAMETI-Goa)	Assistant Director of Agriculture (P&E), Directorate of Agriculture, Tonca-Caranzalem.
2.	Shri Sanjeev Mayekar	Project Director (ATMA-North)	Assistant Director of Agriculture (Hort.), Directorate of Agriculture, Tonca-Caranzalem by relieving the link officer from the additional charge.

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

*Nelson X. Figueiredo*, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 30th November, 2018.

## Department of Civil Supplies and Consumer Affairs

### Order

No. DCS/ENF/DSB-24/18-19/262

The Government of Goa is pleased to constitute a 'Monitoring Committee' comprising of following Members to assist the State Government as Monitoring Mechanism to supervise the activities of Direct Selling:-

- i) Director, Civil Supplies and Consumer Affairs — Chairman.
- ii) Representative of Commercial Taxes — Member.
- iii) Representative of Industries, Trade & Commerce — Member.
- iv) Controller of Legal Metrology — Member.
- v) Director, Food & Drugs Administration — Member.
- vi) Representative of Police Department — Member.
- vii) Representative of Economic Offence Cell — Member.
- viii) Representative of Registrar of Companies — Member.
- ix) Asst. Registrar of Co-operative Societies — Member.
- x) Co-ordinator GOACAN, NGO — Member.

The above Committee will assist the Department of Civil Supplies and Consumer Affairs to monitor/ supervise the activities of Direct Sellers, Direct Selling Entity regarding compliance of the guidelines for Direct Selling.

This issue with the approval of the Government.

This order supersedes the earlier Order No. DCS/ENF/DSB-24/2017-18/546 dated 21st March, 2018 published in the Official Gazette, Series II No. 52 dated 29th March, 2018.

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

*Sandhya Kamat*, Director & ex officio Joint Secretary (Civil Supplies & Consumer Affairs).

Panaji, 30th November, 2018.

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### Department of Co-operation

Office of the Registrar of Co-operative Societies

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Order

No. 4-17-10-12/NZ/Vol.I/RCS/3503

- Read: 1) Letter No. 14-115-00-TS/LQD-VOL.I/NZ/925 dated 25-09-2017 from the Asstt. Registrar of Co-operative Societies, North Zone, Mapusa.  
2) This office letter No. 73-1-2005/TS/RCS/2925 dated 25-10-2017.  
3) Letter No. 7/17/17/ADT/427 dated 13-06-2018 from the Asstt. Registrar of Co-operative Societies, North Zone, Mapusa.

The Government is pleased to exempt the "Alabhya Co-operative Housing Society Ltd.," Thivim, Bardez-Goa, from the provisions of Section 99 of the Goa Co-operative Societies Act, 2001 by invoking provisions of Section 126 A of the said Act, with retrospective effect. The Liquidator shall finalize the liquidation proceedings of the said society within a period of one year from the date of issue of this order.

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

*Sanjiv M. Gadkar*, Registrar & ex officio Addl. Secretary (Co-operative Societies).

Panaji, 10th December, 2018.

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### Department of Education, Art & Culture

Directorate of Education

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Order

No. 1(1)-5-2009/SE/Part/829

Government is pleased to re-employ Shri Mathurdas V. Naik, Headmaster of Government High School, Betoda, Ponda (due to retire on superannuation w.e.f. 31-11-2018 (a.n.) beyond

superannuation w.e.f. 01-12-2018 to 30-04-2019 in the same post under the Directorate of Education, in terms of proviso to sub-rule-1 of Rule 88 of the Goa School Education Rules, 1986 and in terms of Clause (h) under sub-rule-2 of Rule 162 of the Goa School Education Rules, 1986.

On re-employment, he stands posted in Government High School, Betoda, Ponda-Goa where he is presently working.

He has been declared medically, physically and mentally fit by the Medical Board, Hospicio Hospital, Margao-Goa for the post of Headmaster, retiring on superannuation on (30-11-2018) re-employment in service beyond superannuation till 30-04-2019 (i.e. end of academic year 2018-19) as certified by the Medical Superintendent/Dy. Director, Hospicio Hospital, Margao vide Medical Fitness Certificate No. HH/EST/MFC/2018-19/3660 dated 2-8-2018.

His pay and allowances shall be fixed in terms of Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986.

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

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

Porvorim, 7th November, 2018.

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### Directorate of Technical Education

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Order

No. DTE/CAD/RTI/2018/2549

The undersigned is pleased to designate the below mentioned officials as State Public Information Officer and State Assistant Public Information Officer at Goa College of Art, Panaji, as per provision of Sec. 5 of Right to Information Act, 2005.

Sr. No.	Name of the officer	Designation
1.	Shri Wilfred Goes, Asstt. Prof. in Applied Art Dept.	State Public Information Officer.
2.	Shri Sameer Govekar, Asstt. Prof. in Applied Art Dept.	State Assistant Public Information Officer.

This order supersedes all earlier orders regarding the appointment of PIO, APIO at Goa College of Art.

*Vivek B. Kamat*, Director (Technical Education).  
Porvorim, 6th December, 2018.

## Directorate of Technical Education

## College Section

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Order

No. 16/150/Confirmation/GEC/04/P.F.II/2501

On the recommendations of the Goa Public Service Commission as conveyed vide their letters No. COM/II/12/18(1)/2013/261, No. COM/II/12/18(1)/2014/262, No. COM/II/12/18(1)/2018/263 dated 07-11-2018, the Government of Goa is pleased to declare the following Group 'A' Gazetted Officers of Goa College of Engineering, Farmagudi, Ponda-Goa to have satisfactorily completed their probation period and confirm them in the post with effect from date mentioned in the respective column against their names.

Sr. No.	Name of faculty	Designation	Date of completion of probation period
1	2	3	4
1.	Shri Krishnasetty Govindraja Guptha	Professor in Civil Engineering	12-04-2006.
2.	Shri Vinay Amrut Shirodkar	Professor in Mechanical Engineering	06-11-2014.
3.	Shri Hassanali Gulamali Virani	Professor in Electronics and Telecommunication Engineering	31-07-2015.
4.	Shri Purnanand Pundalik Savoikar	Professor in Civil Engineering	12-08-2015.
5.	Shri Akshay Vithal Nigalye	Professor in Mechanical Engineering	13-08-2015.
6.	Shri Suraj Surendra Rane	Professor in Mechanical Engineering	10-09-2015.
7.	Shri Ulhas Ganapati Sawaiker	Professor in Civil Engineering	24-09-2015.
8.	Shri Nitesh Bhicu Guinde	Associate Professor in Electronics and Telecommunication Engineering	17-08-2015.
9.	Shri Shridhar Datta Mhalsekar	Associate Professor in Mechanical Engineering	05-04-2016.
10.	Kum. Smita Sadanand Aldonkar	Assistant Professor in Civil Engineering	11-08-2015.
11.	Kum. Ashmita Ashok Kerkar	Assistant Professor in Science and Humanities (Economics)	17-08-2015.
12.	Smt. Deepali Madhukar Raikar	Assistant Professor in Information Technology	21-09-2015.
13.	Smt. Siddhi Pradeep Naik	Assistant Professor in Information Technology	21-09-2015.
14.	Shri Mario Pinto	Assistant Professor in Information Technology	30-09-2015.
15.	Kum. Megha Gajanan Nayak	Assistant Professor in Information Technology	12-10-2015.
16.	Kum. Nadine Amalia Dias	Assistant Professor in Information Technology	20-10-2015.
17.	Shri Amogh Ajit Sanzgiri	Assistant Professor in Information Technology	23-10-2015.
18.	Smt. Soniya Shakil Usgaonkar	Assistant Professor in Information Technology	23-10-2015.
19.	Kum. Purti Raghuvveer Savardekar	Assistant Professor in Electronics & Telecommunication Engineering	26-10-2015.
20.	Shri Sangam Prafulla Borkar	Assistant Professor in Electronics & Telecommunication Engineering	29-10-2015.
21.	Kum. Melina Maria Afonso	Assistant Professor in Computer Engineering	02-11-2015.

1	2	3	4
22.	Kum. Palhavi Pandharinath Kerkar	Assistant Professor in Electronics & Telecommunication Engineering	03-11-2015.
23.	Kum. Sherica Lavinia Menezes	Assistant Professor in Computer Engineering	04-11-2015.
24.	Kum. Geeta Suresh Shet	Assistant Professor in Electronics & Telecommunication Engineering	09-11-2015.
25.	Shri Devendra Gajanan Sutar	Assistant Professor in Electronics & Telecommunication Engineering	12-11-2015.
26.	Kum. Ankita Ashok Kanekar	Assistant Professor in Electrical & Electronics Engineering	09-11-2015.
27.	Kum. Shruti Gurudas Naik	Assistant Professor in Computer Engineering	24-11-2015.
28.	Shri Amit Pundalik Patil	Assistant Professor in Computer Engineering	27-11-2015.
29.	Shri Teslin Jacob	Assistant Professor in Computer Engineering	25-12-2015.
30.	Smt. Kavita Sanjay Asnani	Assistant Professor in Computer Engineering	29-12-2015.
31.	Shri Harichandra Uttam Chandekar	Assistant Professor in Mechanical Engineering	04-05-2016.

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

*Vivek B. Kamat*, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 29th November, 2018.



Office of the Returning Officer, Goa Board of Secondary and Higher Secondary Education

Place:- Office of the Goa Board of Secondary and Higher Secondary Education, Alto Betim, Goa.

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**Notification**

No. GBSHSE/IT/BRD-ELE/2017-2021/1668

In pursuance of sub-rule (2) of Rule 7 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Members Election Procedure Rules, 1979, I, Shri Ruildo Souza, the Returning Officer hereby appoint the date, hours and place for the following stages of election of members referred to in Clauses (iii) under "Class B-Elected Members", of sub-section (1) of Section 12 of the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975), as follows:-

**(a) Nomination of candidates:-**

On 8th of January, 2019 (Tuesday) from 10.00 a.m. to 01.00 p.m. and 02.00 p.m. to 04.00 p.m.

Place:- Office of the Goa Board of Secondary and Higher Secondary Education, Alto Betim, Goa.

**(b) Scrutiny of Nominations:-**

On 9th of January, 2019 (Wednesday) from 09.30 a.m. to 01.00 p.m.

**(c) Withdrawal of candidature:-**

On 11th of January, 2019 (Friday) from 10.00 a.m. to 01.00 p.m.

Place:- Office of the Goa Board of Secondary and Higher Secondary Education, Alto Betim, Goa.

**(d) Record of Votes:-**

The recording of votes for category III (a) (South Goa) shall be on Friday, 18th January, 2019 from 10.00 a.m. to 04.00 p.m. at South Education Zone, Margao-Goa.

**(e) Counting of Votes:-**

On 22nd of January, 2019 (Tuesday) from 10.30 a.m. onwards.

Place:- Office of the Goa Board of Secondary and Higher Secondary Education, Alto Betim, Goa.

*Shri Ruildo Souza*, Returning Officer.

Alto Betim, 10th December, 2018.

V. No. A-1853/2018.

## Department of Labour

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Order

No. 28/28/2018-LAB/757

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Sun Pharmaceuticals Industries Limited, Madkaim Industrial Estate, Madkaim, Goa, and its workmen represented by the Ranbaxy Workers Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

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

Now, therefore, in exercise of the powers conferred by Clause (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 7A of the said Act.

## SCHEDULE

- "(1) Whether the demand of the Ranbaxy Workers Union to pay bonus as per the provisions of the payment of Bonus Act, 1965 (Central Act No. 21 of 1965), as amended by the Payment of Bonus (Amendment) Act, 2015 (Central Act No. 6 of 2016), to all the employees for the accounting year 2016-2017 is justified?
- (2) If the answer to issue No. (1) above is in the negative, then, to what relief the workmen are entitled?"

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

*Neetal P. Amonkar*, Under Secretary (Labour).

