

Panaji, 18th November, 2021 (Kartika 27, 1943)

SERIES II No. 34

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Co-operation
Office of the Registrar of Co-operative Societies

Order

No. 21/1/Multipurpose/TS-II/CZ/2017/RCS/2318

- Read: 1. Notification No. 3/3/Urban Credit/TS II/PZ/2017/RCS/Suppl.5306 dated 10-02-2020.
2. Office Memorandum No. 3/6/Urban Credit/TS-II/PZ/2017/RCS dated 17-06-2020.
3. Letter No. 13/572/2018/ARCS/CZ/1675 dated 19-10-2021 received from Asstt. Registrar of Co-op. Societies, Central Zone, Panaji.

In exercise of powers conferred upon me vide Notification read at Sr. No. 1 above, The Chief Executive Officer, Karmali Corlim Multipurpose Co-operative Society Ltd., Carambolim-Goa is hereby empowered to act as Sale-cum-Recovery Officer as provided under sub-section (1) of Section 91D of the Goa Co-op. Societies Act, 2001, in relation to the recovery of debts and to attach and sell the property of defaulters or to execute any decree by attachment and sale of property and execution of all recovery orders of decree holder viz. The Karmali Corlim Multipurpose Co-operative Society Ltd., Carambolim-Goa passed by the Asstt. Registrar of Co-op. Societies, ABN/EXE or the Nominee of Registrar. This appointment is subject to following conditions:-

- The Officer empowered with the powers of Sales-cum-Recovery Officer shall work under the general guidance, superintendence and control of the Asstt. Registrar of Co-op. Societies, Arbitration/Execution, North Goa District, Ponda, Goa.
- He shall follow all the procedures as laid down under the Goa Co-operative Societies Act, 2001

and the Goa Co-op. Societies Rules, 2003 or in compliance with any other relevant provision of any other Act/Rules and also bye-laws of the society concerned while execution of decree.

- The Board of Directors of the society shall be fully responsible along with the General Manager for any acts in contravention of the Act, Rules and Bye-laws.
- The Board of Directors shall review the performance of the General Manager every month and ensure compliance.
- The order shall remain in force for one year from the date of its issue and the same can also be withdrawn at any stage without assigning any reasons thereof.

Arvind B. Khutkar, Registrar of Co-op Societies.
Panaji, 9th November, 2021.

Order

No. 3/18/Urban Credit/TS-II/NZ/2020/RCS/2367

- Read: 1. Notification No. 3/3/Urban Credit/TS II/PZ/2017/RCS/Suppl. 5306 dated 10-02-2020.
2. Order No. 18/11/2016/SUC/TS/RCS/1968 dated 14-09-2020.
3. Letter No. SUCCSL/HO/2021-22/150 dated 12-10-2021 received from Chairman of the Sada Urban Co-op. Credit Society Ltd., Vasco.

In exercise of powers conferred upon me vide Notification dated 10-02-2020 read at Sr. No. 1 above and considering the request made by the Chairman, The Sada Urban Co-op. Credit Society Ltd., Mormugao-Goa, vide letter dated 12-10-2021 read at Sr. No. 3 above I, Arvind B. Khutkar, Registrar of Co-op. Societies, hereby extend the term of the

Registrar's Nominee appointed vide Order dated 14-09-2020 referred to at Sr. No. 2 above upto 14-09-2022.

All other terms and conditions mentioned in the main order shall remain unchanged.

Arvind B. Khutkar, Registrar (Co-operative Societies).

Panaji, 11th November, 2021.

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Addendum

No. 15-99-88-ADT/RCS(Suppl)/2073

Read: Order No. 15-99-88/ADT/RCS(Suppl)/3045 dated 04-12-2020.

In continuation to the above referred order and in exercise of the powers vested in me under Section 74(2) of the Goa Co-operative Societies Act, 2001, I, Arvind B. Khutkar, Registrar of Co-operative Societies, Government of Goa hereby include the names of the following Auditors.

CLASS - A

Sr. No.	Name of the C.A. & address	Telephone/Mobile No.	Firms/Registration/ /Membership No.
1	2	3	4
142.	Suresh Kumar Saini, Basude Makote and Saini, House No. C1, 143, 31 Jan Road, Panaji-Goa, 403001	8390814111 ssrsaini1994@gmail.com	124381W
143.	Vaibhav alias Madhav Sambari Pai Fondekar, M/s Vaibhav AMS & Co., D/5 JF Correia Complex, near Multi-purpose High School Borda, Fatorda, Goa, 403602	9545183181 vaibhav.sambari@gmail.com	153139W.
144.	Karen Raquel Martins Furtado, M/s Karen Furtado and Associates, H. No. 21 373 09, T-004, Nagali Hills, Lane-2, ST2, Donapaula, Taleigao, 403004	9822801012 Karenfurtado@yahoo.com	0132647W.
145.	Siddhi Satchitanand Bagkar, M/s. Siddhi Bagkar & Co., Office No. 214, Block - E, Saldanha Business Tower, Mapusa, Bardez-Goa, 403507	7875040775 bagkar.siddhi@gmail.com	151789W.
146.	Shrinivas Shrikant Prabhu, M/s Shrinivas Prabhu & Associates, Office No. 52b, Pansulem, Canacona Goa, 403702	9545313026 cashrinivasprabhu@gmail.com	185869.
147.	Atul Anavekar and Dhanashree Kamat, M/s Atul Anavekar & Co., Office 10, 2nd floor, Visa Plaza, Pajifond, Margao, 403601	8971733711 atulanavekar@gmail.com	131312W.
148.	Trupti Tulshidas Sastikar, SF-7, Palmar Housing Society, Pundalikhnagar, Bardez-Goa, 403521	8805787364 truptisastikar@gmail.com	151690W.

1	2	3	4
149.	Nandan Motilal Sirsat, M/s Vinod Singhal and Co., LLP, R. No. 110, 1st Floor, Ramchandra building, opp. Taxi Stand, Mapusa-Goa, 403507	9175557405 canandan@sirsatandassociates.in	005826C/ C400276.
150.	Jyothi M. Unnithan, M/s Jyothi Unnithan & Co., Office No. 104, first Floor, Anand Tower 1, Port Road, Chicalim, Vasco-Goa, 403711	9822714550 pillaijyothi@gmail.com	130299W.
151.	Saiprabha Suresh Kamath, M/s S.S. Kamath & Associates, S-8, Ferreria Garden, Phase-1, above Mascot Pet Shop, Gogol, Margao-Goa, 403601	casaiprabhu@gmail.com 9764320770	139421W.
152.	Mitali Durgesh Talwadker, M/s Mitali Talwadker & Associates, H. No. 449, Shantinagar, near Aquem, Baixo Panchayat, Navelim-Goa, 403707	mitali.talwadker@gmail.com 9765795914	137460W.
153.	Siya Adhish Pai Kane, H. No. 77, Manik, Dr. G. P. Kane Road, Comba, Margao-Goa, 403601	karmali.siya@gmail.com 9921159383	198221.

Class - C

33.	Swarupa Ravindra Sawant, Certified Auditor, House No. 219/C, Borbhat, Taligao, North Goa, Tiswadi Taluka, 403002	9422579069/9158550199 swarupasawant778@gmail.com
34.	Nandkishor Kashinath Prabhu Tendulkar, Certified Auditor, House No. 10, Atkhoydem, Sattari-Goa, 403401	917498998298
35.	Shaik Jamil Ahamed, H. No. 62/1, Sankav, Veling, Mardol-Goa, 403404	9923182572

The following Chartered Accountant at (Class-A), Sl. No. 58, has been removed from the panel of auditor as per his request vide letter dated 8-03-2021.

58. Mr. Malhar A. Shenoy, Chartered Accountant, M/s Malhar A. Shenoy & Co., H. No. 918/3, Gouri Shankar, V. P. Road, Nr. Holy Family High School, Porvorim-Goa, Pin. 403501.

Arvind B. Khutkar, Registrar, ex officio Joint Secretary (Co-operative Societies).

Panaji, 14th October, 2021.



Department of Education, Art & Culture

Directorate of Technical Education

College Section

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Order

No. 16/4/93/PF/CSG/Arch/2018

Read: Memorandum No. 16/2/25/2001/DTE/Vol.II/1364 dated 08-09-2021.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/5(2)/2018/273 dated 23-08-2021, Government is pleased to appoint Ms. Carissa Erica Silveira

George on temporary basis to the post of Assistant Professor in Architecture (Group 'A' Gazetted) at Goa College of Architecture, Altinho, Panaji-Goa, on an initial pay at Level 10 (i.e. on an initial pay of Rs. 15,600/- (pre-revised) in the Pay Scale of Rs. 15,600-39,100 (pre-revised) (PB-3) + Academic Grade pay of Rs. 6,000/-) w.e.f. from the date of joining as per the terms and conditions contained in the memorandum cited above.

The appointment is against the post of Assistant Professor in Architecture vacant since creation vide Order No. 16/1/10/2002-DTE/1444 dated 04-08-2003 & subsequently revived vide Order DTE/ADC/16/2/34/2007/Vol. I/3104 dated 21-12-2017.

Ms. Carissa Erica Silveira George will be on probation for a period of two years.

She should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by the Medical Board, Goa Medical College & Hospital, Bambolim vide letter No. 4/105/85-H/GMC/2021/487 dated 08-10-2021. Her character antecedents have been verified and nothing adverse is reported against her as conveyed by the Additional Collector and ADM, North Goa, Office of the District Magistrate, North Goa, Panaji vide No. 2/6/2013-MAG/VCA/Vol-I/2414 dated 29-10-2021.

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

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

Porvorim, 08th November, 2021.

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Department of Finance
(Revenue & Expenditure)
Directorate of Accounts

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Order

No. DA/Admn/45-1/2021-22/TR-1443/247

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/1(1)/2017/390 dated 20-10-2021, the Government is pleased to promote Shri Subhash S. Mandrekar Dy. Director of Accounts/Accounts Officer under the Common Accounts Cadre of the Directorate of Accounts to the post of Joint Director of Accounts (Group "A" Gazetted) in level 11 of the

Pay Matrix (i.e. Pay Band PB-3 Rs. 15600-39100 Grade Pay of Rs. 6600/- pre-revised) on regular basis with effect from the date of taking over charge of the post.

The Government is pleased to post Shri Subhash S. Mandrekar on promotion to the post of Joint Director of Accounts in the O/o the Principal Chief Engineer, Public Works Department, Altinho, Panaji-Goa. However, he shall continue to hold the additional charge of the post of Dy. Director of Accounts/Accounts Officer in the Directorate of Education, Porvorim-Goa, until further orders.

Further, the Government is also pleased to transfer Shri Eknath Palkar, Joint Director of Accounts under the Common Accounts Cadre in the Directorate of Accounts, Panaji-Goa in public interest.

Shri Subhash S. Mandrekar, Jt. DA may exercise an option for fixation of pay under F.R. 22(1)(a)(i) within one month from the date of his promotion to the post of Joint Director of Accounts.

He shall join his promotional post or convey the acceptance of the promotional post within 7 days of issue of the promotion order.

On joining their promotional/new post, the Officers shall send their CTC/Joining reports immediately to this Directorate.

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

Dilip K. Humraskar, Director, ex officio & Joint Secretary (Accounts).

Panaji, 1st November, 2021.

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Department of Food & Drugs
Administration
Directorate of Food & Drugs Administration

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Order

No. 147/DFDA/RTI-INF-ACT/Vol.III/2021-22/4424

In supersession of earlier Order No. 147/DFDA/RTI-INF-ACT/Vol.III/17-18/06 dated 02-04-2018 in pursuance of Clause 5 of the Right to Information Act, 2005 (hereinafter referred to as "the said Act"), the following officers are hereby appointed for the Directorate of Food & Drugs Administration, as Public Information Officer and Assistant Public Information Officer to deal with the applications received from the public under the said Act.

Sr. No.	Name & Designation of the Officers	Role/Responsibilities	
1.	Smt. Shweta Dessai, Deputy Director	Public Information Officers All matters related to the Department.	The above referred Officers shall exercise and perform the powers/function laid down under the RTI Act, 2005 with immediate effect. In the absence of the Public Information Officer, the Assistant Public Information Officer shall function as the Public Information Officer with respect to the Roles and Responsibilities allotted to them.
2.	Shri Richard Luis Noronha, Designated Officer	Assistant Public Information officer All matters related to the Department.	<i>Jyoti J. Sardesai</i> , Director (Directorate of Food & Drugs Admn.). Bambolim, 29th October, 2021.

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Department of Forest

Order

No. 4-2-2011/FOR/430

The Government of Goa is pleased to order posting and transfer of Assistant Conservator of Forests, with immediate effect and until further orders in public interest as shown below:-

Sr. No.	Name of the Officers & designation	Present place of posting	Transferred & posted as/charge
1	2	3	4
1.	Shri Shrikrishna Prabhu, Assistant Conservator of Forest	Assistant Conservator of Forest and Sub Divisional Forest Officer, Ponda, Goa	Principal, Goa State Forest Research and Training Institute, Valpoi, Goa.
2.	Shri Vishwas Chodankar, Assistant Conservator of Forest	Principal, Goa State Forest Research and Training Institute, Valpoi, Goa	Assistant Conservator of Forest and Sub Divisional Forest Officer, Ponda, Goa.

The above Officers shall draw their salary on their respective Budget Head.

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

Sapna S. N. Bandodkar, Under Secretary (Forest).

Porvorim, 25th October, 2021.

Notification

No. 6/933/FD/2021-22/436

Whereas, the land as specified in the Schedule hereto and more particularly described in the plan appended to the said schedule is the property of the Government and the Government has proprietary rights over it (hereinafter called as the "said land");

And whereas, the Government proposes to constitute the said land as reserved forest;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Indian Forest Act, 1927 (Act 16 of 1927), the Government of Goa hereby declares that it has been decided to constitute the said land as a reserved forest and further appoints, Shri Pravin H. Parab as the Forest Settlement Officer for the purposes of said section.

This Notification shall come into force on the date of its publication in the Official Gazette.

SCHEDULE

District : North Goa Forest Division : North Goa
 Taluka : Pernem Range : Pernem
 Village(s) and Town(s) : Tuem

Sr. No.	Name of Forest	Area of Forest	General Description	Description of Boundary					Remarks
				From pillar/post			Direction in bearing		
				From pillar	To pillar	Distance in (m)	Fore bearing	Back bearing	
1	2	3	4a	4b	4c	4d	4e	4f	5
1	Tuem 1	2.89 Ha.	The area comprises of Survey No. 59/0 (Part) of "TUEM" Village of Pernem Taluka. The area is undulating with gentle slope and covered with natural forestry species	1	2	40.00	44°	224°	
				2	3	30.00	44°	224°	
				3	4	30.00	44°	224°	
				4	5	33.40	44°	224°	
				5	6	26.60	44°	224°	
				6	7	42.00	337°	157°	
				7	8	40.00	337°	157°	
				8	9	37.00	337°	157°	
				9	10	37.00	337°	157°	
				10	11	44.00	337°	157°	
				11	12	14.20	222°	42°	
				12	13	29.00	222°	42°	
				13	14	39.00	222°	42°	
				14	15	30.00	222°	42°	
				15	16	45.80	222°	42°	
				16	17	59.60	222°	42°	
				17	18	43.70	160°	340°	
				18	19	33.00	160°	340°	
				19	20	30.00	159°	339°	
				20	1	33.70	159°	339°	

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

Sapna S. N. Bandodkar, Under Secretary (Forest).

Porvorim, 28th October, 2021.



Department of Labour

Notification

No. 28/2/2021-LAB/Part-V/454

The following Judgment passed by the Labour Court-II, at Panaji-Goa on 10-08-2021 in Case No. LC-II/LCC/110/2020 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).

Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
 GOVERNMENT OF GOA
 AT PANAJI

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

Case No. LC-II/LCC/110/2020

Miss Amita V. Azgaonkar,
 H. No. 254/2, Dangui Colony,
 Altinho-Duler,
 Mapusa, Bardez-Goa. Applicant

V/s

1. Mandovi Bakers & Confectioners,
 (A unit of Mandovi Hotels Private Limited),
 D.B. Bandodkar Marg,
 Panaji-Goa. Opponent (1)

2. Mr. Ramnath V. Quenim (Partner),
Managing Director, Hotel Mandovi,
Ashirwad, D-6, Ocean Park,
Dona Paula, Goa. Opponent (2)

3. Mr. Narcinva P. Quenim (Partner),
Ramnath Prasad Building,
Near Mahalaxmi Temple,
Panaji-Goa. Opponent (3)

Panaji, Dated: 10-08-2021.

Applicant represented by Adv. Shri Suhas Naik.

Opponent absent, marked as Ex-parte.

JUDGMENT

1. This Judgment and Order shall determine the claim application of the Applicant dated 18-10-2020, filed u/s 33-C (2) of the I.D. Act, 1947.

2. By the present Claim Application, the Applicant claimed an amount of Rs. 5,15,224/- (Rupees five lakhs fifteen thousand two hundred twenty four only) towards salary pending from September, 2019 to 6th February, 2020 Rs. 2,05,709/- (Rupees Two lakh five thousand seven hundred and nine only), towards Bonus pending for the year 2018-19 and 2019-20, Rs. 69,711/- (Rupees sixty nine thousand seven hundred and eleven only), towards pending medical allowance 2018-2019 and 2019-20, Rs. 27,759/- (Rupees twenty seven thousand seven hundred and fifty nine only), towards salary increase arrears from 01-04-2017 to 30-11-2018, Rs. 89,796/- (Rupees eighty nine thousand seven hundred and ninety six only), towards pending unutilized privileged leave (62 days) Rs. 86,800/- (Rupees eighty six thousand eight hundred only), towards pending arrears from 01-04-2014 to 06-02-2020 (10 months and 6 days) Rs. 35,449/- (Rupees thirty five thousand four hundred and forty nine only). The Applicant therefore prayed that the Opponents be directed to pay to him the aforesaid amount of Rs. 5,15,224/- (Rupees five lakhs fifteen thousand two hundred twenty four only) alongwith interest @ 18% p.a. till its realization.

3. All the Opponents have been duly served. The Opponents have however, failed to appear before this Hon'ble Court on the scheduled dates of hearings for the reasons best known to them. This Hon'ble Court marked an ex-parte against the Opponents after giving ample opportunities to appear and pursue their case.

4. This Hon'ble Court framed the following issues on 05-04-2021 at Exb. 4.

1. Whether the Applicant proves that he is entitled to receive from the Opponent an

amount of Rs. 5,15,224/- (Rupees five lakhs fifteen thousand two hundred twenty four only) being Rs. 2,05,709 towards salary, Rs. 69,711/- towards bonus, Rs. 27,759/- towards medical allowances, Rs. 86,800/- towards unutilized privileged leave, Rs. 89,796/- towards arrears of salary increment and Rs. 35,449/- towards arrears respectively?

2. What Order?

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

(a) Issue No. 1 : In the affirmative.

(b) Issue No. 2 : As per final order.

I have heard the oral arguments of Ld. Adv. Shri Suhas Naik appearing for the Applicant. On the contrary, none remained present for the Opponents. I have carefully perused the entire records of the present case. I have also carefully considered the submissions advanced by the Ld. Adv. Shri Suhas Naik, appearing for the Applicant.

REASONS

Issue No. 1:

6. By the present claim application, the Applicant claimed a total amount of Rs. 5,15,224/- (Rupees five lakhs fifteen thousand two hundred twenty four only) towards unpaid salary, bonus, medical allowance, salary increase arrears and leave salary. To support his claim, the Applicant has produced on record evidence oral as well as documentary. The said evidence oral as well as documentary adduced by the Applicant on record remained unchallenged for want of denial.

(a) Salary:

The Applicant claimed an amount of Rs. 2,05,709/- (Rupees two lakhs five thousand seven hundred nine only) towards his unpaid salaries for the period from September, 2019 till 06-02-2020.

7. The evidence on record indicates that the Applicant joined in the services of the Opponent No. 1 on 01-04-2016 as a 'Manager'. The evidence on record indicates that the Applicant was relieved from the post of 'Manager' vide letter dated 06-02-2020 (Exb. 8), after receiving her resignation 06-01-2020 (Exb. 7). The evidence on record indicates that the Applicant has not been paid her earned salaries for the month from September, 2019 till 06-02-2020. The evidence on record indicates that the monthly salary of the Applicant was Rs. 39,507/-. Thus, the Applicant is entitled to receive from the Opponent a sum of Rs. 2,05,436.40 (two lakhs five thousand four hundred thirty six and forty paise only) towards her unpaid salaries.

(b) Arrears of salary increment:

8. The Applicant claimed arrears of salary increment for the period from 01-04-2017 to 30-11-2018 (20 months) for Rs. 89,796/- and for the period from 01-04-2019 to 06/-02-2020 (10 months) Rs. 35,449/-.

9. The Applicant has produced on record a letter of salary revision for the year 2016-17 and 2017-18 issued to her by the Opponent (Exb. 10). The said letter of salary revision on record indicates that the gross salary of the Applicant was revised to Rs. 38,793/- w.e.f. 01-04-2017 and to Rs. 42,000/- w.e.f. 01-04-2018. Thus, the Applicant is entitled for the difference of Rs. 38,484/- @ Rs. 3,207/- per month for the period from 01-04-2017 till 31-03-2018. The Applicant has also produced on record her salary slip for the month of April, 2018 (Exb. 9-colly). The said salary slip of the Applicant for the month of April, 2018 indicates that the gross salary of the Applicant for the said year was Rs. 35,586/-. The Applicant is therefore entitled for a difference of Rs. 51,312/- @ Rs. 6,414/- per month for the period from 01-04-2018 till 30-11-2018. Thus, the Applicant is entitled for total amount of Rs. 89,796/- (Rupees eighty nine thousand seven hundred ninety six only).

10. The Applicant claimed salary arrears of Rs. 35,449/- for the period from 01-04-2019 till 05-02-2020. The Applicant has however, failed to produce on record any material evidence either oral or documentary in support of his claim. In the absence of any material evidence, the rate at which the increment is sought by the Applicant cannot be considered. Hence, it is held that the Applicant failed to prove that he is entitled to receive from the Opponents arrears for the period from 01-04-2019 to 05-02-2020 (10 months) Rs. 35,449/-.

(c) Medical Allowance:

11. The Applicant claimed total amount of Rs. 27,759/- towards medical allowance for the year 2018-19 amounting to Rs. 15,000/- and for the year 2019-20 Rs. 12,759/-.

The letter of the Opponent dated 14-03-2016 (Exb. 11) on record indicates that the Applicant is entitled for a medical allowance of Rs. 15,000/- p.a. Thus, the Applicant is entitled to receive from the Opponent medical allowance for the year 2018-19 amounting to Rs. 15,000/- and for the year 2019-20 amounting to Rs. 12,759/-, total amounting to Rs. 27,759/- (Rupees twenty seven thousand seven hundred fifty nine only) towards medical allowances.

(d) Leave encashment:

12. The Applicant claimed leave encashment of 62 days amounting to Rs. 86,800/-.

The evidence on record indicates that basic salary of the Applicant was Rs. 18,275/- and Dearness Allowance was Rs. 2,500/-. Thus, the total comes to Rs. 20,775/-. The evidence on record indicates that the Applicant was having 62 days balanced privilege leave in her account. Thus, the Applicant is entitled to receive from the Opponents a sum of Rs. 42,935/- (Rupees forty two thousand nine hundred thirty five only) towards her leave encashment.

(e) Bonus:

13. The Applicant claimed bonus for the year 2018-19 @ Rs. 35,783/- and for the year 2019-20 for Rs. 33,928/- total amounting to Rs. 69,711/-.

The bonus is paid to the employee under the Payment of Bonus Act, 1965. Section 8 of the Act provides for the eligibility of the bonus. Section 9 of the Act provides for disqualification for the bonus. Section 10 of the Act, provides for minimum bonus. The provisions of Section 10 provides for the minimum bonus of 8.33% of the salary or wage earned by the employee during the accounting year or Rs. 100/-, whichever is higher, whether or not the Employer has any allocable surplus in the accounting year. Similarly, Section 11 of the Act, provides for payment of maximum bonus.

14. The evidence on record indicates that the Applicant has failed to produce on record relevant materials to grant maximum bonus. In the circumstances, the Applicant is entitled for minimum bonus @ 8.33% of the salary or wage earned by the employee during the accounting year or Rs. 100/- whichever is higher, whether or not the Employer has any allocable surplus in the accounting year.

15. The Applicant claimed from the Opponent an amount of Rs. 69,711/- for the year 2018-19 and for the year 2019-20 towards bonus. The Applicant has however, failed to satisfy this court about the calculation of the said amount of Rs. 69,711/- for the year 2018-19 and for the year 2019-20 towards bonus. Taking into consideration the monthly salary of the Applicant of Rs. 39,507/-, the minimum bonus for the year 2018-19 and for the year 2019-20 @ 8.33% amounts to Rs. 6,581.87 (Rupees six thousand five hundred eighty one and eighty seven paise only)

16. The Applicant proved that she is entitled to receive from the Opponent No. 1 a total amount of Rs. 3,72,508/- (Rupees three lakhs seventy two

thousand five hundred eight only) towards unpaid salaries, arrears of salary increment, medical allowance, leave encashment and bonus. The evidence on record indicates that the Opponent No. 2 and 3 are the partners of the Opponent No. 1 are jointly and severally liable to pay to the Applicant the aforesaid amount Rs. 2,82,712/- (Rupees two lakhs eighty two thousand seven hundred twelve only).