Porvorim, 28th November, 2018.

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Order

No. 28/20/2018-LAB/758

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s Tulip Diagnostics (P) Limited, Verna Industrial Estate, Verna, Goa, and its workmen, represented by the Gomantak Mazdoor Sangh, 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 M/s Tulip Diagnostics (P) Limited, Verna Industrial Estate, Verna, Goa, in transferring the workmen S/Shri Vishwanth Madkaikar, Ankush Naik, Vishwas Gaude and Sandesh Rane, Production Assistants' to M/s Zephyr Biomedical, Verna Industrial Estate, Verna, Goa, with effect from 24-10-2017, is legal and justified?"
- (2) If not, to what relief the workmen are entitled?"

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

*Neetal P. Amonkar*, Under Secretary (Labour).

Porvorim, 29th November, 2018.

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Notification

No. 28/3/2018-LAB/Part-I/765

The following award passed by the Labour Court-II, at Panaji-Goa on 15-10-2018 in reference No. LC-II/IT/05/2016 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

*Neetal P. Amonkar*, Under Secretary (Labour).

Porvorim, 28th November, 2018.

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LABOUR COURT-II

GOVERNMENT OF GOA

AT PANAJI

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

Case No. Ref. LC-II/IT/05/2016

Shri Crispino Marcello,  
R/o. H. No. 953,  
Bamon Bhatt,  
Merces, Goa.

... Workman/Party I

V/s



M/s. Herald Publications  
Pvt. Ltd.,  
1st floor, Campal Trade Centre,  
Panaji-Goa. ... Employer/Party II  
Workman/Party I represented by Adv. Shri P. J.  
Kamat.  
Employer/Party II represented by Adv. Shri P.  
Chawdikar.

Panaji, Dated: 15-10-2018.

#### AWARD

1. 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), the Government of Goa, by Order dated 23-02-2016, bearing No. 28/15/2015-LAB/132, referred the following dispute for adjudication to this Labour Court II, Panaji-Goa.

*“(1) Whether Shri Crispino Marcelo is a non-journalist newspaper employee under the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955).*

*(2) Whether Shri Crispino Marcelo is entitled to the benefits under the Justice Majithia Wage Board Award dated 31-10-2010 and accepted by the Government of India by order dated 11-11-2011?*

*(3) What relief?*

2. On receipt of the reference, a case was registered under No. LC-II/IT/05/16 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his statement of claim on 30-06-2016 at Exb-4. The facts of the case in brief as pleaded by the Workman are that by his application dated 03-11-2014 addressed to Secretary, Ministry of Labour and Employment, Secretariat, Panaji as well as Commissioner, Labour & Employment, Government of Goa, Panaji-Goa for recovery of the amount due to him under the Justice Majithia Award (for short, said Award) u/s 17 of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (for short, the said Act). He stated that in the said application, he has also prayed that if any questions are raised by the Employer/Party II (for short, 'Employer') as to the amount due to him under the said Act, the said disputed question may be referred to this Hon'ble Court constituted under the Industrial Disputes

Act, 1947. He stated that during the course of hearing before the Commissioner, Labour & Employment, Panaji, Goa, the Employer disputed the claim and as such the Appropriate Government has referred the present dispute to this Hon'ble Court.

3. He stated that he was working as a 'Non-Journalist Newspaper Employee' with the Employer. He stated that he had joined the Employer on 01-10-1988 and was confirmed in the services w.e.f. 01-11-1990. He stated that he was promoted to the post of Accounts Assistant (Advt.) from 01-10-2000. He stated that upon his promotion to the post of Accounts Assistant, he had been given a graded scale of pay of Rs.1500-65-1825-75-2200-85-2540-95-2900 and fitted his basic pay at Rs. 1825/- and was granted all other allowances as applicable under the Bachawat Award. He stated that he was further promoted to the post of 'Recovery Officer' w.e.f. 01-12-2007, vide letter of the Employer dated 26-11-2007. He stated that he was fitted at basic pay of Rs. 7835/- in the grade scale of Rs. 5350-160-6470-195-7835-235-9245 of Manisana Wage Board Award. He stated that he was also paid arrears arising out of the said Manisana Wage Board Award. He stated that he was thereafter promoted to the post of 'Asstt. Advt. Manager' w.e.f. January, 2011 vide letter of the Employer dated 18-11-2010. He stated that he was confirmed in the same scale of pay of the Manisana Wage Board Award. He stated that he was however granted an increment of Rs. 3000/- in his conveyance allowance. He stated that even after his promotion as stated above, all other terms and conditions of the employment as stated in his original service contract remained unchanged. He stated that though he was promoted as Recovery Officer w.e.f. 01-12-2007 and as Asstt. Advt. Manager (Recovery) from 01-01-2011, he continued to do the same work of Account Assistant (Advt.) and was entrusted with the work of recovery of advertisement money from the agency, through whom the advertisements were booked. He stated that he had no authority of whatsoever nature in the matter of administration, management or supervision of the work or the employees. He stated that his duties were mainly of clerical in nature. He stated that he was a non-journalist newspaper employee as defined u/s 2 (dd) of the said Act and as such was covered under the various wage board awards constituted by the Government of India for working journalists and non-journalists newspaper employees as defined under the said Act. He stated that he being a non-journalist newspaper employee was covered

under the Bachawat Award, Manisana Singh Award and Justice Majithia Award and was granted the scale of pay besides dearness allowance, HRA and compensatory allowance as applicable to him from time to time under the Bachawat and Manisana Singh Award. He stated that he resigned from the services of the Employer w.e.f. 31-10-2013.

4. He stated that the Government of India, in exercise of the powers conferred by Section 9 of the said Act had constituted a wage board for the purpose of fixing and revising rates of wages in respect of working journalist and non-journalist newspaper employees and news agency employees vide notification dated 24-05-2007 which is known as Justice Majithia Wage Board. He stated that during the pendency of the adjudication, the Government of India, vide notification dated 24-10-2008 had declared 30% of the basic wages as interim relief for journalist and non-journalist newspaper employees w.e.f. 08-01-2008. He stated that he being a non-journalist newspaper employee and as per the said notification, he is entitled for 30% of the basic wages as interim relief w.e.f. 08-01-2008. He stated that as per the calculations the said 30% of interim relief comes to Rs. 1,13,810/-. He stated that Justice Majithia had submitted the recommendations to the Central Government on 31-10-2010, which has been accepted by the Government of India, vide SO No. 2532 (E) dated 11-11-2011 and directed to pay the arrears accordingly from 11-11-2011. He stated that the Employer has however, did not implement the said award. He stated that he wrote a letter dated 08-05-2014 to the Employer to pay the arrears arising out of the said Award and also other payments due to him. He stated that the Employer has however failed to pay the arrears of interim relief, the arrears of Justice Majithia Wage Board Award recommendations, gratuity and leave encashment etc. He stated that as on the date of acceptance of his resignation on 31-10-2014, he had the balance leave of 6 days and he is entitled for the encashment of the said leave. He stated that the value of the said leave in terms of money is Rs. 32,244.27. He stated that the total amount of dues payable to him are Rs. 3,08,762.19. The Workman therefore prayed to decide the issue referred to this court and the Employer be directed to pay to him the said amount of Rs. 3,08,762.19 alongwith interest @12% p.a. from the date of application to the Appropriate Government till its actual payment with costs.

5. The Employer resisted the aforesaid claim of the Workman by filing its written statement on 20-09-2016 at Exb. 5. The Employer, as and by way of its preliminary objections, submitted that neither the Party I is a 'workman' as defined u/s 2 (s) of the I.D. Act nor the dispute referred is an 'industrial dispute' as defined u/s 2 (k) of the I.D. Act, 1947 and as such the present reference is not maintainable, that the claim of the Party I is not based on an admitted right and that there is non-application of mind by the Appropriate Government while referring the present dispute. The Employer stated that the Party I had filed an application u/s 33-C (2) of the I.D. Act, 1947 and the same has been withdrawn for the reasons best known to him. The Employer stated that the Party I has raised the present dispute with false and fabricated grounds with malafide intentions. The Employer stated that the Party I is in habit of filing false and fabricated claims against them with ulterior motive.

6. The Employer stated that the Party I was lastly designated as "Asstt. Manager-Advt. (Recovery)" and his primary duty was to interact with its various agencies, clients, customers and to recover the dues pending from them on their behalf. The Employer stated that however, till date the payments and its dues remained to be recovered on account of the lapses on the part of the Party I and as such it has suffered financial losses on account of the lapses of the Party I. The Employer stated that during the tenure of service of the Party I with themselves, he was paid properly as per his grade and that the benefits of all the awards applicable to his post were granted to him alongwith its all other employees.

7. The Employer admitted that the Party I had joined in its services on 01-10-1988 and was confirmed in the service w.e.f. 01-11-1990. The Employer admitted that the Party I was promoted to the post of 'Accounts Assistant' w.e.f. 01-10-2000. The Employer admitted that the Party I was issued a letter dated 27-11-2000 confirming his promotion as Accounts Assistant w.e.f. 01-10-2000. The Employer admitted that upon his promotion, he was given the graded scale of pay of Rs. 1500-65-1825-75-2200-85-2540-95-2900 and fitted his basic pay at Rs. 1825/- and was granted all other allowances as applicable under the Bachawat Award. The Employer admitted that on 01-12-2007, the Party I was further promoted to the post of 'Recovery Officer'. The Employer admitted that the Party I was further promoted to the post of Recovery Officer w.e.f. 01-12-2007, vide letter of the Employer dated 26-11-2007 and he was fitted at basic pay of

Rs. 7835/- in the grade scale of Rs. 5350-160-6470-195-7835-235-9245 of Manisana Wage Board Award and the Party I was also paid arrears arising out of the said Manisana Wage Board Award. The Employer admitted that the Party I was thereafter promoted to the post of Asstt. Advt. Manager w.e.f. January, 2011 vide its letter dated 18-11-2010. The Employer admitted that the Party I was confirmed in the same scale of pay of the Manisana Wage Board Award. The Employer admitted that the Party I was however granted an increment of Rs. 3000/- in his conveyance allowance. The Employer further admitted that the Party I worked in their establishment up to 31-10-2013, when his resignation came into effect on expiry of one months' notice given on 01-10-2013. The Employer stated that the duties performed by the Party I were that of supervisory and managerial in nature, which clearly excludes him from the definition of Section 2 (s) of the I.D. Act. The Employer admitted that the Government of India, in exercise of the powers conferred by Section 9 of the said Act had constituted a wage board for the purpose of fixing and revising rates of wages in respect of working journalist and non-journalist newspaper employees and news agency employees vide notification dated 24-05-2007 which is known as Justice Manisana Wage Board. The Employer admitted that during the pendency of the adjudication, the Government of India, vide notification dated 24-10-2008 had declared 30% of the basic wages as interim relief for journalist and non-journalist newspaper employees w.e.f. 08-01-2008. The Employer stated that it has paid all the dues of the Party I and the same has been accepted by him without any protest of whatsoever nature and as such the present dispute raised by the Party I is an afterthought. The Employer denied the overall case as pleaded by the Party I and prayed for dismissal of the present reference.

8. Thereafter, the Workman filed his rejoinder on 10-10-2016 at Exb. 6. The Workman, by way of his rejoinder, denied each and every statement, averments and submissions made by the Employer in its written statements which are contrary and inconsistent to the statements, averments and a submission made in his statement of claim and reiterates his case as pleaded in his statement of claim. The Workman admitted that he was lastly designated as Asstt. Manager Advt. (Recovery). He admitted that for recovery of dues he was required to contact the various agencies, clients, customers of the Employer and that he was supposed to recover the dues of the Employer from various agencies.

9. Based on the pleadings filed by the respective parties, this court framed the following issues on 08-11-2016 at Exb. 8.

1. Whether the Workman/Party-I proves that he is a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947?
  2. Whether the Workman/Party-I proves that he is a non-journalist newspaper employee under the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955)?
  3. Whether the Workman/Party-I is entitled to the benefits under the Justice Majithia Wage Board Award dated 31-10-2010 and accepted by the Government of India by Order dated 11-11-2011?
  4. Whether the Workman/Party-I proves that he is entitled to receive from the Employer/Party II a sum of Rs. 3,08,762/- being Rs. 1,13,810/- towards interim relief, Rs. 1,62,708/- towards difference in wages as per Justice Majithia Wage Board Award and Rs. 32,244/- towards leave encashment?
  5. Whether the Employer/Party-II proves that the present order of reference is not maintainable in view of the reasons stated in para (a) to (d) of its written statement?
  6. What order? What award?
10. My findings to the aforesaid issues are as under:
- (a) Issue No. 1 : In the Affirmative.
  - (b) Issue No. 2 : In the Affirmative
  - (c) Issue No. 3 : In the Affirmative
  - (d) Issue No. 4 : Partly in the Affirmative and Partly in the Negative.
  - (e) Issue No. 5 : In the negative.
  - (f) Issue No. 6 : As per final order.

I have heard the oral arguments of Ld. Adv. Shri P. J. Kamat, appearing for the Workman as well as Ld. Adv. Shri P. Chawdikar, appearing for the Employer. Ld. Advocates appearing for the respective parties also chose to file their synopsis of written arguments respectively. I have carefully perused the entire records of the present case including the synopsis of written arguments filed by the respective parties. I have also carefully considered the oral submissions advanced by the Ld. Advocates appearing for the respective parties.



## REASONS

## 11. Issue No. 1, 2 and 5:

I am deciding the issue No. 1, 2 and 5 simultaneously as all the said issues are co-related to each other. The burden to prove the issue No. 1 and 2 was cast on the Party I and the issue No. 5 was on the Employer.

The Employer, as and by way of its preliminary objections submitted that neither the Party I is a 'workman' as defined u/s 2 (s) of the I.D. Act, 1947 nor the claim of the Party I is an 'industrial dispute' as defined u/s 2 (k) of the I.D. Act, 1947, that the claim of the Party I is not based on an admitted rights and that there is no application of mind by the appropriate Government while referring the present dispute.

12. The Party I claimed that he is entitled to receive from the Employer a sum of Rs. 3,08,762/- being Rs. 1,13,810/- towards interim relief, Rs. 1,62,708/- towards difference in wages as per Justice Majithia Wage Board Award and Rs. 32,244/- towards leave encashment. The Party I is therefore required to prove that he is a 'workman' as defined under section 2 (s) of the I.D. Act, 1947 as well as 'non-journalist newspaper employee' under the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act, 45 of 1955).

The term 'workman' has been defined u/s 2 (s) of the I.D. Act, 1947 and it means "any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has laid to that dispute, but does not include any such person;

- a) Who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or
- b) Who is employed in the police service or as an Officer or other employee of a prison or
- c) Who is employed mainly in a managerial or administrative capacity
- d) Who, being employed in a supervisory capacity draws wages exceeding Ten Thousand Rupees per menses or exercises

*either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."*

13. Thus, in order to prove that the Party No. I is/was a "Workman" as defined u/s 2 (s) of the I.D. Act, 1947, one has to prove that he was performing the duties of manual, unskilled, skilled, technical, operational, clerical or supervisory in nature and it is not enough that he/she was not performing the duties of supervisory, administrative and managerial in nature. It is the settled principles of Industrial jurisprudence that whether a particular employee is a "Workman" or not, as defined under Section 2(s) of the Industrial Dispute Act, 1947 depends upon the predominant nature of duties and responsibilities performed by him at the time of termination of his services.

The Hon'ble Supreme Court of India as well as Hon'ble High Court of Bombay explained the term 'supervisor' in its following judgments respectively.

14. In the case of **All India Reserve Bank Employees Association and Anr. V/s Reserve Bank of India and Anr.**, reported in 1965 II LLJ 176, the Hon'ble Supreme Court of India has held that "*the Workman, employed to do supervisory work drawing monthly emoluments of less than Rs. 500/- held competent to raise an industrial dispute in regard to their pay scale, even if the pay-scale demanded by them goes beyond Rs. 500/- per month. The Hon'ble Court further observed that the word "supervise" and its derivatives are not words of precise import and must often be construed in the light of the context, for unless control, they cover an easily simple oversight and directions as manual work coupled with the power of inspection and Superintendence of the manual work of others."*

15. In the case of **Anand Regional Co-operative Oil Seeds Growers Union Ltd. V/s Shailesh kumar Harshadbhai Shah reported in (2006) 6 SCC 548**, the Hon'ble Supreme Court of India has held that "*for determining the question as to whether a person employed in an industry is a "Workman" or not, not only the nature of work performed by him but also the terms of the appointment in the job performed are relevant considerations. The Hon'ble Supreme Court of India further held that the supervision contemplates directions and control. While determining the nature of the work performed by an employee, the essence of the matter should call for consideration. An undue importance need not be given for the designation of an employee or the name assigned to the class to which he belongs. What is needed to be asked is as to what are the*

*primary duties he performs for the set purpose, it is necessary to prove that there were some person working under him whose work was required to be supervised. Being in charge of the section alone and that to a small one and relating to quality control would not answer the test. A person indisputably carries on supervisory work if he has power of control or supervision in regard to recruitment, promotion, etc. The work involves exercise of tact and independence."*

16. In the case of **Burmah shell oil Storage and Distributing Co. of India Ltd. V/S Burmah shell Management Staff Association and Ors., reported in AIR 1971 SC 922**, the Hon'ble Supreme Court of India has held that *"in determining the nature of employment of an employee and in holding that the employer is employed to do supervisory work, took into consideration not only the work of supervision which he was carrying on in ensuring that the skilled and unskilled manual Workman employed under him were properly doing work of repairs, maintenance, servicing and fabricating etc. but also the fact that the Workman function under his control and direction that he allocated and reallocated work to them and that he initiated disciplinary proceedings etc. The Hon'ble Supreme Court further held that the exercise of such power is clearly a part of his supervisory duty."*

17. In the case of **Ramesh s/o Ramrao Wase V/s the Commissioner, Revenue Division Amravati reported in 1996 1 LLJ 55 the Hon'ble High Court of Bombay** has held that *"the status of a person as an employee cannot be decided merely on the basis of his designation. The Hon'ble High Court further held that it is popularly believed that in order to dub the work as a 'Supervisory', the person concerned must have control over the subordinates and the person concerned should have the power to sanction leave, give promotions et which is only one of the facets of the supervisory work. That is not the be all and end all of the term "supervisory work" if the supervision is required to be made in some other different way, like over the quality of the work and over other aspects such as to see and examine whether the work is completed or not in satisfactory manner and in keeping with specifications, that also becomes the supervisory work, it is therefore clear that really speaking, none of the duties of the Petitioner are of technical nature, but are of supervisory in nature."*

18. In the case of **Shri Vishnu P. Kamat V/s Presiding Officer, Industrial Tribunal, Panaji-Goa and Anr, passed in Writ Petition No 167/1999**, before the Hon'ble High Court of Bombay, the

Petitioner was entrusted with duties of sanctioning of leave of operators, checking of productions, stoppage of machinery if the product was found not up to the mark etc. and that these duties are certainly of supervisory in nature. The Hon'ble High Court of Bombay at Goa refused to interfere in exercise of the Writ Jurisdiction under Article 227 of the Constitution of India by observing that the petitioner is not a 'workman' as defined u/s 2(s) of the I.D Act, 1947.

19. In the case of **Standard Chartered Bank V/s Vandana Joshi and another reported in 2010 I CLR 163**, before the Hon'ble High Court of Bombay, the Respondent was designated as 'Personal Financial Consultant'. His primary duties were to achieve allocated business targets, ensuring high quality customer service, ensuring external and internal compliance on all branch transactions, handling difficult customer situations and contributing to the overall achievement growth et. The Hon'ble High Court has held that the Respondent is not a 'workman' as defined u/s 2(s) of the I.D Act, 1947. The Hon'ble High Court in para 18 of it judgment observed as under:

*"18. The fact that in an organizational structure the employee, in the course of the decision making process, is subject to checks and balances is not a matter which would establish that she/he is a workman within the meaning of section 2(s). Modern forms of business in corporate organizations put into place a carefully crafted process of checks and balances. Rarely, if ever, would an employee have authoritarian control over business decisions. Employees are made subject to checks and balances both at the lateral and vertical level. Managerial decisions are subject to verification and approval. The fact that decisions of an employee are subject to verification or subject to a system of control and balances does not establish that the employee is a workman within the meaning of section 2(s). Managers do not become workmen because their decisions are structured by prose and approvals. Absolute autonomy is not the norm in managerial decision making. Nor does the law insist on absolute discretion or absolute autonomy for a person to be a manager. Basically the answer to the question must depend upon the dominant nature of the duties and responsibilities."*

20. In the case of **German Remedies Ltd. v/s. Micheal Gabriel Lopes and Anr., reported in 1999 (2) LLN 199**, before the Hon'ble High Court of

Bombay, the Respondent was designated as officer in the personal department of the company. He had to do liaison work with Government offices like E.S.I Department, E.P.F Office, Factory Inspector Office and others. His salary was exceeding Rs. 1,600/- per month. He was empowered by the management to exercise his discretion in the best interest of the company. The Hon'ble High Court has held that *"the Respondent is not a 'workman' as define u/s 2(s) of the I.D Act, 1947, but he is a person working in a supervisory cadre. The Hon'ble High Court has held that "it cannot be said that unless an employee has a power to dismiss the persons recruited by him or unless he has power to settle the matters in court or to take decisions on behalf of the company, he cannot fall into the category of supervisor."*

21. In case of **Union Carbide (India) Ltd. v/s Ramesh Kumbla and ors., reported in 1999 III LLJ 1489**, the Hon'ble High Court of Bombay has held that, *"the Respondent was employed as a "supervisor" in electrical maintenance department. The predominant nature of his work was supervisory and not technical. He had power to recommend leave and authorize overtime work and overtime free meal. He enjoyed certain special privileges and benefits under the pension scheme and gratuity scheme framed by the company. Therefore it has been held that he must be working in supervisory capacity u/s 2(s) (IV) of the I.D Act and merely because sometimes he carried out the work himself, does not detract from the fact that he was a supervisor."*

22. In the case of **Seraikella Glass Works Ltd. v/s second Industrial Tribunals W.B. and Ors. reported in 1992 I LLJ 1158**, the Hon'ble High Court of Calcutta has held that, *"the nature of duties performed by the employees is managerial and in carrying out the main duties as supervisor, he was required to do various jobs like assignment of work, allocation of job indenting of materials, recommendation of leave and work appraisal of the workmen working under him and was drawing a salary of Rs. 1600/- p.m. and as such cannot prima facie claim the benefit of workmen within a meaning of Section 2(s) of the I.D Act, 1947."*

The aforesaid judgments of the Hon'ble Apex Court as well as Hon'ble High Courts almost settled the law on the subject.

23. In the case in hand, undisputedly, the Party I was initially appointed by the Employer as 'clerk' w.e.f. 01-10-1988 and confirmed in the service w.e.f. 01-11-1990. The Party I was promoted to the post of 'Accounts Assistant (Advt.)' from 01-10-2000.

The Party I was further promoted to the post of 'Recovery Officer' from 01-12-2007. The Party I was finally promoted to the post of 'Asstt. Manager Advt. (Recovery)' from 01-01-2011. The Party I worked in the said post of 'Asstt. Manager Advt. (Recovery)' till 31-10-2013 when he resigned by notice dated 01-10-2013. It is further admitted by the Employer that the Party I was given the benefits of the Bachawat Award as well as Manisana Wage Board Award.