17. The Applicant claimed the aforesaid amount of Rs. 3,72,508/- (Rupees three lakhs seventy two thousand five hundred eight only) along with interest @ 18% p.a. from the date of its maturity till its actual realization.

18. In the case of **New Standard Engineering Company Limited v/s. Ashok H. Hire and Anr., reported in 2004 II CLR 574**, the Hon'ble High Court of Bombay, after relying upon a judgment of Hon'ble Supreme Court of India, in the case of **Suresh Sakharam Chowgule and Anr. v/s. M/s. Parel Cotton Press Factory (1994 SUPP. (3) SCC 704)**, held that "*though the provisions of Industrial Disputes Act, do not expressly empowered the Industrial Court to grant interest, the court is entitled to grant interest depending upon facts of each case*".

19. In the case of **Haryana State Federation of Consumer Co-operative Wholesale Stores Ltd. v/s. Siri Kishan and Anr., reported in 1996 II CLR 688**, the Hon'ble High Court of Punjab and Haryana has held that "*where the Employer has retained what was required to be disbursed to the Workman, by denying their rightful dues for almost a period of 12 years, during which the value of their money has considerably diminished due to inflation i.e. prevalent in the country, the Labour Court is perfectly entitled to say that the workman should be compensated by way of payment of interest.*"

20. Thus, it is settled principle of law that the Labour Court or Industrial Tribunal is empowered to grant interest depending upon the facts and circumstances of each case. In the instant case as stated above, it has been proved that the Applicant is entitled to receive from the Opponent No. 1 a total amount of Rs. 3,72,508/- (Rupees three lakhs seventy two thousand five hundred eight only) towards unpaid salaries, arrears of salary increment, medical allowance, leave salary and balance leave and bonus. The Applicant is therefore entitled for the said amount of Rs. 3,72,508/- (Rupees three lakhs seventy two thousand five hundred eight only) alongwith simple interest @ 9% p.a. from the date of passing the present order till its actual realization.

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

ORDER

1. The present claim application of the Applicant filed u/s 33-C (2) of the I.D. Act, 1947, is hereby partly allowed. The Opponents are hereby directed to pay to the Applicant, Ms. Amita V. Azgaonkar, a sum of Rs. 3,72,508/- (Rupees three lakhs seventy two thousand five hundred eight only) along with simple interest @ 9% p.a. from the date of passing of the present order till the actual realization of the said amount.
2. No order as to cost.

Pronounced in the Open Court.

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

Notification

No. 28/2/2021-LAB/Part-V/455

The following Judgment passed by the Labour Court-II, at Panaji-Goa on 10-08-2021 in Case No. LC-II/LCC/111/2020 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).
Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. LC-II/LCC/111/2020

Shri Damodar Pangam,
H. No. 244, C-9, Ward No. 15,
St. Inez, Altinho Road,
Panaji-Goa. Applicant
V/s

1. Mandovi Bakers & Confectioners,
(A unit of Mandovi Hotels Private Limited),
D.B. Bandodkar Marg,
Panaji-Goa. Opponent (1)
2. Mr. Ramnath V. Quenim (Partner),
Managing Director, Hotel Mandovi,
Ashirwad, D-6, Ocean Park,
Dona Paula, Goa. Opponent (2)

3. Mr. Narcinva P. Quenim (Partner),
Ramnath Prasad Building,
Near Mahalaxmi Temple,
Panaji-Goa. Opponent (3)

Panaji, Dated: 10-08-2021.

Applicant represented by Adv. Shri Suhas Naik.

Opponent absent, marked as Ex-parte.

JUDGMENT

1. This Judgment and Order shall determine the claim application of the Applicant dated 18-10-2020, filed U/S 33-C (2) of the I.D. Act, 1947.

2. By the present claim application, the Applicant claimed an amount of Rs. 4,38,148/- (Rupees four lakhs thirty eight thousand one hundred forty eight only) towards bonus for the year 2018-19 @ Rs. 26,726/- and for the year 2019-20 for Rs. 22,276/- total amounting to Rs. 48,996/-, medical allowance for the year 2018-19 amounting to Rs. 9,500/- and for the year 2019-20 Rs. 8,712/- total amounting to Rs. 18,212/-, unutilized privilege leave of 90 days amounting to Rs. 84,000/- and leave balance amounting to Rs. 87,814/-, arrears of salary increment for the period from 01-04-2017 to 10-11-2018 (20 months) for Rs. 45,794/- and for the period from 01-04-2019 to 05-02-2020 (10 months) Rs. 17,659/-, unpaid salary from September, 2019 till 05-02-2020 amounting to Rs. 1,35,673/-. The Applicant stated that the Opponent have failed to pay to him the above legal dues though he made several written communication to them. The Applicant stated that the Opponent also failed to pay to him, his unpaid gratuity. The Applicant submitted that he is entitled to receive the aforesaid amount of Rs. 4,38,148/- (Rupees four lakhs thirty eight thousand one hundred forty eight only) alongwith interest @ 18% per annum from the Opponent till the realization of the said amount. The Applicant submitted that the Opponent No. 1 is an establishment and the Opponent No. 2 and 3 are the partners of the Opponent No. 1. The Applicant therefore prayed that the Opponents be directed to pay to him the aforesaid amount of Rs. 4,38,148/- (Rupees four lakhs thirty eight thousand one hundred forty eight only) along with interest @ 18% p.a. till its realization.

3. All the Opponents have been duly served. The Opponents have however, failed to appear before this Hon'ble Court on the scheduled dates of hearings for the reasons best known to them. This Hon'ble Court marked an ex-parte against the Opponents, after giving them ample opportunities to appear and pursue their case.

4. This Hon'ble Court framed the following issues on 05-04-2021 at Exb. 4.

1. Whether the Applicant proves that he is entitled to receive from the Opponent an amount of Rs. 4,38,148/- (Rupees four lakhs thirty eight thousand one hundred forty eight only) being Rs. 1,35,673/- towards salary, Rs. 48,996/- towards bonus, Rs. 18,212/- towards medical allowances, Rs. 63,453/- towards arrears of salary increment and Rs. 17,71,814/- towards arrears of salary increment and Rs. 1,71,814/- towards leave salary respectively?

2. What Order?

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

(a) Issue No. 1 : In the affirmative.

(b) Issue No. 2 : As per final order.

I have heard the oral arguments of Ld. Adv. Shri Suhas Naik appearing for the Applicant. On the contrary, none remained present for the Opponents. I have carefully perused the entire records of the present case. I have also carefully considered the submissions advanced by the Ld. Adv. Shri Suhas Naik, appearing for the Applicant.

REASONS

Issue No. 1:

6. By the present claim application, the Applicant claimed a total amount of Rs. 4,38,148/- (Rupees four lakhs thirty eight thousand one hundred forty eight only) towards unpaid salary, bonus, medical allowance, salary increase arrears and leave salary. To support his claim, the Applicant has produced on record oral as well as documentary evidence. The said evidence oral as well as documentary adduced by the Applicant on record remained unchallenged for want of denial.

(a) Salary:

7. The Applicant claimed an amount of Rs. 1,35,673/- (Rupees one lakh thirty five thousand six hundred seventy three only) towards his unpaid salaries for the period from September, 2019 till 05-02-2020.

The letter of the Opponent dated 20-03-2020 (Exb. 10) indicates that the Applicant joined in the services of the Opponent No. 1 on 05-11-1999 as 'Cashier' and subsequently promoted as an 'Accounts Officer' w.e.f. 01-09-2006. The evidence on record indicates that by letter dated 06-01-2020 (Exb. 8), the Applicant resigned from the post of 'Accounts Executive' and was relieved on 05-02-2020, by letter dated 20-03-2020 (Exb. 9). The

evidence on record indicates that the Applicant has not been paid his earned salaries for the month from September, 2019 till 05-02-2020. The evidence on record indicates that the monthly net salary of the Applicant was Rs. 26,199/-. Thus, the Applicant is entitled to receive from the Opponents a sum of Rs. 1,35,361.50 (Rupees one lakh thirty five thousand three hundred sixty one and fifty paise only) towards his unpaid salaries for the month from September, 2019 till 05-02-2020.

(b) Arrears of salary increment:

8. The Applicant claimed total amount of Rs. 63,453/- (Rupees sixty three thousand four hundred fifty three only) towards arrears of salary increment for the period from 01-04-2017 to 10-11-2018 (20 months) for Rs. 45,794/- and for the period from 01-4-2019 to 05-2-2020 (10 months) Rs. 17,659/-.

9. The Applicant has produced on record a letter of salary revision for the year 2016-17 and 2017-18 issued to him by the Opponent (Exb. 12). The said letter of salary revision on record indicates that the gross salary of the Applicant was revised to Rs. 26,365/- w.e.f. 01-04-2017 and to Rs. 28,000/- w.e.f. 01-04-2018. Thus, the Applicant is entitled for the difference of Rs. 19,620/- @ Rs. 1,635/- per month for the period from 01-04-2017 till 31-03-2018. The Applicant has also produced on record his salary slip for the month of October, 2018 (Exb. 13). The said salary slip of the Applicant for the month of October, 2018 indicates that the gross salary of the Applicant for the said year was Rs. 24,729/-. The Applicant is therefore entitled for a difference of Rs. 26,168/- @ Rs. 3,271/- per month for the period from 01-04-2018 till 30-11-2018. Thus, the Applicant is entitled for total amount of Rs. 45,788/- (Rupees Forty five thousand seven hundred eighty eight only).

10. The Applicant claimed salary arrears of Rs. 17,659/- for the period from 01-04-2019 till 05-02-2020. The Applicant has however, failed to produce on record any material evidence either oral or documentary in support of his claim. In the absence of any material evidence, the rate at which the increment is sought by the Applicant cannot be considered. Hence, it is held that the Applicant failed to prove that he is entitled to receive from the Opponents arrears for the period from 01-04-2019 to 05-02-2020 (10 months) Rs. 17,659/-.

(c) Medical Allowance:

11. The Applicant claimed medical allowance for the year 2018-19 amounting to Rs. 9,500/- and for the year 2019-20 Rs. 8,712/- total amounting to Rs. 18,212/-.

The letter of the Opponent dated 11-10-2013 at Exb. 11 as well as the oral evidence adduced by the Applicant indicates that he is entitled to receive from the Opponent, medical allowance for the year 2018-19 amounting to Rs. 9,500/- and for the year 2019-20 amounting to Rs. 8,712/-. Thus, the Applicant is entitled for an amount of Rs. 18,212/- (Rupees eighteen thousand two hundred twelve only) towards his medical allowance for the year 2018-19 and 2019-20.

(d) Leave Encashment:

12. The Applicant claimed unutilized privilege leave of 90 days amounting to Rs. 84,000/- and leave balance amounting to Rs. 87,814/-.

The salary slip of the Applicant for the month of 2019 at Exb. 7, indicates that the basic salary as well as Dearness Allowance of the Applicant was Rs. 13,510/- and Rs. 1500/- respectively. Thus, the Applicant is entitled to receive from the Opponents a sum of Rs. 45,030/- towards his leave encashment for the unutilized privilege leave of 90 days. The Applicant also claimed previous period privilege leave which was partly paid and balance payable amounting to Rs. 87,814/-. The letter of the Applicant at Exb. 14 indicates that the Applicant is entitled for the amount of Rs. 87,814/- towards his previous period privilege leave. Thus, the Applicant is entitled for total amount of Rs. 1,32,844/- (Rupees one lakh thirty two thousand eight hundred forty four only) towards his entire leave encashment.

(e) Bonus:

13. The Applicant claimed bonus for the year 2018-19 @ Rs. 26,726/- and for the year 2019-20 for Rs. 22,276/- total amounting to Rs. 48,996/-.

The bonus is paid to the employee under the Payment of Bonus Act, 1965. Section 8 of the Act provides for the eligibility of the bonus. Section 9 of the Act provides for disqualification for payment of the bonus. Section 10 of the Act, provides for payment of minimum bonus. The provisions of Section 10 provides for the minimum bonus of 8.33% of the salary or wage earned by the employee during the accounting year or Rs.100/-, whichever is higher, whether or not the Employer has any allocable surplus in the accounting year. Similarly, Section 11 of the Act, provides for payment of maximum bonus.

14. The evidence on record indicates that the Applicant has failed to produce on record relevant materials to grant maximum bonus. In the circumstances, the Applicant is entitled for minimum bonus @ 8.33% of the salary or wage

earned by the employee during the accounting year or Rs. 100/- whichever is higher, whether or not the Employer has any allocable surplus in the accounting year.

15. The Applicant claimed from the Opponent an amount of Rs. 48,996/- for the year 2018-19 and for the year 2019-20 towards bonus. The Applicant has however, failed to satisfy this court about the calculation of the said amount of Rs. 48,996/- for the year 2018-19 and for the year 2019-20 towards bonus. Taking into consideration the monthly salary of the Applicant as Rs. 28,000/-, the minimum bonus for the year 2018-19 and for the year 2019-20 @ 8.33% amounts to Rs. 4,664.80 (Rupees four thousand six hundred sixty four and eighty paise only). Thus, the Applicant is entitled for an amount of Rs. 4,664.80 (Rupees four thousand six hundred sixty four and eighty paise only) towards his bonus for the year 2018-19 and for the year 2019-20.

16. Thus, the Applicant proved that he is entitled to receive from the Opponent No. 1 a total amount of Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only) towards unpaid salaries, medical allowance, leave salary and balance leave and bonus. The evidence on record indicates that the Opponent No. 2 and 3 are the partners of the Opponent No. 1, who are jointly and severally liable to pay to the Applicant the aforesaid amount Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only).

17. The Applicant claimed the aforesaid amount of Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only) along with interest @ 18% p.a. from the date of its maturity till its actual realization.

18. In the case of **New Standard Engineering Company Limited v/s. Ashok H. Hire and Anr., reported in 2004 II CLR 574**, the Hon'ble High Court of Bombay, after relying upon a judgment of Hon'ble Supreme Court of India, in the case of **Suresh Sakharam Chowgule and Anr. v/s. M/s. Parel Cotton Press Factory (1994 SUPP. (3) SCC 704)**, held that "*though the provisions of Industrial Disputes Act, do not expressly empowered the Industrial Court to grant interest, the court is entitled to grant interest depending upon facts of each case*".

19. In the case of **Haryana State Federation of Consumer Co-operative Wholesale Stores Ltd. v/s. Siri Kishan and Anr.**, reported in 1996 II CLR 688, the Hon'ble High Court of Punjab and Haryana has held that "*where the Employer has retained what was required to be disbursed to the Workman, by denying their rightful dues for almost a period of 12 years, during which the value of their money has*

considerably diminished due to inflation i.e. prevalent in the country, the Labour Court is perfectly entitled to say that the workman should be compensated by way of payment of interest."

20. Thus, it is settled principle of law that the Labour Court or Industrial Tribunal is empowered to grant interest depending upon the facts and circumstances of each case. In the instant case as stated above, it has been proved that the Applicant is entitled to receive from the Opponents a total amount of Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only) towards unpaid salaries, medical allowance, leave salary and balance leave and bonus. The Applicant is therefore entitled for the said amount of Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only) alongwith simple interest @ 9% p.a. from the date of passing the present order till its actual realization.

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

ORDER

1. The present claim application of the Applicant filed u/s 33-C (2) of the I.D. Act, 1947, is hereby partly allowed. The Opponents, are hereby directed to pay to the Applicant, Shri Damodar Pangam, a sum of Rs. 3,36,870/- (Rupees three lakhs thirty six thousand eight hundred seventy only) towards unpaid salaries, medical allowance, leave salary and balance leave and bonus along with simple interest @ 9% p.a. from the date of passing of the present order till the actual realization of the said amount.
2. No order as to cost.

Pronounced in the Open Court.

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

Notification

No. 28/2/2021-LAB/Part-V/456

The following Judgment passed by the Labour Court-II, at Panaji-Goa on 10-08-2021 in Case No. LC-II/LCC/109/2020 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).
Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. LC-II/LCC/109/2020

Miss Sharmila Linhares,
H. No. E-619, Linhares Mansion,
Dr. A. B. Road,
Panaji-Goa. Applicant

V/s

1. Hotel Mandovi,
(A unit of Mandovi Hotels Private Limited),
D. B. Bandodkar Marg,
Panaji-Goa. Opponent (1)

2. Mr. Ramnath V. Quenim (Partner),
Managing Director, Hotel Mandovi,
Ashirwad, D-6, Ocean Park,
Dona Paula, Goa. Opponent (2)

3. Mr. Narcinva P. Quenim (Partner),
Ramnath Prasad Building,
Near Mahalaxmi Temple,
Panaji-Goa. Opponent (3)

Panaji, Dated: 10-08-2021.

Applicant represented by Adv. Shri Suhas Naik.

Opponent absent, marked as Ex-parte.

JUDGEMENT

1. This Judgment and Order shall determine the claim application of the Applicant dated 18-10-2020, filed u/s 33-C (2) of the I.D. Act, 1947.

2. By the present claim application, the Applicant claimed from the Opponent an amount of Rs. 3,75,781/- (Rupees three lakhs seventy five thousand seven hundred eighty one only) being Rs. 98,164 towards salary, Rs. 27,528/- towards bonus, Rs. 18,208/- towards medical allowances, Rs. 70,000/- towards salary increase arrears, Rs. 34,256/- towards leave encashment and Rs. 26,638/- towards provisional salary increment.

3. The Applicant stated that the Opponent No. 1 have failed to pay to her the above legal dues though he made several written communication to them. The Applicant stated that the Opponent No. 1 also failed to pay to her, her unpaid gratuity. The Applicant submitted that she is entitled to receive the aforesaid amount of Rs. 3,75,781/- (Rupees three lakhs seventy five thousand seven hundred eighty one only) alongwith interest @ 18% per annum from the Opponent till the realization of the said amount. The Applicant submitted that the Opponent No. 1 is an establishment and the

Opponent No. 2 and 3 are the partners of the Opponent No. 1. The Applicant therefore prayed that the Opponents be directed to pay to her the aforesaid amount of Rs. 3,75,781/- (Rupees three lakhs seventy five thousand seven hundred eighty one only) along with interest @ 18% p.a. till its realization.

4. All the Opponents have been duly served. The Opponents have however, failed to appear before this Hon'ble Court on the scheduled dates of hearings for the reasons best known to them. This Hon'ble Court marked an ex-parte against the Opponents after giving ample opportunities to appear and pursue their case.

5. This Hon'ble Court framed the following issues on 05-04-2021 at Exb. 3.

1. Whether the Applicant proves that he is entitled to receive from the Opponent an amount of Rs. 3,75,781/- (Rupees three lakhs seventy five thousand seven hundred eighty one only) being Rs. 98,164 towards salary, Rs. 27,528/- towards bonus, Rs. 18,208/- towards medical allowances, Rs. 70,000/- towards salary increase arrears, Rs. 34,256/- towards leave encashment and Rs. 26,638/- towards provisional salary increment respectively?

2. What order?

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

- (a) Issue No. 1 : In the affirmative.
(b) Issue No. 2 : As per final order.

I have heard the oral arguments of Ld. Adv. Shri Suhas Naik appearing for the Applicant. On the contrary, none remained present for the Opponents. I have carefully perused the entire records of the present case. I have also carefully considered the submissions advanced by the Ld. Adv. Shri Suhas Naik, appearing for the Applicant.

REASONS

Issue No.1:

7. By the present claim application, the Applicant claimed a total amount of Rs. 3,75,781/- (Rupees three lakhs seventy five thousand seven hundred eighty one only) towards unpaid salary, bonus, medical allowance, salary increase arrears and leave encashment. To support her claim, the Applicant has produced on record evidence oral as well as documentary. The said evidence oral as well as documentary adduced by the Applicant on record remained unchallenged for want of denial.

(a) Salary:

8. The Applicant claimed from the Opponent an amount of Rs. 98,164/- (Rupees ninety eight

thousand one hundred sixty four only) towards her salaries for the period from October, 2019 to February, 2020.

The evidence on record indicates that the Applicant joined in the services of the Opponent No. 1 on 01-07-2008 as a 'Secretary Sales and Marketing' which was subsequently re-designated as 'Executive Sales and Marketing'. The evidence on record indicates that the Applicant resigned from the post of 'Executive Sales and Marketing', vide her letter dated 20-01-2020 (Exb. 7) and relieved on 20-03-2020 (Exb. 8) at the close working hours of 19-02-2020. The evidence on record indicates that the Applicant has not been paid her earned salaries for the month from October, 2019 till 19-02-2020. The evidence on record indicates that the monthly net salary of the Applicant was Rs. 21,087/-. Thus, the Applicant is entitled to receive from the Opponent a sum of Rs. 97,703/- (Rupees ninety seven thousand seven hundred three only) towards her unpaid salaries for the period from October, 2019 till 19-02-2020.

(b) Arrears of salary increment as well as provisional salary increment:

9. The Applicant claimed an amount of Rs. 96,638/- towards arrears of towards salary increment as well as provisional salary increment.

The Applicant has produced on record a letter issued by the Opponent (Exb. 10) pertaining to her salary revision for the year 2016-17 and 2017-18. The said letter of the Opponent at Exb. 10 on record indicates that the gross salary of the Applicant was revised to Rs. 20,337/- w.e.f. 01-04-2017 and to Rs. 22,837/- w.e.f. 01-04-2018. The Applicant has also produced on record her pay slip for the month of September, 2019 (Exb. 6). The said pay slip of the Applicant for the month of September, 2019 on record indicates that her gross salary was Rs. 22,837/-. Thus, the Applicant is entitled for increment of Rs. 2,500/- for the period from 01-04-2017 to 31-03-2018, which comes to Rs. 30,000/- towards salary increase arrears.

10. The Applicant has however, failed to produce on record any material evidence either oral or documentary in support of her claim for provisional salary increment of Rs. 2,500/- for the year 2019-20. In the absence of such material evidence, the rate at which the increment as sought by the Applicant cannot be considered. Hence, it is held that the Applicant is entitled to receive from the Opponents a sum of Rs. 30,000/- towards her unpaid salary increased. The Applicant has however, failed to prove that she is entitled for any amount towards provisional salary increment from the Opponents.

(c) Medical Allowance:

11. The Applicant claimed medical allowance for the year 2018-19 and for the year 2019-20 amounting to Rs. 18,208/- (Rupees eighteen thousand two hundred eight only).

The evidence on record indicates that vide letter dated 01-08-2013 (Exb. 11), the Opponent had given a medical reimbursement allowance of Rs. 9,500/- for the year 2012-13. Thus, the Applicant is entitled to receive from the Opponents, medical allowance for the year 2018-19 and year 2019-20 amounting Rs. 18,208/- (Rupees eighteen thousand two hundred eight only).

(d) Leave encashment:

12. The Applicant claimed an amount of Rs. 34,256/- towards her leave encashment of 45 days.

The evidence on record indicates that basic salary of the Applicant was Rs. 12,087/- and Dearness Allowance was Rs. 2,500/-. Thus, the total comes to Rs. 14,587/-. The evidence on record indicates that the Applicant was having 45 days balanced privilege leave in his account. Thus, the Applicant is entitled to receive from the Opponents a sum of Rs. 21,880.50 (Rupees twenty one thousand eight hundred eighty and fifty paise only) towards her leave encashment.

(e) Bonus:

13. The Applicant claimed a bonus for the year 2018-19 @ Rs. 14,581/- and for the year 2019-20 for Rs. 12,947/- total amounting to Rs. 27,528/-.

The bonus is paid to the employee under the Payment of Bonus Act, 1965. Section 8 of the Act provides for the eligibility of the bonus. Section 9 of the Act provides for disqualification for the bonus. Section 10 of the Act, provides for minimum bonus. The provisions of Section 10 provides for the minimum bonus of 8.33% of the salary or wage earned by the employee during the accounting year or Rs. 100/-, whichever is higher, whether or not the Employer has any allocable surplus in the accounting year. Similarly, Section 11 of the Act, provides for payment of maximum bonus.

14. The evidence on record indicates that the Applicant has failed to produce on record relevant materials to grant maximum bonus. In the circumstances, the Applicant is entitled for minimum bonus @ 8.33% of the salary or wage earned by the employee during the accounting year or Rs. 100/- whichever is higher, whether or not the Employer has any allocable surplus in the accounting year.

15. The Applicant claimed from the Opponent an amount of Rs. 49,002/- for the year 2018-19 and for the year 2019-20 towards bonus. The Applicant has however, failed to satisfy this court about the calculation of the said amount of Rs. 49,002/- for the year 2018-19 and for the year 2019-20 towards bonus. Taking into consideration the monthly salary of the Applicant of Rs. 22,837/-, the minimum bonus for the year 2018-19 and for the year 2019-20 @ 8.33% amounts to Rs. 3,804.60 (Rupees three thousand eight hundred four and sixty paise only).

16. Thus, the Applicant proved that he is entitled to receive from the Opponent No. 1 a total amount of Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only) towards unpaid salaries, arrears of salary increment, medical allowance, leave encashment and bonus. The evidence on record indicates that the Opponent No. 2 and 3 are the partners of the Opponent No. 1 are jointly and severally liable to pay to the Applicant the aforesaid amount Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only).