24. To prove his case, the Party I examined himself and produced on record certain documentary evidence in support of his oral evidence. The Party I in his oral evidence on record deposed that as an Asstt. Manager Advt. (Recovery) from 01-01-2011, he continued to do the same work of Accounts Assistant (Advt.) and was entrusted with the work of recovery of advertisement money from the agencies, through whom the advertisements were booked and that he had no authority of whatsoever nature in the matter of administration, management or supervision of the work or the employees and that his duties were mainly of clerical in nature. In his cross-examination, the Party I deposed that though he has given promotion to the post of Asstt. Advertising Manager, his duties and responsibilities never changed. He deposed that as a clerk of the Employer, he was performing the duties such as preparing bills of advertisement, to collect the amount towards credit bills from various parties by visiting them as per the instructions of his superior and any other work as per the directions of his superior. He deposed that he has been promoted as Accounts Assistant (Advt.) his duties were never changed and it remains the same as clerk. He deposed that as an Asstt. Advertising Manager, he used to report to Dy. Gen. Manager of the Employer. He admitted that he was interacting with various agencies on behalf of the Employer for recovery of dues while in the employment. He admitted that whenever any bill towards the advertisement were pending he used to co-ordinate the said Vaishali for recovery of the bill as per the direction of higher authorities. He admitted that he used to give necessary instructions to the said Vaishali for recovery of bills as per the directions of higher authorities. He admitted that whenever he used to send email to the said Vaishali, it is on the instructions of his higher authorities. He deposed that he do not possess any document to show that he has been given instructions to send the same emails to the said Vaishali. He admitted that he had sent an email dated 05-01-2013 to Mr. Luis Rodrigues, a representative of the



Employer in Belgaum region and had also received an email dated 09-01-2013 from him. He stated that he had sent email dated 05-01-2013 to the said Mr. Luis Rodrigues at the instructions of Mr. Ramkrishna Mashelkar, an Accounts Manager of the Employer. He deposed that as an Asstt. Advertisement Manager, he was reporting to all the higher authorities which includes Accounts Manager of the Employer. He deposed that he had drafted the said two notices as per the format given by the management. He admitted that he had made changes as per the requirements and prepared the said notices. He deposed that even after serving the notice to the customers, if the customers did not pay the amount than the accounts department used to look after the said matter. He deposed that he used to check on the system as to whether the amount towards the pending bills have been recovered or not. He admitted that he never used to interact with the bill collectors, clerks or any other employees of the Employer pertaining to the recovery of amount. He deposed that he do not remember exactly as to whether at any point of time he has been instructed by the Accounts Manager to sign the said bills in his absence. He deposed that as an Asstt. Advertising Manager, it was his duty to ensure delivery of bills to the advertisement agencies and not the recovery of the said bills. He admitted that he was interacting with the various advertising agencies to recover the amount due from them to the Employer.

25. On the contrary, the Employer examined Mr. Vinayak Pai Bir, its Printer/Publisher. The said Mr. Pai Bir in his affidavit in evidence deposed that the Party I was working with them as Asstt. Manager-Advertisement (Recovery) and his primary duties was to interact with the various agencies, clients, its customers and to recover the dues pending from them on behalf of the Employer. He deposed that when the Party I was promoted to the post of Advertising Manager w.e.f. January, 2011 vide its letter dated 18-11-2010 and that he was confirmed in the said scale of pay of the Manisana Wage Board Award and that he was granted an increment of Rs. 3000/- in his conveyance allowance. He deposed that the duties performed by the Party I were of supervisory and managerial in nature. In his cross-examination, he admitted that the Party I had joined the services of the Employer as clerk in the year 1988. He admitted that he is not aware of the duties performed by different employees of the Employer in its different departments. He admitted that he is not aware the duties performed by the Party I as he was working in advertising department. He admitted that the

post designated as clerks are not allowed to sign any contracts or any documentation for and on behalf of the Employer. He deposed that no authority letter of whatsoever nature was ever issued to the Party I to sign or make agreement with any third person on behalf of the Employer. He admitted that during the period when the Party I was working as a clerk, he was also co-ordinating with various agencies in order to make the recoveries of the pending bills and that the said duties was also performed by him after his promotion as Accounts Assistant. He admitted that in the affidavit in evidence filed by him before the Controlling Authority, he deposed that the benefits of all the awards applicable to the post of the Party I was granted to him along with all other employees of the Employer. He admitted that when the Party I was promoted, no job specifications were issued to him as a Recovery Officer as well as Asstt. Advertising Manager his basic scale of pay and all other allowances as per Manisana Wage Board Award remained the same and he was only granted an increment of Rs. 3000/- in his conveyance allowance. He admitted that the Employer had at no point of time issued any separate letter of appointment/promotion specifying duties and job responsibilities to the respective post of clerk to Accounts Assistant to Recovery Officer and to Asstt. Advertising Manager. He admitted that in the aforesaid promotion letters issued to the Party I, it does not contained any of the duties and job responsibilities to the respective post. He admitted that the receipt at Exb. 29-cross have been signed by one Shri Sagar Shirodkar on behalf of the Employer.

26. Thus, the aforesaid evidence on record indicates that the Party I was holding the post of Asstt. Advertising Manager (Recovery) from 01-01-2011 till 31-10-2013 at the time of his resignation from the services of the Employer. The evidence on record indicates that the Party I was promoted to the post of Asstt. Advertising Manager, he was given an increment of Rs. 3000/- in his conveyance allowance. The evidence on record indicates that though the Party I was promoted from Clerk to Accounts Assistant to Recovery Officer and finally to Asstt. Advertising Manager (Recovery), all other terms and conditions of his employment as stated in his original service contract remained unchanged. The Employer has not issued any separate letter of appointment/promotion specifying duties and job responsibilities to the post of clerk to Accounts Assistant to Recovery Officer and to Asstt. Advertising Manager. The evidence on record



indicates that as an Asstt. Advertising Manager of the Employer, the predominant nature of duties and responsibilities of the Party I to interact with the various agencies, clients, its customers and to recover the dues pending from them on behalf of the Employer, to co-ordinate with various agencies in order to make the recoveries of the pending bills. The Party I was not having any authority of whatsoever nature to sign or make an agreement with any third person on behalf of the Employer. The Party I was not having any authority to ensure the recovery of the pending bills. The aforesaid predominant duties and responsibilities performed by the Party I as an 'Asstt. Advertising Manager' are predominantly clerical in nature. The Party I is therefore a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947. The issue No. 1 is therefore answered in the affirmative.

27. Ld. Adv. Shri P.J. Kamat, during the course of his oral arguments relied upon a judgment in the case of **Chandrashekhar Chintaman Vaidya v/s. National Organic Chemical Industries Ltd., reported in 2010 (126) FLR 289**, of Hon'ble High Court of Bombay in para 46 to 48 of its judgment held as under:

*46. It is pertinent to note that in the long span of more than five years' service, documents relied upon by the management pertaining to nature of work, according to management, are (1) Attendance sheet, (2) Authorization Slip, (3) Pay slip, which pertain to year 2003. The period, during which the complainant was appointed and has been serving, is from 17 August, 1988.*

*47. Had the complainant been working in supervisory capacity, it would be shocking to believe that he has signed only four documents referred to in paras 14 to 23, which are Exbs. 32, 33, 34, 35, 39, 40 and 41 only.*

*Stray suggestions as to few documents filed by the management do not amount to proving predominance of work.*

*48. Even on construing and interpreting each and every document in favour of the management, it would not be possible to reach a conclusion that these six documents are liable to be described as 'stray pieces of evidence' in the background of long five years' service of the appellant. This evidence does not lead to suggest that nature of predominant duties of complainant was that of managerial and administrative, much less to prove said positively raised plea of the management that the complainant was not a workman"*

28. The principle laid down by the Hon'ble High Court is well recognized and is also applicable to the case in hand. Applying the law laid down by the Hon'ble High Court of Bombay, the document at Exb. 24-cross, Exb. 25-colly (cross) i.e. email sent to the third parties, Exb. 26-colly (cross) i.e. two legal notices issued by the Party I in the capacity of recovery officer to the third party. The said emails on record indicates that the Party I was interacting with the third parties regarding payment of outstanding bills and the legal notices issued by the Party I to the third party pertaining to the payment of outstanding bills. The said documents on record indicates that no duties of supervisory, administrative or managerial in nature were performed by the Party I in his 15 years of tenure of service with the Employer. Hence, it is held that the Employer failed to prove that the Party I was predominantly performing the duties of supervisory, administrative and managerial in nature.

29. In the case of **Pepsico India Holding Pvt. Ltd. v/s. Krishna Kant Pandey** of the Hon'ble Supreme Court of India, the Respondent was appointed on the post of Operator/Technician Grade III for six months on probation basis w.e.f. 13-03-1995 against the salary of Rs. 2600/- p.m. He was confirmed in services w.e.f. 13-09-1995 and was also awarded one increment w.e.f. 01-02-1996. Earlier he was appointed in the plant of Jainpur (Kanpur Dehat) from where he was transferred to Satharia plant, District Jaunpur, U.P. on 30-08-1996 on the revised pay scale i.e. Rs. 5450/-. Pursuant to the subsequent transfer order, he was posted at Lucknow in the month of June, 1997 and till 2000 he was awarded annual increment @ of Rs. 490/-. Subsequently, he was promoted to the post of line supervisor in the pay scale of Rs. 7716/- and thereafter to the post of Fleet Executive. The Employer terminated his services on 14-11-2003 by giving one month salary in lieu of notice prior to termination. In a reference before the Industrial Tribunal held that the Respondent is not a 'workman' u/s 2 (s) of the I.D. Act, 1947. Being aggrieved, the Respondent filed the writ petition challenging the order of the Industrial Tribunal. The Ld. Single Judge of the Hon'ble High Court allowed the writ petition filed by the Respondent by quashing the order of the Industrial Tribunal against which the Appellant filed the present appeal. The Hon'ble Apex Court, while allowing the appeal filed by the Appellant held that the Appellant had entered into the service on the post of Operator/Technician Grade-III, which is a technical post and from there he was promoted to different posts including fleet executive. The High

Court committed grave error in holding that although he is not covered under the definition of the 'workman' u/s 2 (s) of the Act, he shall be classified as a workman. The High Court further exceeded its jurisdiction in advising the Government to make an amendment in Section 2 (s) of the Act and to exclude some clauses. The order passed by the High Court cannot be sustained in law.

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

30. The Employer denied that the Party I was a non-journalist newspaper employee within the meaning of Section 2 (dd) of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955). It is therefore necessary to refer to the definition of the working journalist as well as non-journalist newspaper employee of the said Act.

Section 2 (c) of the said Act define the term 'newspaper employee' and it means that "*any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment.* Similarly, Section 2 (dd) defines non-journalist newspaper employee and it means "*a person employed to do any work in, or in relation to, any newspaper establishment, but does not include any such person who—*

- i) is a working journalist, or*
- ii) is employed mainly in a managerial or administrative capacity, or*
- iii) being employed in a Supervisory Capacity, performs either by the nature of duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature"*

Thus, the term 'non-journalist newspaper employee' means any person employed to do any work in, or in relation to, any newspaper establishment, but does not include any such person i.e. a working journalist, employed mainly in a supervisory, managerial or administrative capacity performs either by the nature of duties attached to his office or by reason of the powers vested in him.

31. Undisputedly, the Party II was engaged in the business of newspaper publication. Hence, the Party I was a newspaper employee. The Party I was holding the post of Asstt. Advertising Manager (Recovery) from 01-01-2011 till 31-10-2013 at the time of his resignation of his services of the Employer. As observed in the foregoing paras, the predominant nature of duties and responsibilities of the Party I as Asstt. Advertising Manager of the Employer were clerical in nature. The Party I was not a 'working journalist'. Hence, the Party I was a 'non-journalist newspaper employee' as defined u/s 2 (dd) of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955). Hence, it is held that the Party I proved that he was a non-journalist newspaper employee under the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955). The issue No. 2 is therefore answered in the affirmative.