17. The Applicant claimed the aforesaid amount of Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only) along with interest @ 18% p.a. from the date of its maturity till its actual realization.

18. In the case of **New Standard Engineering Company Limited v/s. Ashok H. Hire and Anr.**, reported in 2004 II CLR 574, the Hon'ble High Court of Bombay, after relying upon a judgment of Hon'ble Supreme Court of India, in the case of **Suresh Sakharam Chowgule and Anr. v/s. M/s. Parel Cotton Press Factory (1994 SUPP. (3) SCC 704)**, held that "*though the provisions of Industrial Disputes Act, do not expressly empowered the Industrial Court to grant interest, the court is entitled to grant interest depending upon facts of each case*".

19. In the case of **Haryana State Federation of Consumer Co-operative Wholesale Stores Ltd. v/s. Siri Kishan and Anr.**, reported in 1996 II CLR 688, the Hon'ble High Court of Punjab and Haryana has held that "*where the Employer has retained what was required to be disbursed to the Workman, by denying their rightful dues for almost a period of 12 years, during which the value of their money has considerably diminished due to inflation i.e. prevalent in the country, the Labour Court is perfectly entitled to say that the workman should be compensated by way of payment of interest.*"

20. Thus, it is settled principle of law that the Labour Court or Industrial Tribunal is empowered to grant interest depending upon the facts and

circumstances of each case. In the instant case as stated above, it has been proved that the Applicant is entitled to receive from the Opponent No. 1 a total amount of Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only) towards unpaid salaries, arrears of salary increment, medical allowance, leave encashment and bonus. The Applicant is therefore entitled for the said amount of Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only) alongwith simple interest @ 9% p.a. from the date of passing the present order till its actual realization.

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

ORDER

1. The present claim application of the Applicant filed u/s 33-C (2) of the I.D. Act, 1947, is hereby allowed. The Opponents are hereby directed to pay to the Applicant, Ms. Sharmila Linhares, a sum of Rs. 1,71,596/- (Rupees one lakh seventy one thousand five hundred ninety six only) along with simple interest @ 9% p.a. from the date of passing of the present order till the actual realization of the said amount.
2. No order as to cost.

Pronounced in the Open Court.

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

Notification

No. 28/2/2021-LAB/Part-I/460

The following Award passed by the Labour Court-II, at Panaji-Goa on 05-08-2021 in Case No. Ref. LC-II/IT/04/2016 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).
Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. Ref. LC-II/IT/04/2016

Shri Satvapal Amonkar,
Rep. by the General Secretary,
Kadamba Kamgar Union,
Bg-10, Gr. Floor, Casa Immaculade,
Jose Falcao Road, Panaji-Goa Workman/Party I
V/s

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

Panaji, Dated: 05-08-2021.

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 28-01-2016, bearing No. 28/59/2015-Lab/65, referred the following dispute for its adjudication to this Labour Court-II of Goa at Panaji, Goa.

“(1) Whether the action of M/s. Kadamba Transport Corporation Limited, Panaji, Goa, in imposing punishment of stoppage of two annual increments to Shri Satvapal Amonkar, Conductor, with cumulative effect for the year 1998 and 1999, 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. LC-II-IT/04/2016 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 14-03-2016. The facts of the case in brief as pleaded by the Workman are that he was the member of the Kadamba Kamgar Union (for short, 'the Union') which is espousing his cause in respect of punishment of stoppage of two annual increments with cumulative effect for the year 1998 and 1999. He stated that he was appointed as conductor by the Employer/Party II (for short, 'the Employer') having conductor badge No. 3801 and presently posted at Porvorim depot. He stated that during his tenure of service, he did not receive any communication in respect of any adverse entries if any towards the performance and discharge of his duties. He stated that on account of the punishment of stoppage of two annual increments with cumulative effects for the year 1998 and 1999 have cascading effect on his service

during the service tenure as he is deprived of various scales adopted from time to time. He stated that similarly placed workmen is drawing the scales at higher rates than him which resulted in disparity of the scale.

3. He stated that in course of employment, the vehicle was intercepted by the line checking staff and he was issued with a default notice. He stated that he filed an effective reply to the purported default notice and controverted the irregularities. He stated that on perusal of the reply to the purported default notice, the Employer was pleased to issue charge-sheet dated 24-09-1994. He stated that he filed reply to the said charge-sheet and controverted the charges levelled against him. He stated that the Employer was pleased to hold a departmental enquiry in respect of the said charge-sheet dated 24-09-1994. He stated that the enquiry was held against him by Shri Pramod Gaonkar. He stated that he was issued a show-cause notice dated 12-01-1998 after lapse of four years. He stated that on account of delay in processing the enquiry report, there was manipulation and occasion to twist the facts and conclusions. He stated that he participated in the departmental enquiry before the Ld. Enquiry Officer and denied the charges levelled against him. He stated that he was not given a reasonable opportunity to defend in the departmental enquiry. He stated that on conclusion of the enquiry, the report was processed by the Enquiry Officer to the Disciplinary Authority. He stated that the Disciplinary Authority was pleased to issue show-cause notice dated 12-01-1998, wherein the enquiry report was not furnished to him. He stated that vide order dated 04-03-1998, the Employer imposed punishment of stoppage of two annual increments with cumulative effect for the year 1998 and 1999. Being aggrieved with the impugned order dated 04-08-1998, the Workman raised a dispute before the Conciliation Officer, which ended in failure.

4. Aggrieved by the imposition of the penalty of stoppage of two annual increments w.e.f. the year 1998 and 1999, the Workman challenged the impugned order dated 04-03-1998 by contending that the action of the Employer is illegal and malafide. He submitted that penalty imposed is disproportionate to the misconduct alleged against him. He submitted that there is no acceptable evidence on record so as to invite penalty imposed against him. He submitted that the impugned order suffers from inherent defects and is liable to be set aside. He submitted that the enquiry was conducted in flagrant violation of the principles of natural justice. He submitted that the action of the

Employer is smacks of malafide and is an ex-facie instance of unfair labour practice. He submitted that the impugned order is issued only to victimize him. He submitted that the enquiry conducted against him is defective, improper and completely devoid of principles of natural justice. He submitted that his oral request to conduct the departmental enquiry in Konkani language known to him, was also not considered. He submitted that the departmental enquiry was conducted in gross abuse of the process of law. He submitted that the charge-sheet was vague and the vagueness in the charge-sheet is prejudiced by itself and there is no need of any further prejudice. He submitted that in the facts and circumstances of the case, the invocation of the clauses of the certified standing orders are not warranted. He submitted that he is entitled for release of two annual increments with consequential benefits. He submitted that his case is gross case, wherein he has been compelled to seek sanctuary in portals of the Hon'ble Tribunal. He submitted that he is grossly discriminated against the whims and caprices of the unmoving bureaucracy. The Workman therefore prayed to pass an award holding that the impugned order dated 04-08-1998 in imposing punishment of stoppage of two annual increments with cumulative effect for the year 1998 and 1999 is illegal and unjustified and that the Employer be directed to release the increments with interest @ 12% p.a. from the date of the order till the amount is released and other consequential benefits.

5. The Employer controverted the claim of the Workman by filing its written statement on 02-09-2016. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable as there is no 'industrial disputes' exists between the parties as defined u/s 2 (k) of the I.D. Act, 1947, that the reference has been made by the Government of Goa without any material on record in haste and without any application of mind, that the reference at such a belated stage is bad-in-law as it is hit by delay and latches since the Workman has raised dispute after a gap of fourteen years without any justification and that this Hon'ble Court lacks the jurisdiction to try the present dispute since the Workman has not preferred any appeal before the Appellate authority aggrieved with the punishment order dated 01-03-1998 issued to him as per clause 39 of its certified standing orders.

6. The Employer stated that it is a Government Company registered under Section 617 of the Companies Act, 1956. The Employer stated that it is a State transport undertaking under the purview

of the Motor Transport Act, 1988. The Employer stated that it has been served with a copy of the claim statement filed by the Workman before this Hon'ble Labour Court with distorted facts. The Employer stated that its employees are not the employees of the Government of Goa. The Employer stated that it, being a separate legal entity altogether different from Government of Goa, the service benefits being granted by the Government of Goa to its employees, do not become automatically applicable to its employees. The Employer stated that it is governed by its own certified standing orders. The Employer stated that the service conditions of its employees are specified in its certified standing orders and the memorandum of settlement drawn between its management and its workmen from time to time.

7. The Employer stated that the Workman joined in its service w.e.f. 31-08-1983 on daily wages. The Employer stated that the Workman was thereafter appointed as 'conductor' on probation for six months w.e.f. 01-08-1983. The Employer stated that the Workman was issued a charge-sheet dated 24-09-1994 for charges of misconducts committed by him. The Employer stated that in pursuance to the said charge-sheet, a disciplinary enquiry was conducted according to its certified standing orders. The Employer stated that the Workman fully participated in the enquiry. The Employer stated that the Enquiry Officer, in its report dated 03-12-1997, held that the Workman was guilty of charges of misconduct mentioned therein. The Employer stated that vide its letter dated 12-01-1998, the Workman was asked to show-cause as to why he should not be imposed penalty of withholding two annual increments with cumulative effect. The Employer stated that the Workman filed his reply dated 12-02-1998. The Employer stated that after going through the reply of the Workman and finding unsatisfactory, the Workman was given a penalty of withholding two annual increments with cumulative effect for the year 1998 and 1999, by order dated 04-03-1998. The Employer stated that the Workman has not preferred any appeal before the Appellate authority aggrieved with the punishment order dated 04-03-1998 issued to him as per clause 39 of its Certified Standing Orders. The Employer stated that during the tenure of service of the Workman with them, he was also given an opportunity for improvement of his performance, in spite of the fact that he was involved in misappropriation of its revenue. The Employer stated that while imposing punishment of withholding two annual increments with cumulative for the year 1998 and 1999, the

Disciplinary Authority have shown sympathy in awarding punishment giving him last opportunity to improve. The Employer submitted that in the event, this Hon'ble Court comes to the conclusion that the enquiry conducted against the Workman is not fair or the findings are perverse, they may be given opportunity to lead evidence in support of charges of misconduct. The Employer denied the case of the Workman as pleaded and submitted that action of the Employer is legal and justified and that the Workman is not entitled to any relief and the reference be rejected.

8. Thereafter, the Workman was given opportunity to file his rejoinder to the written statement of the Employer. However, Ld. Adv. Shri A. Kundaikar, representing the union submitted that he do not wish to file any re-joinder.

9. Based on the pleadings filed by the respective parties, this court framed following issues 07-11-2016 at Exb. 9. The said issues were up-dated on 20-09-2019 at Exb. 23.

1. Whether the Workman proves that the enquiry conducted against the Workman/ Party-I in respect of charge-sheet dated 24-09-1994 is in violation of the principles of natural justice?
2. Whether the charges of misconduct leveled against the workman vide charge-sheet dated 24-09-1994 have been proved to the satisfaction of this court by acceptable evidence?
3. Whether the Workman/Party-I proves that the action of the Employer/Party II in imposing punishment of stoppage of his two annual increment with cumulative effect for the year 1998 and 1999, is illegal and unjustified?
4. Whether the Employer/Party II proves that the reference is not maintainable in view of the reasons stated in para 2 (a) to (d) of its written statement?
5. Whether the Workman/Party-I is entitled to any relief?
6. What order? What award?

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

- | | | |
|---------------------|---|---------------------|
| (a) Issue No. 1 | : | In the affirmative. |
| (b) Issue No. 2 | : | In the negative. |
| (c) Issue No. 3 | : | Does not arise. |
| (d) Issue No. 4 | : | In the affirmative. |
| (e) Issue No. 5 & 6 | : | As per order below. |

I have heard the oral arguments of Ld. Adv. Shri A. Kundaikar, appearing for the Workman as well as Ld. Adv. Shri P. Agarwal, representing the Employer. I have carefully perused the entire records and proceedings of the present case and is of the opinion as under:

Issue No. 1, 2 and 4:

11. By Order dated 02-08-2021, passed in my findings on the Preliminary Issue No. 1, 2 and 4, I have discussed and come to the conclusion that no free, fair and proper enquiry was conducted against the Workman in respect of charge-sheet dated 24-09-1994 in violation of the principles of natural justice and that the charges of misconduct levelled against the Workman, vide charge-sheet dated 24-09-1994 has not been proved to the satisfaction of this court by acceptable evidence. Accordingly, the said inquiry stands vitiated. It is further held that the present reference filed by the Workman at a belated stage is stale and as such it is not maintainable. The issue No. 1 and 4 are answered in the affirmative and issue No. 2 is answered in the negative.

Issue No. 3:

12. By Order dated 02-08-2021 passed in my findings on the Preliminary Issue No. 4, I have discussed and come to the conclusion that the present reference filed by the Workman at a belated stage is stale and as such it is not maintainable.

As the present reference filed by the Workman at a belated stage is not maintainable, the question of proving the legality and justifiability of the action of the Employer in imposing punishment of stoppage of two annual increments to the Workman with cumulative effect for the year 1998 and 1999, cannot be substantiated. The issue No. 3 is therefore answered in the negative.

Issue No. 5:

13. By Order dated 02-08-2021 passed in my findings on the Preliminary Issue No. 4, I have discussed and come to the conclusion that the present reference filed by the Workman at a belated stage is stale and as such it is not maintainable. The Workman is not entitled to any relief. 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 Limited, Panaji, Goa, in imposing punishment of stoppage of two annual increments to Shri Satvapal Amonkar,

Conductor, with cumulative effect for the year 1998 and 1999, is legal and justified, does not arise.

2. The Workman, Shri Satvapal Amonkar, 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.

Notification

No. 28/2/2021-LAB/Part-I/461

The following Award passed by the Labour Court-II, at Panaji-Goa on 04-08-2021 in Case No. Ref. LC-II/IT/17/2016 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).
Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. Ref. LC-II/IT/17/2016

Shri Gopal Hari Naik,
Rep. by the General Secretary,
Kadamba Kamgar Union,
BG-10, Gr. Floor,
Casa Immaculade, Jose Falcao Road,
Near Panjim Church,
Panaji-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 P. Agarwal.

Panaji, Dated: 04-08-2021.

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 18-10-2016, bearing No. 28/45/2016-LAB/741 referred the following dispute for its adjudication to this Labour Court II of Goa.

"(1) Whether the action of M/s Kadamba Transport Corporation Limited, Porvorim, Goa, in withholding the annual increment of Shri Gopal Hari Naik, Conductor, with effect from 1998, thereby depriving him of the monitory benefits, 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. LC-II/IT/17/2016 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 15-12-2016 at Exb. 5. The facts of the case in brief as pleaded by the workman are that he is a member of the Kadamba Kamgar Union (for short, 'the Union'). He stated that the said union is espousing his cause in respect of punishment of stoppage of two annual increments. He stated that he was appointed by the Employer/Party-II (for short, 'Employer') as a 'conductor' and presently posted at Porvorim depot.

3. He stated that he was on route of Bombay-Panaji on a vehicle No. GA-01-X-0094 on 30-03-1994. He stated that he was checked by the Line Checking staff at Panaji bus stand at 10.00 hours. He stated that he was issued a default notice stating the following irregularities that conductor failed to bring to the notice of the TC/ATI at Bombay that the luggage was put in the bus without weighing thereby not following the rules/instructions given by the superior.

4. He stated that on 26-09-1994, he was on a route of Panaji-Dodamarg-Sawantwadi on vehicle No. GA-01-X-0075. He stated that in the course of employment, he was intercepted by the line checking staff at Sadoli ghati on 26-09-1994 and was issued a default notice. He stated that in the said default notice, the following irregularities were found that there was an excess amount of Rs. 25.50 of cash than sale of tickets and that the conductor passed an amount of Rs. 70/- to a passenger travelling in the said bus.

5. He stated that he filed reply to both the purported default notices. He stated that he was issued two charge-sheets, one dated 11-11-1994 and another charge-sheet dated 18-04-1994. He stated

that the Employer was pleased to hold departmental enquiry by appointing Shri A. B. Prabhu as an Enquiry Officer. He stated that he participated in the departmental enquiry before the Enquiry Officer and denied the charges levelled against him. He stated that he was not given reasonable opportunity to defend in the departmental enquiry. He stated that on closure of the enquiry, a report was processed by the Enquiry Officer to the Disciplinary Authority. He stated that the Employer was pleased to issue a show-cause notice dated 19-06-1998, thereby directing him to show-cause as to why the penalty of withholding one annual increment with cumulative effect be imposed. He stated that he filed reply dated 30-06-1998 to the said show-cause notice. He stated that thereafter, the Employer was pleased to award a penalty of withholding one annual increment with cumulative effect for the year 1998. He stated that it was further stipulated in the purported order that he shall not be entitled for any additional wages for the period he was under suspension, except whatever subsistence allowance paid to him. Being aggrieved with the impugned order dated 14-07-1998, he raised a dispute before the Conciliation Officer, which ended in failure.

6. The Workman contended that the action of the Employer in imposing a penalty of stoppage of one annual increment with cumulative effect for the year 1998 is illegal and malafide. He submitted that the penalty imposed upon him is disproportionate to the misconduct alleged against him. He submitted that there is no acceptable evidence on record so as to invite the penalty imposed against him. He submitted that the impugned order suffers from inherent defects and is liable to be set aside. He submitted that the enquiry was conducted in flagrant violation of principles of natural justice. He submitted that the impugned order is also in violation of the principles of natural justice. He submitted that the action of the Employer smacks of the malafide and is an ex-facie instance of unfair labour practice. He submitted that the impugned order is issued only to victimize him. He submitted that there is no acceptable evidence on record, on the contrary, the documentary is in his favour, which was overlook at the time of accessing the evidence. He submitted that his oral request to conduct the departmental enquiry in Konkani language known to him was also not considered. He submitted that the departmental enquiry was conducted in gross abuse of process of law and he was not given reasonable opportunity. He submitted that the charge-sheet issued to him is vague and the vagueness in the

charge-sheet is prejudice by itself. He submitted that in the facts and circumstances of the case, the invocation of the clauses of the Certified Standing Orders are not warranted. He submitted that the action of the Employer in passing the impugned order is illegal and in the interest of justice, the impugned order be set aside. He submitted that the impugned order is in violation of the Certified Standing Orders applicable to the Employer Corporation. He submitted that his case is gross case, wherein he has been compelled to seek sanctuary in portals of the Hon'ble Tribunal. He submitted that he is grossly discriminated against the whims and caprices of unmoving bureaucracy. The Workman therefor prayed that this Hon'ble Court be pleased to pass an Award holding that the impugned order dated 14-07-1998 in imposing punishment of stoppage of one annual increment with cumulative effect for the year 1998 is illegal and unjustified and direct the Employer to release the increment with interest @ 12% p.a. from the date of the order till the amount is released and other consequential benefits.

7. The Employer resisted the claim of the Workman, by filing its Written Statement dated 24-07-2017 at Exb. 9. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable as the union has no locus standi to raise the present dispute, that there is no industrial dispute exist between the parties as defined u/s 2 (k) of the I.D. Act, 1947, that the reference is bad-in-law as it is hit by delay and latches since the Workman has raised the dispute after a gap of 16 years of imposition of the said punishment, that the reference has been made by the Government of Goa without any material on record in haste and without application of mind.

8. The Employer stated that it is a Government Company registered u/s 617 of the Companies Act, 1956. The Employer stated that it is a State Transport Undertaking under the purview of M.T. Act, 1988. The Employer submitted that the Workman is working as a 'conductor' with them.

The Employer admitted that the Workman was on route from Bombay to Panaji on vehicle No. GA-01-X-0094 on 30-03-1994. The Employer admitted that the Workman was checked at Panaji bus stand at 10.00 hours by the line checking staff. The Employer stated that the Workman was issued a default notice LC No. 05113 dated 30-03-1994 for his irregularities of (1) checked and found that the conductor has collected luggage fare of Rs. 425/- from two passengers travelling from Bombay to Panaji and issued a luggage tickets of Rs. 100/- to

one passenger and no luggage ticket was issued to another passenger after collecting the same from the said passenger, with the intension to misappropriate the passenger revenue of the corporation. The Employer stated that the statement of the Workman was recorded on 30-03-1994 in which he has admitted that he had collected the luggage fare of Rs. 425/- from two passengers, but issued a luggage ticket of Rs. 100/- to only one passenger. The Employer stated that the Workman was therefore issued a charge-sheet dated 18-04-1994 and charged for his following acts of misconduct under clause No. 28 of its Certified Standing Orders (vi) Failure on the part of the conductor to issue any tickets and thereby permitting ticketless travel and non-issue of tickets to a passenger by a conductor, after recovery of fare or issue of tickets of lesser value after recovery of correct fare from passenger. (xxxv) Breach of any rules and instructions given by the superiors for proper functioning or safety of the establishment. The Employer stated that the Workman was suspended, vide its order dated 18-04-1994, pending departmental enquiry. The Employer stated that thereafter, the suspension of the Workman was revoked, vide its order dated 18-05-1994.

9. The Employer admitted that on 26-09-1994, the Workman was on route of Panaji-Dodamarg-Sawantwadi on vehicle No. GA-01-X-0075. The Employer stated that the said bus of the Workman was checked by the line checking staff at Sadoli ghati at 8.30 hours. He stated that the Workman was issued a default notice LC No. 08152 dated 26-09-1994 for his irregularities of (1) found 12 passengers travelling without ticket out of them five were travelling from Sasoli to Sawantwadi, one from Dodamarg to Sawantwadi, two from Sasoli to Kumbhal Titha and four from Sasoli to Kawale from whom conductor neither collected fare nor issued tickets to them. (2) found an excess amount of Rs. 25.50 in his cash bag than the cost of sale of tickets. (3) found that the conductor pass an amount of Rs. 70/- to a passenger travelling in the said bus, which amount was then impounded. The Employer stated that the statement of the workman was recorded on the same day, wherein he has admitted that an amount of Rs. 25.50 was found in excess than the amount of sale of tickets. The Employer stated that the statement of the ticketless passengers were recorded in the presence of the Workman, wherein the said passengers admitted the non-issue of tickets by the workman. The Employer stated that the statement of one of the passenger was recorded in the presence of the Workman, wherein the said passenger has stated

that when the ticket checkers entered the bus, the Workman forcibly kept Rs. 70/- in her hand, which amount she gave to the ticket checker. The Employer stated that the said irregularities have also been recorded in the conductor's way bill in the presence of the Workman, which has been signed by him. The Employer stated that the Workman filed his reply dated 28-09-1994 to the default notice. The Employer stated that on finding reply of the Workman not satisfactory, the Workman was thereafter, issued charge-sheet dated 11-11-1994 for the following acts of misconduct under clause 28 of its Certified Standing Orders.

- (vi) Failure on the part of the conductor to issue any tickets and thereby permitting ticketless travel,
- (xv) Theft, fraud and dishonesty in connection with Employers business or property inside or outside the establishment or theft of the property of another employee within the premises of the establishment.
- (xxxv) Breach of any rules and instructions given by the superiors for proper functioning or safety of the establishment.
- (Lxi) Breach of any of the provisions prescribed to be complied with by the Workman under the Standing Orders.

10. The Employer stated that thereafter, a departmental enquiry was conducted into both the charge-sheets issued to the Workman i.e. charge-sheet dated 11-11-1994 and charge-sheet dated 18-04-1994. The Employer stated that Mr. A.B. Prabhu, its Depot Manager was appointed as an Enquiry Officer to conduct the enquiry. The Employer stated that Shri Anil Vengurlekar, ATI was appointed as the Presenting Officer. The Employer stated that the Workman fully participated in the enquiry initially along with his Defense Representative, Mr. Gurudas Raul and Mr. Chandrakant J. Naik. The Employer stated that the Workman were given full opportunity to conduct his defense, which he did. The Employer stated that the Enquiry Officer submitted his report on 11-05-1998 holding that the charges at sr. No. (2) and (3) of the charge-sheet dated 11-11-1994 were proved. The Employer stated that similarly, the charges referred in the charge-sheet dated 18-04-1994 were partly proved against the Workman. The Employer stated that thereafter, they issued a show-cause notice dated 19-06-1998 to the Workman to show-cause as to why penalty of withholding one annual increment with cumulative effect proposed should not be imposed for the serious

acts of misconduct proved against him. The Employer stated that a copy of the findings were furnished to the Workman alongwith the said show-cause notice dated 19-06-1998. The Employer stated that the Workman sent his reply dated 30-06-1998 to the show-cause notice issued to him. The Employer stated that they went carefully into the records of the enquiry proceedings, documents filed in the enquiry, the findings of the Enquiry Officer and the reply of the Workman to the show-cause notice, they did not find the explanation satisfactory. The Employer stated that considering the misconduct committed by the Workman and his past record, it would have been justified in taking serious action against the Workman. The Employer stated that however, giving a Workman a last opportunity to improve his performance in future, vide its order dated 14-07-1998, they awarded a penalty of withholding of one annual increment with cumulative effect i.e. for the year 1998.