32. The oral evidence on record indicates that the Party I had filed an application before the Commissioner, Labour and Employment, Government of Goa, Panaji, under Section 17 of the Working Journalist (Conditions of Service) and Miscellaneous Provisions Act, 1955 for recovery of money due from the Employer. The oral evidence on record indicates that the Employer disputed the amount due on various grounds and as such required u/s 72 of the said Act, the Commissioner, Labour and Employment, Government of Goa, referred the matter to the Labour Court II u/s 10 (1) (d) of the I.D. Act, 1947 for its adjudication.

The Section 17 of the said Act is reproduce as under:

*"17 (1) Recovery of money due from an employer – (1) where any amount is due under this Act to a newspaper employee from an employer, the newspaper employee himself, or any person authorised by him in writing in this behalf or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State Government or such authority, as the State Govt. may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue"*

Thus, from the plain reading of the said Section 17 of the Act, it reveals that a newspaper employee can make an application u/s 17 of the said Act for recovery of money due and if there is any dispute, the same shall be referred to the Labour Court constituted under the provisions of the said Act by the State Government of its motion an application by the Party I.

33. In the case of **Management of Samyuktha Karnataka v/s. M.L. Satyanarayan Rao and Anr., reported in 1986 LIC 626**, the Hon'ble High Court of Karnataka in para 7 of its judgment held as under:

*"7.....Sub-Section (2) of S.17 confers power on the State Government to refer a dispute raised by a person on the basis that he was a working journalist regarding salary due to him from his employer and if the State Government is prima facie satisfied that the matter merits reference under the said provision it has the power to make a reference. Therefore, it should be held that the Labour court which is vested with the power to decide such dispute has also the power to decide all incidental questions necessary for the exercise of the power. Acceptance of the plea of the petitioner would render S. 17 (2) purposeless for, in every case, if the management concerned were to raise an objection that the claimant concerned was not a working journalist, the Labour Court would have no jurisdiction to decide the issue. Therefore, I hold that in a reference made under S. 17 (2) of the Act read with S. 10 (1) of the I.D. Act, the Labour Court has the jurisdiction to decide the question as to whether the claimant was a working journalist if such a question is raised on behalf of the management."*

The judgment of the Hon'ble High Court is well recognised and is also applicable to the case in hand.

34. In the case of the **Management of Statesman Ltd. v/s. Lt. Governor, Delhi and Ors., reported in 1975 II LLJ 33**, the Hon'ble High Court of Delhi in para 7 of its judgment held as under:

*"7. The finding, I have returned, is that the respondent No. 3 is a working journalists governed by the Journalists Act and he is not a workman within the meaning of Industrial Disputes Act but all the provisions of the industrial Disputes Act fully apply to him as they apply to a workman so he is entitled to take advantage of the provisions of the Industrial Disputes Act and the machinery for adjudication of disputes provided by it in view*

*of this findings the espousal of the cause of the respondent is sufficient to convert individual dispute of the workman into an industrial dispute. The contention of the counsel has no force and the findings of the Tribunal on the preliminary issues does not suffer from any legal infirmity. As a result the writ petition fails and is dismissed but in the circumstances of the case the parties will bear their respective costs."*

35. The principle laid down by the Hon'ble High Court of Delhi is well recognised and is also applicable to the case in hand. Applying the law laid down by the Hon'ble High Court of Delhi, it is held that the dispute raised by the Party I is an 'industrial dispute' within the meaning of Section 2 (k) of the I.D. Act, 1947. The court also do not find any merits in the preliminary objection raised by the Employer and as such the said preliminary objection raised by the Employer is hereby overruled. Hence, it is held that the Employer failed to prove that the present order of reference is not maintainable in view of the reasons stated in its preliminary objections. The issue No. 5 is therefore answered in the negative.

36. Issue No. 3:

While deciding the issue No. 2 hereinabove, I have discussed and come to the conclusion that the Party I is a non-journalist newspaper employee under The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act 45 of 1955. The Party I, being a non-journalist newspaper employee is therefore entitled to the benefits under the Justice Majithia Wage Board Award dated 31-10-2010 and accepted by the Government of India dated 11-11-2011. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act 45 of 1955. Hence, it is held that the Party I proves that is therefore entitled to the benefits under the Justice Majithia Wage Board Award dated 31-10-2010 and accepted by the Government of India dated 11-11-2011. The issue No. 3 is therefore answered in the affirmative.

37. Issue No. 4:

While deciding the issue No. 3 hereinabove, I have discussed and come to the conclusion that the Party I being a non-journalist working employee is therefore entitled to the benefits under the Justice Majithia Wage Board Award dated 31-10-2010 and accepted by the Government of India dated 11-11-2011.



38. The evidence on record indicates that the Government of India, in exercise of the powers conferred by Section 9 of the said Act had constituted a wage board for the purpose of fixing and revising rates of wages in respect of working journalist and non-journalist newspaper employees and news agencies employees vide notification dated 24-05-2007 which is known as Justice Majithia Wage Board. The evidence on record indicates that during the pendency of the adjudication, the Government of India vide notification dated 24-10-2008 had declared 30% of the basic wages as interim relief w.e.f. 08-01-2008. The evidence on record indicates that from January 2000 onwards, the Party I had drawn basic wages under the Manisana Singh Board Award.

39. The evidence on record indicates that the Party I was promoted to the post of Recovery Officer w.e.f. 01-12-2007 vide letter dated 26-11-2007 and he was fitted at basic pay of Rs. 7835/-. The Party I was also paid arrears arising out the Manisana Wage Board Award. The evidence on record indicates that the Party I was further promoted to the post of Asstt. Advertising Manager (Recovery) w.e.f. January, 2011 vide letter dated 18-11-2010 and was confirmed in the same scale of pay of the Manisana Wage Board Award. The Party I was however, granted an increment of Rs. 3000/- in his conveyance allowance. At the relevant time i.e. w.e.f. January, 2008 the basic of the Party I was Rs. 7835/-. The basic of the Party I for the period of 23 days in the month of January, 2008 was Rs. 6006.83. The basic of the Party I for the month of October, 2008, October, 2009, October, 2010, October, 2011, October, 2012 and for the month of October 2013 were Rs. 8070/-, Rs. 8305/-, Rs. 8540/-, Rs. 8775/-, Rs.9010/- and Rs. 9245/- respectively. Thus, the total calculation of 30% of the basic wage for the period from 08-01-2008 till 10-11-2011 comes to Rs. 1,13,810.05.

40. The Party I claimed an amount of Rs. 1,62,000/- as an arrears towards the recommendation of Justice Majithia Wage Board Award. The Employer denied that the Party I is entitled as an arrears towards the recommendation of Justice Majithia Wage Board Award. The Party I has produced on record a copy of the order dated 11-11-2011 issued by the Ministry of Labour and Employment which is on record at Exb. 15. The said order on record indicates that the wages as revised/determined shall be payable from 11-11-2011 when the Government of India notified the recommendations of the Majithia Wage Board. The Hon'ble Supreme Court of India upheld the recommendations made by the Justice Majithia

Wage Board hiking salaries for journalists and non-journalists by dismissing the challenges filed by the managements of various newspapers. Hence, it is held that the Party I proved that he is entitled to the arrears of the recommendations of the Justice Majithia Wage Board Award.

41. The Party I also claimed an amount of Rs. 32,244.27 on account of encashment of leave credited on the day of acceptance of his resignation on 31-10-2014. According to the Party I, there was balance earned leave of 31 days and casual leave of 6 days in his account. The Employer denied in its pleadings the aforesaid encashment of leave of earned leave of 31 days and casual leave of 6 days in his account. It was therefore, incumbent upon him to prove the said fact by cogent evidence. The Party I has however, did not produce on record any cogent evidence in support of the claim. The Party I also failed to direct the Employer to produce the records pertaining to his leave. Thus, the Party I having failed to produce any cogent evidence of his leave balance on the day of acceptance of his resignation, also failed to prove that he is entitled to encash the earned leave of 31 days and 6 days of casual leave. The Party I is therefore not entitled to any leave encashment. The issue No. 4 is therefore partly answered in the affirmative to the extent of 30% of the interim relief as well as differences in wages as per Justice Majithia Wage Board Award and partly answered in the negative to the extent of leave encashment.

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

#### ORDER

1. It is held that Shri Crispino Marcelo is a non-journalist newspaper employee under the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act 45 of 1955).
2. The Employer, M/s. Herald Publications Pvt. Ltd., is hereby directed to pay to the Party I, Shri Crispino Marcelo, 30% of the interim relief as well as arrears under the Justice Majithia Wage Board Award. However, Party I is not entitled to any leave encashment.
3. No order as to costs

Inform the Government accordingly.

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



## Notification

No. 28/3/2018-LAB/Part-I/764

The following award passed by the Labour Court-II, at Panaji-Goa on 22-10-2018 in reference No. IT/25/2010 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

*Neetal P. Amonkar*, Under Secretary (Labour).

Porvorim, 28th November, 2018.

—————  
IN THE LABOUR COURT-II

GOVERNMENT OF GOA  
AT PANAJI

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

Case No. Ref. IT/25/2010

Shri Menino Dias,  
r/o. H. No. 399, Maria Apartment,  
Mangor Hill,  
Vasco-da-Gama, Goa. .... Workman/Party-I  
V/s

M/s. Kadamba Transport Corporation Ltd.,  
Paraiso de Goa, Alto Porvorim,  
Bardez-Goa. .... Employer/Party-II  
Workman/Party-I represented by Adv. Shri A.  
Kundaikar.

Employer/Party-II represented by Adv. Shri A.  
Palekar.

Panaji, dated 22-10-2018.

## AWARD

1. In exercise of the powers conferred by Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 22-09-2010, bearing No. 28/34/2010-LAB referred the following dispute for adjudication by the Industrial Tribunal of Goa. The Government of Goa, vide its subsequent order dated 09-02-2016, transferred the present reference from the Industrial Tribunal-cum-Labour Court to this Labour Court II for its adjudication.

**“(1) Whether the action of M/s Kadamba Transport Corporation Ltd., Porvorim, Goa, in dismissing from services Shri Menino Dias, Driver, vide their order dated 20-01-2007 is legal and justified?”**

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

2. On receipt of the reference, a case was registered under No. IT/25/2010 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 01-12-2010 at Exb. 7. The facts of the case in brief as pleaded by the workman are that after successful interview, he was appointed by the Employer/Party-II (for short, 'Employer') as 'Driver' in the year 1985. He stated that on 15-08-2005, he was posted on schedule No. 52 on vehicle No. GA-01-X-0306 (Mini bus) on shuttle service on route Vasco-Panaji. He stated that the vehicle departed from Vasco Bus stand at about 3.00 p.m. and when he reached at Zuari bridge, Agassaim at the end of Zuari bridge, the vehicle turned turtled and went off the road. He was issued a charge-sheet dated 26-01-2005 by the Employer. He stated that he controverted the charges levelled against him, vide his reply dated 02-11-2005. He stated that he had also denied the charges as the same were belatedly issued to him, despite the fact that the accident occurred on 15-08-2005 and the charge-sheet was issued to him on 26-10-2005 besides his defense of mechanical fault.

3. He stated that he was charged under Clause 28 of the CSO (Certified Standing Orders). He stated that the said charge-sheet reads as when he was on route Vasco-Panaji (shuttle) on KTC vehicle No. GA-01-X-030805, he met with major accident near Zuari bridge, Agassaim at 15.00 hours causing injuries to him and 18 passengers as well as total damages to the KTC vehicle. That the accident took place, when the KTC driver Mr. Menino Dias drove the vehicle in over speed and failed to control the same, whereby vehicle went off to right side off the road and turned turtled and struck on electric pole and finally rested on a big tree with all four wheel in upward directions and therefore the driver is fully responsible for the above accident and consequent injuries caused to the driver and passengers as well as damages of the vehicle. He stated that he was therefore charged under Clause 28. He stated that thereafter the Employer conducted an enquiry against him. He stated that the Enquiry Officer held him guilty of the charges levelled against him. He stated that the Employer thereafter issued him a dismissal letter dismissing him from service vide order dated 20-01-2007.