11. The Employer stated that the Workman filed an appeal dated 18-02-2003 after a lapse of about four and half year against the said punishment imposed upon him. The Employer stated that the said appeal was dismissed by the Appellate Authority, vide its order dated 03-04-2004 after giving personal hearing to the Workman. The Employer stated that thereafter, the Workman did not challenge the said punishment till 17-01-2016 and as such the said punishment becomes final.

12. The Employer stated that the Workman was a member of the KTC Workers Union and continuous to be a member of the said KTC Workers union. The Employer stated that the Workman at no point of time communicated to them that he ceased to be a member of KTC Workers union and has joined the union. The Employer stated that the Kadamba Kamgar Union is not a recognized union in its Corporation and has no locus standi to espouse the cause of their workers including the workman.

13. The Employer submitted that the enquiry was conducted in a fair and proper manner in accordance with the principles of natural justice. The Employer submitted that the Workman was given every opportunity to defend himself and only after appreciating the evidence on record, the Enquiry Officer gave a reasoned findings on the basis of which, any prudent person would come to the conclusion that the workman was guilty of the charges levelled against him. The Employer stated that they went through the findings of the Enquiry Officer, the proceedings and the documents and concurred the same. The Employer stated that the

past records of the Workman was also not good and was issued default notices, warning etc. The Employer stated that considering the gravity of proved misconduct, they would have been justified in awarding him capital punishment of dismissal from service. The Employer stated that they however, took a lenient view and awarded a lesser punishment. The Employer stated that its action in awarding a penalty of withholding one annual increment with cumulative effect to the Workman is legal, just and bonafide and this Hon'ble Court shall be pleased to uphold the same. The Employer submitted that in the event this Hon'ble Court comes to the conclusion that the enquiry conducted against the Workman is not fair or the findings are perverse, they crave leave to adduce evidence before this Hon'ble Court in support of the charges of misconduct. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the claim of the Workman.

14. Thereafter, the Workman filed his Re-joinder on 03-10-2017 at Exb. 12. The Workman, by way of his Re-joinder, 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. He submitted that the Enquiry Officer was directed to submit his enquiry report within one month from the date of his appointment however, he failed to submit his report within the stipulated period of one month.

15. Based on the pleadings filed by the respective parties, this Court framed the following issues on 25-10-2017 at Exb. 13. The said issues have been re-casted vide order dated 20-09-2019 at Exb. 28.

1. Whether the Workman/Party I prove that the enquiry conducted against him in respect of charge-sheet dated 11-11-1994 and charge-sheet dated 08-04-1994 is unfair and in violation of the principles of natural justice?
2. Whether the Workman/Party I proves that the findings recorded by the Enquiry Officer in respect of charge-sheet dated 11-11-1994 and charge-sheet dated 18-04-1994 are perverse?
3. Whether the Workman/Party I proves that the action of the Employer in withholding his annual increment w.e.f. 1998 thereby depriving him of the monetary benefits is illegal and unjustified?

4. Whether the Workman/Party I proves that Kadamba Kamgar Union has the locus standi to raise present dispute?
 5. Whether the Employer/Party II proves that the present order of reference is not maintainable in view of the reasons mentioned in para 2 (b), 2 (c) and 2 (d) of its Written Statement?
 6. Whether the Workman/Party I is entitled to any relief?
 7. What Order? What Award?
16. My findings to the aforesaid issues are as under:
- (a) Issue No. 1 : In the negative.
 - (b) Issue No. 2 : In the negative.
 - (c) Issue No. 3 : In the negative.
 - (d) Issue No. 4 : In the negative.
 - (e) Issue No. 5 : In the negative.
 - (f) Issue No. 6 & 7 : As per final order.

17. Thereafter, the matter was fixed for evidence of both the parties on the preliminary issue No. 1 and 2. Both the parties also lead their evidence oral as well as documentary. This Hon'ble Court also heard the arguments on the preliminary issue No. 1 and 2 and the matter was fixed for order. It is at this stage, the Employer filed an application for re-casting of the said preliminary issues, which has been allowed by this court, vide its order dated 20-09-2019 after hearing both the parties. The Workman also filed an application for recall and re-examination of the first witness of the Employer, Shri Vidyadhar Harmalkar, which has been dismissed, vide order of this court dated 11-12-2019 after hearing both parties. Thereafter, the Employer filed an application dated 14-01-2020 for allowing them to cross-examine the Workman, which has been dismissed, vide order of this court dated 06-02-2020 after hearing both the parties. The Employer also filed an application dated 13-03-2020 for amendment of its Written Statement, which has been dismissed, vide order of this court dated 28-01-2021 after hearing both the parties. The Employer finally filed an application for production of enquiry proceedings as well as an application to treat the issue No. 5 as preliminary issue. Pending the aforesaid application filed by the Employer, the Workman filed an application dated 02-06-2021 for withdrawal of the present dispute as well as all his claims made therein supported by a resignation of the membership of the union at Exb. 45-colly. No objection has been given for withdrawal of the present dispute by Ld. Adv. Shri P. Agarwal, representing the Employer. Ld. Adv. Shri A. Kundaikar, representing the union however,

objected for the said withdrawal of the Workman as the present reference was raised by the union.

18. The Workman verified his said withdrawal application at Exb. 45-colly. The Workman confirmed that he had filed the said application for withdrawal of the dispute as well as his claim statement of his free will and without any pressure, force, threat, duress or coercion from anybody. It is the Workman who had filed the claim statement and prayed for passing an award holding that the impugned order dated 14-07-1998 passed by the Employer is illegal and unjustified and direct the Employer to release his increment, prayed for withdrawal of his claim statement and also for the withdrawal of the dispute, this court has no other option rather than to allow the present application filed by the Workman for withdrawal of his claim. Thus, in the absence of any evidence on record, it is held that action of the Employer in withholding the annual increment of the Workman w.e.f. 1998, thereby depriving him of the monetary benefits is legal and justified. The Workman is not entitled to any relief.

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 Limited, Porvorim, Goa, in withholding the annual increment of Shri Gopal Hari Naik, Conductor, with effect from 1998, thereby depriving him of the monetary benefits, is legal and justified.
2. It is held that the Workman Shri Gopal Hari Naik, is not entitled to any relief.

Inform the Government accordingly.

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

Notification

No. 28/2/2021-LAB/Part-I/462

The following Award passed by the Labour Court-II, at Panaji-Goa on 09-08-2021 in Case No. LC-II/IT/07/2020 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Maya Pednekar, Under Secretary (Labour) (Link).
Porvorim, 21st September, 2021.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

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

Case No. LC-II/IT/07/2020

Shri Dinesh B. Naik,
r/o. H. No. 202,
Dr. Gama Pinto Road,
St. Inez, Panaji-Goa.

..... Workman/Party-I

V/s

Shri Pralhad V. Kumtakar,
Tax Consultant,
Nr. PWD office,
St. Inez, Panaji-Goa.

..... Employer/Party-II

Workman/Party-I present in person.

Employer/Party-II absent, marked an Ex-parte.

Panaji, Dated: 09-08-2021.

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 08-09-2020, bearing No. 28/18/2020-LAB/948 referred the following dispute for adjudication to this Labour Court-II, Panaji, Goa.

"(1) Whether the action of Shri Pralhad V. Kumtakar, Tax Consultant, S-1, 2nd floor, Bldg. No. 6, Model Exotica, Near PWD Office, St. Inez, Panaji-Goa in terminating the services of Shri Dinesh B. Naik, Office Assistant, with effect from 01-03-2019, is legal and justified?"

(3) If not, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/07/2020 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Workman/Party-I (for short 'Workman') put in his appearance. On the contrary, the Employer did not appear before this Court on the scheduled dates of hearings, though duly served. This Court marked an ex-parte order against the Employer, after giving him several opportunities and an ex-parte proceedings were conducted.

The Workman filed his Statement of Claim on 23-11-2020 at Exb-3. The facts of the case in brief as pleaded by the Workman are that he was

appointed as an 'Office Assistant', by the Employer/Party II (for short, "Employer") in his office since 01-08-1989. He stated that from the date of joining the office of the Employer, he was performing all the duties assigned to him by the Employer. He stated that his duties included clerical work, filing of tax papers, delivering all official correspondence, collecting papers and other official documents from the clients etc. He stated that when he started working with the Employer, he was paid a salary of Rs. 250/- p.m. and thereafter it was increased to Rs. 500/- p.m. He stated that before he was told to stop attending the work in the month of February, his last drawn salary was Rs. 8000/- per month.

3. He stated that suddenly somewhere in the month of March, 2019, without any reason the Employer instructed him to stop attending duties and asked him to refrain from coming to the office. He stated that he made many oral requests to the Employer, however, he did not entertain his pleas. He stated that he was in desperate need of money as he had just become a father of twins, apart from that he was the sole earner in the family and had to look after the day to day expenses of the household. He stated that the Employer knew the dire situation that he was in, however, not bothered to take him back in the employment. He stated that he had no option, but to file a complaint dated 24-09-2019 with the Asstt. Labour Commissioner, Panaji, Goa. He stated that even during the conciliation proceedings, then various efforts of the Conciliation Officer, the Employer refused to appear and hence the conciliation proceedings ended in failure.

4. The Workman submitted that he has not been paid his monthly salary including commission for the period from 01-03-2019 till date. He stated that he was forced to remain out of employment from 01-03-2019 which amounts to refusal of employment. He stated that though he has continuously worked diligently for almost thirty years, he has not only been paid his wages from 01-03-2019, but also other benefits like notice pay, encashment of leave, retrenchment compensation, gratuity etc. He stated that though he has tried for another employment, he was not able to get it because of age factor and other reasons. He stated that however to support his family, he has been doing menial jobs of the clients of the Employer to earn a leaving. He stated that he is entitled to gratuity of Rs. 138461/- for his services rendered to the Employer, one months' notice pay, leave encashment for 45 days,

retrenchment compensation of Rs. 120000/- and for compensation of Rs. 500000/- for the hardship and mental strain caused to him by the Employer. The Workman therefore, prayed for passing an award of his reinstatement in the employment of the Employer with full back wages and consequential benefits and that the salary payment for the month of March 2019 till date @ Rs. 8000/- amounting to Rs. 160000/-, gratuity of Rs. 138461/- for the services rendered to the Employer, one months' notice pay, leave encashment for 45 days, retrenchment compensation of Rs. 120000/- and for compensation of Rs. 500000/- alongwith interest @ 12% p.a. accrued thereon.

5. A notice was issued to the Employer by registered A/D post, which has been returned along with postal endorsement "Refused". A refusal is a good service of summons, hence, the Employer is presumed to be duly served with the notice of this Hon'ble Court. Since the Employer failed to remain present on the scheduled dates of hearings, he was marked an ex-parte and ex-parte proceedings were conducted.

6. This court framed the following issues on 03-03-2021 at Exb. 4.

1. Whether the Workman/Party I proves that the action of the Employer in terminating his services w.e.f. 01-03-2019 is illegal and unjustified?
2. Whether the Workman/Party I is entitled to any relief?
3. What Order? What Award?

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

- (a) Issue No. 1 : In the affirmative.
- (b) Issue No. 2 and 3 : As per final order.

I have heard the oral arguments of the Workman in person. None present for the Employer at the time of final arguments. I have carefully perused the entire records of the present case. I have also carefully considered the submissions made by the Workman in person and is of the opinion as under:

REASONS:

Issue No. 1:

8. The evidence on record indicates that the Employer is in the business of Tax Consultancy and is registered under the GDD Shops and Establishments Act, 1973 and Rules, 1975. Section 39 of GDD Shops and Establishment Act, 1973

provides for conditions for terminating service of an employee and payment of gratuity and it reads as under:

Section 39:

Conditions for terminating the services of an employee and payment of gratuity:-

- (1) *No employer shall without a reasonable cause and except for misconduct, terminate the service of an employee who has been in his employment continuously for a period of not less than six months without giving such employee, at least one month's notice in writing or wages in lieu thereof and a gratuity amounting to fifteen days' average wages for each year of continuous employment.*

Explanation: For the purpose of this sub-section:

- (a) *the expression "wages" does not include overtime wages;*
- (b) *the expression "wages" means the daily average of wages for the days an employee actually worked during the thirty days immediately preceding the date of termination of service;*
- (c) *an employee in an establishment shall be deemed to have been in continuous employment for a period of not less than six month, if he has worked for not less than one hundred and twenty days in that establishment within a period of six months immediately preceding the date of termination of the service of that employee;*
- (d) *where the total continuous employment is for a fraction of a year or extends over a fraction of a year in addition to one or more completed years of continuous employment, such fraction, if it is not less than half a year shall be counted as a year of continuous employment in calculating the total number of years for which the gratuity is to be given.*

- (2) *Where a gratuity is payable under sub-section (1) to an employee, he shall be entitled to receive his wages from the date of termination of his service until the date on which the gratuity so payable is actually paid subject to a maximum of wages for two months.*
- (3) *An employee, who has completed the age of sixty years or who is physically or mentally unfit having been so declared by a medical*

certificate or who wants to retire on medical grounds or to resign his service, may give up his employment after giving to his employer notice of at least one month and every such employee and the dependent of an employee, who dies while in service, shall be entitled to receive a gratuity amounting to fifteen days' average wages for each year of continuous employment calculated in the manner provided in the Explanation to sub-section (1). He shall be entitled to receive the wages from the date of giving up the employment until the date on which the gratuity so payable is actually paid, subject to a maximum of wages for two months.