4. Being aggrieved by the order of dismissal issued to him, the Workman challenged the same on the following grounds, which are taken without

prejudice to one another. The Workman contended that the action of the Employer in dismissing him from services is illegal, malafide and unjustified. He submitted that the Employer is a State within the meaning of Article 12 of the Constitution of India and is bound by Chapter II of the Constitution of India. He submitted that the action of the Employer in dismissing him from service is patently illegal, arbitrary and thus in violation of Article 14, 16 and 21 of the Constitution of India. He submitted that his service has been terminated without any reasonable cause and for no misconducts committed by him. He submitted that the departmental enquiry conducted in flagrant violation of the principles of natural justice. He submitted that the findings of the Enquiry Officer are perverse, suffers from non-application of mind and not based on evidence on record. He submitted that Ld. Enquiry Officer erred in placing the burden of proving the innocence on him, when in fact the proper procedure and in fairness, the Enquiry Officer ought to have followed by placing the burden to prove the charges levelled against him on the Employer. He submitted that Ld. Enquiry Officer ought to have appreciated the defense taken by him vis-à-vis the evidence on record. He submitted that the action of the Employer is smacks of malafide and instance of unfair labour practice only to victimize him. He submitted that in hypothetical cases of fatal accidents, the drivers have been imposed with minor penalties of withholding annual increments, however, he is imposed with the penalty of dismissal from service, which is unwarranted. He submitted that the alleged misconduct stipulated in the charge-sheet does not amounts to breach of any rules or instructions given by the superiors for the proper functioning of the or the safety of the establishment especially when no orders or directions were produced on record during the course of enquiry proceedings. Without prejudice to the above, he submitted that he is not guilty of the charges and that the punishment of dismissal imposed upon him is disproportionate to the alleged misconduct. The Workman therefore prayed that the action of the Employer in retrenching his services w.e.f. 15-01-2008 be declared as illegal and unjustified and he be reinstated along with full back wages from the date of retrenchment till passing of the award.

5. The Employer resisted the claim of the Workman by filing written statement on 17-01-2014 at Exb. 11. The Employer stated that it is a Government Company and also a State Transport Undertaking under the Provisions of Motor Vehicles

Act, 1988. The Employer stated that he provides transport services to the travelling public within the State of Goa and also to the neighbouring states like Maharashtra and Karnataka. The Employer admitted that the Workman was appointed as a Heavy Vehicle Driver on daily wages w.e.f. 21-11-1985 and his daily wages periods were extended from time to time. The Employer stated that the Workman was taken on probation w.e.f. 01-11-1986 in the pay scale of Rs. 300-500. The Employer stated that ever since his appointment, the Workman used to be involved in many acts of misconducts/accidents. The Employer stated that as and when his misconduct was reported, the Workman was imposed minor punishments with a view to improve himself and perform his duties sincerely. The Employer stated that however, inspite of the opportunities given to him, the Workman had not shown any sign of improvement. The Employer stated that some of the misconducts committed by the Workman and punishments awarded to him are that he was issued memorandum dated 29-04-1987 for causing break down of vehicle GDX-75 due to breakage of propeller shaft, issued memorandum dated 30-08-1987 for remaining absent on 29-08-1987 for scheduled duty on scheduled No. 48A/46, issued memorandum dated 04-11-1987 for remaining absent from 02-11-1987 to 03-11-1987 for scheduled duty on schedule No. 42A/40, issued warning dated 01-07-1988 to improve the diesel kilometers per litre, issued default notice LC No. 02194, dated 13-03-1988 since he failed to reply to the default notice, he was issued warning dated 04-08-1988 for non-repeatability of such instances in future, issued memorandum dated 10-08-1988 while he was on duty on vehicle GDX-13, his vehicle went off the road and the same vehicle kept unattended by him at the incident spot and after scrutinizing the reply filed by him, the Workman was fined Rs. 25 with warning, vide order dated 03-09-1988 for non-repeatability, issued show-cause notice dated 30-12-1988 for improper behaviour with the travelling passenger, issued charge-sheet dated 26-04-1989 for committing the accidents to vehicle GDX-71 and not stopping the vehicle on the accident spot and that after scrutinizing his reply, the Workman was warned vide letter dated 28-07-1989 for non-repeatability of such instances in future, imposed recovery of Rs. 75/- towards the damaged caused to vehicle No. GDX-154 with warning vide order dated 03-05-1989, issued warning dated 01-03-1990 for refusal of double duty, issued warning dated 28-02-1990 for refusal of double duty, issued charge-sheet dated 16-05-1990 for committing fatal accident wherein one pillion

rider of the motorcycle succumbed to his injuries in the hospital. Considering the gravity of the incident, Workman was placed under suspension pending departmental enquiry and final action. The departmental enquiry was also instituted vide order dated 02-07-1990 and the suspension order issued to Workman was revoked vide order dated 08-06-1990, issued warning letter dated 13-02-1991 for causing damages to the vehicle No. GDX-95, issued memorandum dated 15-03-1991 for causing damages to the vehicle No. GDX-95, issued memorandum dated 15-03-1991 for committing the accident to the vehicle No. GDX-88 on 26-10-1990 since no reply was filed by Workman, Workman was fined Rs. 50/- with warning for non-repeatability vide order dated 09-04-1991, issued memorandum dated 24-02-1992 for committing accident to vehicle No. GDX-147 on 24-12-1991 and causing damages to the KTC vehicle and after scrutinizing the explanation offered by him, Workman was warned for non-repeatability vide letter dated 25-3-1992, issued charge-sheet No. KTC/ADM(V)96-97/113 dated 25-03-1996 for committing the accident, after scrutinizing the reply filed by Workman, a recovery of Rs. 1000/- in four equal installments was imposed upon Workman vide order dated 04-07-1995 with warning for non-repeating in future, issued memorandum dated 06-03-1999 for unauthorizedly operating the scheduled trip before actual scheduled timings and thereafter refusing to operate the trip instructed by the Traffic Controller, issued charge-sheet dated 13-04-1999 for assaulting the co-workers in the depot premises under the influence of alcohol, summary enquiry was conducted vide order dated 19-05-1999 and perusing the enquiry report, Workman was issued warning dated 24-07-1999 for non-repeatability, issued memorandum dated 31-07-1999 for driving the vehicle in tyre puncture condition thereby damaging the tyre and tube. After scrutinizing the reply filed by Workman he was issued warning dated 24-08-1999 for non-repeatability of such instances in future, issued show-cause notice dated 03-08-2000 for keeping the vehicle unattended after operating the half schedule, thereby causing revenue loss to the corporation. After scrutinizing his reply, he was imposed fine towards revenue loss of Rs. 345/- vide order dated 05-08-2000 with a warning for non-repeatability in future, issued charge-sheet dated 03-02-2001 for committing the accident to vehicle to GA-01/X0242, causing damages to vehicle. After scrutinizing the reply, summary enquiry was conducted vide order dated 28-04-2001. On perusal of enquiry report, the Workman was issued show-cause notice dated 02-08-2001 proposing the

penalty of recovery of Rs. 500/- towards damages cost to the KTC vehicle. On scrutinizing the reply filed by Workman, a penalty of recovery of Rs. 300/- was imposed vide order dated 30-08-2001 with warning for non-repeatability in future, issued charge-sheet dated 30-08-2001 committing the accident to vehicle of the KTCL, thereby causing damages of Rs. 10,000/- to KTCL vehicles, issued charge-sheet dated 31-08-2001 for committing the accident to KTC vehicle thereby causing damage to KTCL vehicle at a tune of Rs. 6000/- beside injuries to the travelling passengers. On scrutinizing the reply filed by the Workman, Workman was imposed a penalty of Rs. 3000/- towards damage cost vide order dated 01-11-2001 with warning for non-repeatability in future, issued charge-sheet dated 09-02-2006 for committing the accident to the KTC vehicle by driving the vehicle careless and negligent manner. The decision to conduct the summary enquiry was taken vide order dated 08-03-2005. On completion the enquiry, show cause notice dated 27-08-2005 was issued proposing the penalty of recovery of Rs. 17632/- towards damage cost was issued. On scrutiny of his reply a lenient view was taken and accordingly a penalty of recovery was Rs. 8860/- was imposed upon him vide order dated 20-09-2005 with warning for non-repeatability of such instances in future, issued charge-sheet dated 20-06-2005 for disobedience of instructions of the Depot Manager thereby causing hardship to the passengers of the brake down vehicle. Considering the gravity of the misconducts, Workman was placed under suspension vide order dated 18-06-2005 pending departmental enquiry and final action. The suspension order issued to Workman was revoked vide order dated 8-7-2005 vide order issued 20-07-2005, the departmental enquiry was instituted.

6. The Employer stated that the Workman was on duty on route Vasco to Panaji (shuttle) on its vehicle bearing No. GA-01-X-0306 on 15-08-2005 and on reaching near Zuari bridge (Agassaim) at 15.00 hours, met with an accident causing injuries to 13 passengers travelling in the bus as well as to himself, besides damaging the said vehicle bearing No. GA-01-X-0306 totally. The Employer stated that the accident took place when the Workman drove the vehicle in an extremely speedy manner and failed to control the same, whereby the vehicle veered off to the right side of the road and turned turtle and struck an electric pole and finally rested on a big tree with all four wheels in an upward direction. The Employer stated that at the preliminary inspection of the accident site, it was

observed that the accident occurred due to careless, rash and negligent driving of the Workman which resulted in injuries to the passengers and total damage to its vehicle.

7. The Employer stated that the Workman was placed under suspension vide order dated 26-10-2005 pending departmental enquiry. The Workman was also issued charge-sheet dated 26-10-2005 directing him to file his say within 7 days from the receipt of the said charge-sheet. The Employer stated that the Workman has filed its reply dated 02-11-2005. The Employer stated that the Workman participated in the enquiry alongwith his representative. The Employer stated that the enquiry was conducted in accordance with the principles of natural justice and the Enquiry Officer has acted judicially and impartially. The Employer stated that all the charges levelled against the Workman have been proved in the said enquiry. The Employer stated that the Workman was issued a show-cause notice dated 16-10-2006, as to why he should not be dismissed from its service. The Employer stated that the Workman filed his reply dated 16-10-2006 to the said show-cause notice. The Employer stated that its disciplinary authority found the said reply dated 16-10-2006 filed by the Workman to be unsatisfactory. The Employer stated that the disciplinary authority, after considering the past unsatisfactory performance of the Workman and considering all the circumstances of the case viewed that the Workman does not deserve a lenient view and therefore dismissed him from service by its order dated 20-11-2007. The Employer crave leaves of this Hon'ble Court that in the event this court comes to the conclusion that the enquiry conducted against the Workman is not fair and proper on any of the grounds, in that event the Employer be allowed to lead fresh evidence to prove the charges of misconduct levelled against the Workman. The Employer stated that the Workman raised an industrial dispute vide its letter dated 12-02-2007 before the conciliation office Panaji-Goa which ended in failure. The Employer denied the overall case as pleaded by the Workman in its statement of claim and prayed for dismissal of the present claim of the Workman.

8. Thereafter, the Workman filed his re-joinder on 27-02-2014 at Exb.13. The Workman, by way of his Re-joinder, confirms and reiterates all his submissions, averments and statements made in his Claim Statement to be true and correct and denied all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to the Statement and averments made in his Claim Statement.

9. Based on the pleadings filed by the parties herein above, the Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court framed the following issues on 14-08-2014 at Exb. 15.

1. Whether the Party I proves that the domestic enquiry held against him is not fair and proper?
2. Whether the charges of misconduct leveled against the Workman are proved to the satisfaction of this Tribunal by acceptable evidence?
3. Whether the Party I proves that the termination of his services by the Party II vide order dated 20-01-2007 is illegal and unjustified?
4. Whether the Party I proves that he is unemployed from the date of his dismissal?
5. What relief? What Award?

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

- (a) Issue No. 1 : In the affirmative.
- (b) Issue No. 2 : Partly in the affirmative and Partly in the negative.
- (c) Issue No. 3 : In the negative.
- (d) Issue No. 4 : Does not arise.
- (e) Issue No. 5 : In the negative.

I have heard the oral arguments of Ld. Adv. Shri A. Kundaikar appearing for the Workman as well as Ld. Adv. Shri A. Palekar appearing for the Employer.

11. Ld. Adv. Shri A. Kundaikar, representing the Workman, during the course of his oral arguments submitted that the Workman under reference was working as driver with Employer since the year 1985. He submitted that the Employer is governed by its Certified Standing Orders. He submitted that Clause 24 as well as 29 of the Certified Standing Orders of the Employer on record provides for termination of employment as well as punishment for misconduct respectively. He submitted that vide order dated 14-03-2018 passed in the findings on the preliminary issue No. 1 and 2, this court has held that a fair and proper enquiry was conducted against the Workman in accordance with the principles of natural justice read with Certified Standing Orders of the Employer and that the management of the Employer Corporation could prove the only charges of misconduct i.e. X-Rash and negligent driving resulting in death of or injury to the persons or damage to properties and the rest of the charges of misconduct have not been proved to the satisfaction of this court by acceptable evidence. He submitted that the charge



of over speeding has not been proved by an acceptable evidence and as such the charge of rash and negligent driving also cannot be said to be proved. He submitted that the Workman was acquitted in a criminal case in a charge of rash and negligent driving and as such no misconduct can be said to be proved. He submitted that there is no mitigating circumstances to dismiss the Workman from service of the Employer. He submitted that the punishment of dismissal from service imposed on the Workman is too harsh and disproportionate to the proved misconduct taking into consideration the factor of proportionality of punishment. He submitted that the punishment of dismissal from service imposed upon the Workman amounts to economic death of the Workman as well as his family for the alleged acts of misconduct of rash and negligent driving on his part. He submitted that even the criminal courts do not empower to issue major punishment for the alleged offence of rash and negligent driving. He submitted that no past records of the Workman have been proved. He submitted that similarly, the damages has not been quantified. He therefore submitted that taking into consideration the proved charges of misconduct of rash and negligent driving only, a punishment of dismissal from service imposed on the Workman be set aside and the Workman be reinstated in service with full back wages and continuity in service. In support of his oral contention, Ld. Adv. Shri A. Kundaikar relied upon the following judgments of the Hon'ble Apex Court.

- (a) In the case of **Tata Cellular v/s. Union of India, reported in AIR 1996 SC 11.**
- (b) In the case of **Bhagat Ram v/s. State of H. P. and Ors., reported in AIR 1983 SC 454.**
- (c) In the case of **Ranjit Thakur v/s. Union of India and Ors., reported in 1987 SC 2386.**
- (d) In the case of **Om Kumar and Ors., v/s. Union of India, reported in AIR 2000 SC 3689.**
- (e) In the case of **Deepali Gundu Surwase v/s. Kranti Junior Adhyapak Mahavidyalaya (D.Ed) and Ors., reported in 2014 II CLR 813.**

He also relied upon a judgment of Hon'ble High Court of Bombay in the case of **M/s. Rajkamal Transport v/s. Rajendra A. Pardiwala and Anr., reported in 1997 (4) ALL MR 294.**

12. Per contra, Ld. Adv. Shri A. Palekar, representing the Employer, during the course of his oral arguments submitted that the Workman

under reference was appointed as driver in its service since the year 1985. He submitted that vide order dated 14-03-2018 passed in the findings on the preliminary issue No. 1 and 2, this court has held that a fair and proper enquiry was conducted against the Workman in accordance with the principles of natural justice read with Certified Standing Orders of the Employer and that the management of the Employer Corporation could prove the only charges of misconduct i.e. X-Rash and negligent driving resulting in death of or injury to the persons or damage to properties and the rest of the charges of misconduct have not been proved to the satisfaction of this court by acceptable evidence. He submitted that ever since his appointment, the Workman used to be involved in many acts of misconduct/accidents. He submitted that the Workman was issued several memorandums, warnings as well as minor punishment etc. in the past. He submitted that in spite of giving several opportunities to the Workman, he had not shown any sign of improvement. He submitted that the disciplinary authority of the Employer after considering the past unsatisfactory performance of the Workman as well as considering all the circumstances of the case viewed that the Workman does not deserve a lenient view and therefore dismissed him from service by its order dated 20-11-2007. He submitted that the said action of the disciplinary authority of the Employer is just, fair and proper and proportionate to the proved charges of misconduct levelled against the Workman. He submitted that acquittal of the Workman in criminal case has no bearing in the disciplinary proceedings instituted against him. He submitted that in a criminal case, the prosecution has to prove its case beyond reasonable doubt and any suspicious/doubt in the prosecution case results in acquittal. He submitted that however, in a departmental proceedings, the Employer has to prove a case on preponderance of probabilities. He therefore submitted that the acquittal of the Workman in criminal case if any has no bearing in the disciplinary proceedings. He submitted that the judgments relied upon by the Ld. Adv. Shri A. Kundaikar, appearing for the Workman has no application to the case in hand as the facts of the case as well as the past misconduct of the Workman are totally different. He finally submitted that the punishment of dismissal from service imposed upon the Workman is just, fair and proper taking into consideration the past record of the Workman and prayed for dismissal of the present reference.

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

13. *Issue No. 1 and 2:*

Vide order dated 14-03-2018 passed in my findings on preliminary issue No. 1 and 2, I have discussed and came to the conclusion that a free, fair and proper enquiry was conducted against the Workman in accordance with the principles of natural justice read with provisions of Certified Standing Orders of the Employer and that the management of the Employer Corporation could successfully prove the only charge of misconduct i.e. X-Rash and negligent driving resulting in death of or injury to persons or damage to properties and rest of the charges have not been proved at all to the satisfaction of this court by an acceptable evidence. The issue No. 1 is therefore answered in the affirmative and issue No. 2 is answered partly in the affirmative and partly in the negative.

14. *Issue No. 3:*

It is the Workman who has challenged his order of dismissal by raising an industrial dispute. It was therefore incumbent upon the Workman to prove that the said order of dismissal issued to him is illegal as well as unjustified by leading cogent evidence.

While deciding the issue No. 2 hereinabove, I have discussed and came to the conclusion that the management of the Employer Corporation could successfully prove the only charge of misconduct i.e. X-Rash and negligent driving resulting in death of or injury to persons or damage to properties and rest of the charges have not been proved at all to the satisfaction of this court by an acceptable evidence.

15. The Employer has produced on record its Certified Standing Orders at Exb. 33. Clause 29 of the CSO provides for punishment for misconduct. In terms of the said Clause 29 of the CSO a workman guilty of misconduct may be warned or censored or fined (subject to provisions of the Payment of Wages Act, 1936, as amended from time to time), subjected to stoppage of increments with or without cumulative effect, demoted to a junior category or lower grade, suspended without pay for a period not exceeding eight days at a time, discharged from service without notice or payment in lieu of notice, stoppage of or withholding of promotion for one year and dismissal without notice of any compensation in lieu of notice. In terms of Clause 29 (III) of the CSO, in awarding punishment

under these Standing Orders, the manager shall take into account the gravity of the misconduct, the previous records, if any of the Workman and any other extenuating or aggravating circumstances that may exist. In terms of Clause 30 of the CSO "misdemeanour-a workman may be warned, censored or fined for any of the following acts and omissions (which are illustrative and not exhaustive) such as absence without leave or without sufficient cause, late attendance, negligence in performing duties, neglect of work, absence without leave or without sufficient cause for the appointed place of work, entering or leaving or attempting to enter or leave the premises of the establishment except by a gate or entrance appointed, committing nuisance on the premises of the establishment and breach of any rule for instruction for maintenance or running of any department provided that no workman shall be fined except in accordance with the provisions of the Payment of Wages Act, where the provisions of the said Act, 1936 where the provisions of the said Act are applicable to him.

16. In the case in hand, the Workman was appointed as driver in the year 1985 on daily wages w.e.f. 21-11-1985. The Workman was taken on probation w.e.f. 01-11-1986. The Workman was dismissed by order dated 20-01-2007 (Exb. 27). The said dismissal order on record indicates that the past record, he was involved in number of accident cases of fatal, major as well as minor nature, causing fatalities, injuries to the passengers as well as damages to the Employer Corporation as well as third party vehicles and that the Workman has been warned, fined, after initiating necessary enquiries against him. The said document at Exb. 27 further stated that in spite of above, the Workman has not shown any improvement in his performance and continue to commit accidents while on duty and that in few cases, the departmental have been ordered and still in progress against the Workman. The Workman has however, failed to produce on record any material evidence in support of any of his submissions that the action of the Employer in dismissing him from service is illegal and unjustified and/or that the dismissal from service of the Workman is disproportionate to the alleged misconduct committed by him and/or that his past records is unblemished and/or any other grounds of his challenge as pleaded in his claim statement.

17. Further, the Workman had filed an appeal against the dismissal order dated 20-01-2007 passed by the Employer, which has been disposed off by order dated 31-08-2007 (Exb. 26). The said document

at Exb. 26 on record indicates that the Workman has committed an accident causing injuries to him and thirteen passengers as well as total damages to the Employer vehicle and therefore he is fully responsible for the said accidents and consequent injuries caused to him and passengers as well as damages to the Employer vehicle. The said order at Exb. 26 further reiterates the past records of the Workman has been involved in number of accident cases fatal, major as well as minor nature, causing fatalities/injuries to passengers as well as damages to the Employer as well as third party vehicle and that the Workman has been warned, fined after initiating necessary enquiries against him. The said order at Exb. 26 further observed that the Workman has been found driving under influence of alcohol and he had also previously committed fatal accidents and that his performance was not satisfactory involving various accidents, misbehavior etc. Further the Employer vide its letter dated 20-11-2007 (Exb. 25) addressed to the Dy. Labour Commissioner, Margao, Goa, filed the written reply to the Industrial Dispute raised by the Employer. The said document at Exb. 25 on record indicates that ever since the appointment of the Workman, was involved in many acts of misconducts and that as and when his misconduct was reported, he was imposed minor punishment with a view to improve himself and perform his duties sincerely. The said document on record indicates that the Workman was involved in 25 misconducts as pleaded in para 2 of its written statement.

18. The aforesaid documentary evidence on record indicates that the action of the Employer in dismissing from the services of the Workman vide its order dated 20-01-2007 is just, fair and proper in accordance with the Certified Standing Orders of the Employer. The said action of the Employer in dismissing the Workman is proportionate to the misconduct committed by the Workman taking into consideration his past records.

19. Ld. Adv. Shri A. Kundaikar, appearing for the Workman, submitted that the Workman was acquitted in criminal case in a charge of rash and negligent driving. However, I do not find any merits in the submission of Ld. Adv. Shri A. Kundaikar and hence, the same are rejected.

20. In the case of **Tata Cellular (supra)** of Hon'ble Apex Court has held that "*judicial review is concerned with reviewing not the merits of the decision in support of which the application of judicial review is made but the decision making process itself. The duty of the court is to confine itself to the question of legality. Its concern should be*"

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

21. In the case of **Bhagat Ram (supra)**, the Hon'ble Supreme Court of India in para 70 of its judgment held as under:

*"70. In this context, we shall only refer to these cases. In Ranjit Thakur v/s. Union of India (1978) 4 SCC 611: (AIR 1987 SC 2386: 1988 Cri LJ 158), this Court referred to 'proportionality' in the quantum of punishment but the court observed that the punishment was 'shockingly' disproportionate to the misconduct proved. In B.C. Chaturvedi v/s. Union of India (1955) 6 SCC 749: (1995 AIR SCW 4374: AIR 1996 SC 484: 1996 Lab IC 462), this court stated that the court will not interfere unless the punishment awarded was one which shocked the conscience of the court, even then, the court would remit the matter back to the authority and would not normally substitute one punishment for the other. However, in rare situations, the court could award an alternative penalty. It was also so stated in Ganayutham.*

*71. Thus, from the above principles and decided cases, it must be held that where an administrative decision relating to punishment in disciplinary cases is questioned as 'arbitrary' under Art. 14, the court is confined to Wednesday principles as a secondary reviewing authority. The court will not apply proportionality as a primary reviewing court because no issue of fundamental freedoms nor of discrimination under Art. 14 applies in such a context. The court while reviewing punishment and if it is satisfied that Wednesbury principles are violated, it has normally to remit the matter to the Administrator for a fresh decision as to the disciplinary proceedings and in the time taken in courts, and (in) such extreme or rare cases can the court substitute its own view as to the quantum of punishment."*

22. In the case of **Rajendra A. Pardiwala (supra)**, the Hon'ble High Court of Bombay has held that "*According to the claim made by the workman in the said Reference, he was victimized. He has also pleaded that the domestic enquiry was not fair and*

proper. He also pleaded in the said reference that the punishment was disproportionate. By way of Party I award dated 1st December, 1993, the Industrial Tribunal found that the enquiry was fair and proper. However, the parties filed a purshis before the Industrial Tribunal and they did not lead any oral evidence thereafter for the purposes of proving the propriety of the order of punishment or victimization or malafides etc. Ultimately, on 7th January, 1994, the Labour Court passed an award being part-II award. The Labour Court found that the workman was guilty of misconduct. However, the Labour Court found that the punishment by way of dismissal was not warranted and in the circumstances, the Labour Court directed reinstatement with 50% back wages and continuity of service. Being aggrieved by the part-II award dated 7th January, 1994, the above two writ petitions have been filed. On 14th February, 1995 this court directed the employer to pay wages under Section 17B of the Industrial Disputes Act and it is not in dispute that from 14th February, 1995, the order is implemented and the workman has been receiving wages under Section 17B of the said Act, 1947."

The principle laid down by the Hon'ble Apex Court in its aforesaid cases respectively are not applicable to the case in hand.

In view of above, it is held that the Workman failed to prove that the action of the Employer in dismissing him from services vide order dated 20-01-2007 is illegal and unjustified. The issue No. 3 is therefore answered in the negative.

#### 23. Issue No. 4 and 5:

While deciding the issue No. 4, herein above I have discussed and came to the conclusion that the action of the Employer in dismissing the services of the Workman vide order dated 20-01-2007 is just, legal and proper. The question of proving of the fact that the Workman was unemployed from the date of his dismissal does not arise. The Workman is therefore not entitled to any relief. The issue No. 4 is therefore answered as does not arise. The issue No. 5 is therefore answered in the negative.

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

#### ORDER

1. It is held that the action of M/s Kadamba Transport Corporation Ltd., Porvorim, Goa, in dismissing from services Shri Menino Dias, Driver, vide their order dated 20-01-2007 is legal and justified.

2. The Workman, Shri Menino Dias, is not entitled to any relief.
3. No order as to costs

Inform the Government accordingly.

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

### Department of Personnel

#### Order

No. 13/17/2016/PER/3159

Governor of Goa is pleased to grant extension in service to Shri S. P. Singnapurkar, Junior Scale Officer of Goa Civil Service and presently posted as Special Land Acquisition Officer, Public Works Department; beyond the date of his superannuation for further period of six months w .e. f. 01-12-2018 to 31-05-2019 in public interest. The said extension in service is subject to Vigilance Clearance, Concurrence of Finance Department and approval of Council of Ministers.

The extension is further subject to termination without assigning any reasons at any time during the period of extension.

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

*Shashank V. Thakur*, Under Secretary (Personnel-II).  
Porvorim, 30th November, 2018.

#### Order

No. 4/12/85-PER-Vol.I/3160

Consequent upon the superannuation of Shri Nelson X. Figueiredo, Director of Agriculture on 30-11-2018 Shri Madhav B. Kelkar, presently on deputation as Managing Director, Goa State Horticulture Corporation Ltd. shall hold the charge of the post of Director in the Directorate of Agriculture, Panaji on officiating basis with immediate effect in addition to his own duties until further orders.

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

*Shashank V. Thakur*, Under Secretary (Personnel-II).  
Porvorim, 30th November, 2018.



## Department of Power

Office of the Chief Electrical Engineer

**Order**

No. CEE/Estt-01-11-2010/S.E.I(Depu)/Vol.I/2888

Government is pleased to employ Shri Radhakrishna Keny, retired Executive Engineer (Elect.) as Electrical Inspector, under State Electrical Inspectorate, Government of Goa in the pay matrix level 12 on contract basis for the period of six months from the date he resumes for duty.

2. His pay in the re-employed post shall be fixed in terms of C.C.S. (Fixation of Pay of Re-employed Pensioners) Orders, 2016.

3. His appointment is subject to an agreement to be executed specifying the terms and conditions of his re-employment.

4. The expenditure on his pay and allowances shall be debited to the Demand No. 76, Head of Account: 2801—Power; 80—General; 800—Others Expenditure; 02—State Electrical Inspectorate (Non Plan); 01—Salaries.

5. The issues with the approval of the Administrative Reforms Department vide No. 9/18/IDCO/2018-ARD/379 dated 23-11-2018.

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

*Reshma Mathew*, Chief Electrical Engineer & ex officio Additional Secretary.

Panaji, 30th November, 2018.

**Order**

No. CEE/Estt-33(C)/2907

Read: Order No. CEE/Estt-33(C)/583 dated 16-05-2018.

In supersession of Order No. CEE/Estt-33 (C)/583 dated 16-05-2018, read above the Departmental Selection Committee and Departmental Promotion Committee for Group "C" posts in the Electricity Department is hereby re-constituted as under with immediate effect and until further orders:-

1. Chief Electrical Engineer, — Chairman.  
Electricity Department,  
Panaji
2. Director (Admn.)/Dy. Director — Member.  
(Admn.), Office of the Chief  
Electrical Engineer, Panaji

3. Executive Engineer (Elect.), — Member.  
Division XIII, Kadamba  
Plateau

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

*Reshma Mathew*, Chief Electrical Engineer & ex officio Additional Secretary.

Panaji, 4th December, 2018.

## Department of Revenue

Office of the Collector & District Magistrate  
South Goa District**Order**

No. 55/2/2018/CAB/PwD Act/14206

Sub.: Implementation of Rights of Persons with Disabilities Act, 2016.

Whereas, Section 7 of the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016) designates the Executive Magistrate, within his jurisdiction as the designated Protective Officer for the purpose of said Section.

And whereas, Section 23 of the said Act, authorises every Government establishment for appointment of a Grievance Redressal Officer for the purpose of Ss. 19 and 20 of the said Act.

Now therefore, in exercise of powers conferred under Section 23 of the Rights of Persons with Disabilities Act, 2016, I, the undersigned hereby appoint every Taluka Mamlatdar within South Goa District as the Grievance Redressal Officer under the said Act, for the respective area under his/her jurisdiction.

This Order shall come into force with immediate effect.

Dr. *Tariq Thomas*, IAS, Collector & District Magistrate South Goa District, Margao.

Margao, 10th December, 2018.

## Department of Women &amp; Child Development

Directorate of Women &amp; Child Development

**Order**

No. 4-3-2008/DWCD/Part/8262

Read: Offer of appointment No. 4-3-2008/DWCD/Part/5134 dated 08-08-2018.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/59 (1)/2018/152 dated 10-07-2018, Government of Goa is pleased to appoint Ms. Swati Suresh Prabhu to the post of Social Welfare Officer/Child Development Project Officer (Group 'B' Gazetted) under General category in the Directorate of Women & Child Development, Panaji-Goa on officiating basis, in the Pay Matrix Level 6 plus other allowances as admissible with effect from the date of her joining. She is posted as Child Development Project Officer at WCD Block Office, Ponda thereby relieving Smt. Pratibha Malik, Child Development Project Officer, WCD Block Office Ponda from additional charge and shall join duties within 8 days from the date of receipt of this order.

In the event of any adverse matter noticed by the Government on verification of genuineness of the certificates/documents, her services will be terminated.

The above appointment is subject to the terms and conditions stipulated in the offer of appointment.

Ms. Swati Suresh Prabhu will be on one month training under CDPO WCD Block office, Mormugao.

Ms. Swati Suresh Prabhu shall be on probation for a period of two years.

The expenditure in respect of above post shall be debited to the Budget Head of Account "2235-02-102-03-01-" under Demand No. 58.

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

*Dipak Desai*, Director & ex officio Joint Secretary, (Women & Child Development).

Panaji, 4th December, 2018.

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**Order**

No. 4-3-2008/DWCD/Part/8263

Read: Offer of appointment No. 4-3-2008/DWCD/Part/5135 dated 08-08-2018.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/59 (1)/2018/152 dated 10-07-2018, Government of Goa is pleased to appoint Ms. Gauri Uddesh Parob to the post of Social Welfare Officer/Child Development Project Officer (Group 'B' Gazetted) under General category in the Directorate of Women & Child Development, Panaji-Goa on officiating basis, in the Pay Matrix Level 6 plus other allowances as admissible with effect from the

date of her joining. She is posted as Child Development Project Officer at WCD Block Office, Quepem against the vacant post and shall join duties within 8 days from the date of receipt of this order.

In the event of any adverse matter noticed by the Government on verification of genuineness of the certificates/documents, her services will be terminated.

The above appointment is subject to the terms and conditions stipulated in the offer of appointment.

Ms. Gauri Uddesh Parob will be on one month training under CDPO WCD Block office, Salcete.

Ms. Gauri Uddesh Parob shall be on probation for a period of two years.

The expenditure in respect of above post shall be debited to the Budget Head of Account "2235-02-102-03-01-" under Demand No. 58.

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

*Dipak Desai*, Director & ex officio Joint Secretary, (Women & Child Development).

Panaji, 4th December, 2018.

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**Order**

No. 4-3-2008/DWCD/Part/8264

Read: Offer of appointment No. 4-3-2008/DWCD/Part/5133 dated 08-08-2018.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/59 (1)/2018/152 dated 10-07-2018, Government of Goa is pleased to appoint Ms. Sweta alias Sonam Govind Parulekar to the post of Social Welfare Officer/Child Development Project Officer (Group 'B' Gazetted) under OBC category in the Directorate of Women & Child Development, Panaji-Goa on officiating basis, in the Pay Matrix Level 6 plus other allowances as admissible with effect from the date of her joining. She is posted as Child Development Project Officer at WCD Block Office, Bicholim thereby relieving Smt. Rupa Dalvi, Child Development Project Officer, WCD Block Office, Bicholim from additional charge and shall join duties within 8 days from the date of receipt of this order.

In the event of any adverse matter noticed by the Government on verification of genuineness of the certificates/documents, her services will be terminated.

The above appointment is subject to the terms and conditions stipulated in the offer of appointment read above.

Ms. Sweta alias Sonam Govind Parulekar will be on one month training under CDPO WCD Block office, Tiswadi.

Ms. Sweta alias Sonam Govind Parulekar shall be on probation for a period of two years.

The expenditure in respect of above post shall be debited to the Budget Head of Account "2235-02-102-03-01-" under Demand No. 58.

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

*Dipak Desai*, Director & ex officio Joint Secretary,  
(Women & Child Development).

Panaji, 4th December, 2018.

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