- (4) *The services of an employee shall not be terminated for misconduct except, for such acts or omissions and in such manner, as may be prescribed.*

Explanation: For the purpose of this section, the term "employee" shall include part time employee also."

9. Thus, bare perusal of section 39 of GDD Shops and Establishments Act, 1973, it is crystal clear that the Employer shall not terminate the services of the employee without a reasonable cause and except for misconduct, who has been in his employment continuously for a period of not less than six months without giving such employee, at least one months' notice in writing or wages in lieu thereof, a gratuity amounting to 15 days average wage for each year of continuous employment and maximum two months wages for delayed payment of gratuity beyond two months.

10. In the case in hand, the Workman was in the services of the Employer continuously for thirty years. The evidence on record indicates that the services of the Workman were terminated by the Employer without any reasonable cause and without giving him at least one months' notice in writing or wages in lieu thereof and a gratuity amounting to 15 days average wages for each year of continuous service. Thus, in the absence of giving at least one months' notice in writing to the Workman or one month wages in lieu of notice and payment of gratuity as stated hereinabove, as a condition precedent of section 39 (1) of the GDD Shops and Establishment Act, 1973, the action of the Employer in terminating the services of the Workman with effect from 01-03-2019 is illegal and

unjustified. Hence, it is held that the action of the Employer in terminating the services of the Workman with effect from 01-03-2019 is illegal and unjustified. The issue No. 1 is therefore answered in the Affirmative.

Issue No. 2:

11. While deciding the issue No. 1 hereinabove, I have discussed and come to the conclusion that the action of the Employer in terminating the services of the Workman with effect from 01-03-2019 is illegal and unjustified. Thus, taking into consideration the provisions of Section 39 of GDD Shops and Establishments Act, 1973, the Workman is entitled for one months' notice pay i.e. Rs. 8000/-, gratuity for 30 years of service amounting to Rs. 1,38,461/- and two months wages amounting to Rs. 16,000/-. Thus the Workman is entitled to receive from the Employer an amount of Rs. 1,62,461/- (Rupees one lakh sixty two thousand four hundred sixty one only). The Workman is also entitled for a simple interest @ 9% p.a. on the said amount of Rs. 1,62,461/- from the date of its maturity till its actual realisation.

In view of above, I pass the following order:

ORDER

1. It is held that the action of Shri Pralhad V. Kumtakar, Tax Consultant, S-1, 2nd floor, Bldg. No. 6, Model Exotica, Near PWD Office, St. Inez, Panaji-Goa in terminating the services of Shri Dinesh B. Naik, Office Assistant, with effect from 01-03-2019, is illegal and unjustified.
2. It is held that the Workman, Shri. Dinesh B. Naik is entitled to receive from the Employer, Shri Pralhad V. Kumtakar a sum of Rs. 1,62,461/- (Rupees one lakh sixty two thousand four hundred sixty one only) alongwith simple interest @ 9% p.a. from the date of its maturity till its actual realization.
3. No order as to cost.

Inform the Government accordingly.

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

Department of Law & Judiciary
Law (Establishment) Division

—
Order

No. 2-2-2020-LD (Estt)2272

The Government of Goa is pleased to post and transfer the following District Registrars and Civil Registrars-cum-Sub-Registrars on promotion of Registration Department, Panaji, with immediate effect:-

Sr. No.	Name of the Staff	Present place of posting	Posted as	Additional charge
1	2	3	4	5
1.	Shri Vasudev T. Hadkonkar	District Registrar, South	District Registrar, North	—
2.	Shri Arjun S. Shetye	Civil Registrars-cum-Sub-Registrar, Tiswadi	District Registrar, Head Quarters	Civil Registrars-cum-Sub-Registrar, Tiswadi and Jt. Civil-Registrars-cum-Sub-Registrar-I, Tiswadi.
3.	Shri Suraj R. Verenkar	Civil Registrars-cum-Sub-Registrar, Salcete	District Registrar, South	Civil Registrars-cum-Sub-Registrar, Salcete.
4.	Shri Mahesh Prabhu Parrikar	C.R.S.R. (H.Q.) and holding additional charge of Civil Registrar-cum-Sub-Registrar, Pernem	C.R.S.R., Pernem	—
5.	Smt. Aarti A. Parvatkar	Jt. Civil Registrar-cum-Sub-Registrar, Tiswadi-I	C.R.S.R. (H.Q.)	—

The District Registrars shall draw their pay and allowances against their respective posts from the date of acceptance/joining to the post of District Registrars. The Civil Registrar-cum-Sub-Registrars shall draw their pay and allowances against their place of transfer. They shall complete the process of handing over/taking over of charge with immediate effect and submit compliance.

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

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

Porvorim, 9th November, 2021.

◆◆◆
Department of Planning, Statistics & Evaluation
Directorate of Planning, Statistics & Evaluation

—
Order

No. DPSE/I/ADMN/Prom. Stat. Off./2019/1990

On recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/28(2)/2020/338 dated 29-09-2021, Government is pleased to promote the following Research Assistants of Goa Common Statistical Cadre to the post of Statistical Officer on regular basis in Group "B" Gazetted, in the pay scale of Level 7 (44,900-1,42,400) as per VIIth Pay Commission with immediate effect.

The postings of the Statistical Officer are as under:

Sr. No.	Name of the Officer	Against the vacant post	Place of posting	Additional charge
1	2	3	4	5
1.	Smt. Melita V. B. Fernandes	Shri Dilkush Dessai, S.O. retired on superannuation	Directorate of Panchayat on transfer of Shri Liladhar B. Dessai, Statistical Officer	District Rural Development Agency, North, Panaji for 02 days every Tuesdays & every Thursday against the newly created post.
2.	Shri Sandeep N. Sawant	Shri Augusto L. Sequeira, S.O. on expiry	Directorate of Education, Porvorim on the vacant post of Shri Augusto Sequeira, S.O. expired	Shri Krishna K. Ratul, Statistical Officer is relieved from the additional charge.
3.	Shri Ranjan R. Hinde	Smt. Naina V. Raikar, S.O. retired on superannuation	Directorate of Industries, Trade & Commerce, Panaji on promotion of Smt. Asha Sambary, S.O.	—
4.	Shri Noel Fernandes	Shri Tolentino Furtado, S.O. promoted	Directorate of Planning, Statistics & Evaluation, Porvorim-RBD Section	—
5.	Shri Chandresh Gaonkar (ST)	Smt. Asha G. Sambary, S.O. promoted	Directorate of Planning, Statistics & Evaluation, Porvorim-Planning Section	—
6.	Shri Thanu Zalmi (ST)	Kum. Neumani M. Rodrigues, S.O. on promotion	Directorate of Social Welfare, Panaji, against the vacant post of Smt. Priti Desai, S.O. promoted	Dr. Kailas D. Gokhale, S.O. is relieved of his additional charge.

This issues with the Government approval vide U.O. No. 3294/F dated 08-10-2021.

The above officers are required to submit joining report to this Department for record.

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

Dr. Y. Durga Prasad, Director & ex officio Jt. Secretary (Planning).

Porvorim, 13th October, 2021

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Department of Public Health

Order

No. 7/1/2001-I/PHD (Part II)/2415

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/II/12/54(1)/2017/364 dated 13-10-2021, Government is pleased to declare the following Officers as having satisfactorily completed their probation period of two years and to confirm them in the post of Chemists

(Drugs) under Directorate of Food and Drugs Administration, with effect from the date of completion of their probation period:-

Sr. No.	Name of the Chemists (Drugs)	Date of completion probation period	Confirmation in post of
1.	Smt. Sushmita D'Souza	04-09-2015 to 03-09-2017	Chemists (Drugs).
2.	Shri Raju Kamat	07-03-2018 to 06-03-2020	Chemists (Drugs).

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

Gautami S. Parmekar, Under Secretary (Health).

Porvorim, 11th November, 2021.

◆◆◆
Department of Public Works
Office of the Principal Chief Engineer

—
Order

No. 40/2/2021/PCE-PWD-Tech.Cell/214

Government is pleased to order the transfer of the following Assistant Engineers/Assistant Surveyor of Works (Civil/Mechanical/Electrical) to the places shown against their names in Column No. 4 below, with immediate effect until further orders:

Sr. No.	Name of the officers	Present place of posting	Place of posting on transfer
1	2	3	4
1.	Smt. Smita Shashikant Kamat	Assistant Surveyor of Works, Div. I, PWD, Panaji	As Assistant Surveyor of Works in SW-II (WSS), HBA/GSR/RTI, SSW's office, PWD, Altinho, Panaji-Goa on existing vacancy.
2.	Shri Randhir Ashtekar	Assistant Surveyor of Works, Works Div. II, PWD, Panaji-Goa	As Assistant Surveyor of Works II, Div. XIII, PWD, Mapusa-Goa vice Shri Pandurang M. S. Nadkarni, ASW transferred.
3.	Shri Pandurang M.S. Nadkarni	Assistant Surveyor of Works II, Div. XIII, PWD, Mapusa-Goa	As Assistant Surveyor of Works, Div. II, PWD, Panaji-Goa vice Shri Randhir Ashtekar, ASW, transferred.
4.	Shri Rix Archibald de Souza	Assistant Engineer on deputation to JICA Project, Altinho, Panaji-Goa	As Assistant Surveyor of Works, Div. IV, PWD, Tonca-Caranzalem, in the existing vacancy.
5.	Shri Suraj Kochrekar	Assistant Engineer on deputation to JICA Project, Altinho, Panaji-Goa	As Assistant Engineer, SD-II, Div. X, PWD, Margao-Goa, thereby Shri Manuel M. Fernandes, A.E. relieved from the additional charge.
6.	Shri Edwin Candido R. Ferrao	Assistant Engineer on deputation to JICA Project, Altinho, Panaji-Goa	As Assistant Surveyor of Works, SW-I (R&B), SSW's Office, PWD, Altinho, Panaji-Goa in the existing vacancy.
7.	Shri Vitorino D'Souza	Assistant Engineer on deputation to JICA Project, Altinho, Panaji-Goa	As Assistant Engineer, STP SD II, Div. XXVII, Bastora in the existing vacancy.

1	2	3	4
8.	Shri Sanjay P. Shet	Assistant Engineer on deputation to JICA Project, Altinho, Panaji-Goa	As Assistant Surveyor of Works, SW-I (R&B) SSW's Office, PWD, Altinho, Panaji-Goa, in the existing vacancy.
9.	Shri Deepak Borkar	Assistant Engineer, SD-II, Div. XXVII, Bastora	As Assistant Engineer, SD III, Div. XVII, PWD, Calangute vice Shri Narayan Tivrenkar, AE transferred.
10.	Shri Narayan Tivrenkar	Assistant Engineer, SD III, Div. XVII, PWD, Calangute	As Assistant Engineer, SD II, Div. XXVII, PWD, Bastora vice Shri Deepak Borkar, AE, transferred.
11.	Shri Digambar Kulkarni	Assistant Surveyor of Works, Circle Office IX, PWD, Altinho, Panaji-Goa	As Assistant Surveyor of Works, Div. XXI, PWD, Margao in the existing vacancy.
12.	Shri Ecwin Ribeiro	Assistant Engineer, SD-V, Div. V, PWD, Porvorim-Goa	As Assistant Engineer, SD-IV, Div. XI (QC), PWD, Panaji in the existing vacancy.

Smt. Jyoti Velipo, Assistant Surveyor of Works, presently posted in Div. XII, PWD, Sanguem-Goa shall hold the additional charge to the post of Assistant Surveyor of Works, Div. XIX, PWD, Sanguem-Goa in addition to her own duties until further orders.

Shri Jayant Volvoikar, Assistant Engineer, presently posted in SD-I, Div. V, PWD, Panaji-Goa, shall hold the additional charge to the post of Assistant Engineer, SD-V, Div. V, PWD, Porvorim-Goa in addition to his own duties until further orders.

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

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

Panaji, 11th November, 2021.

Notification

No. 8-4/CE-PWD-Accts/2021-22/971

Whereas, the Government had constituted a Committee to examine cost escalations due to the shortage of labour and non availability of material as a result of the lockdown and the restrictions thereafter, due to the increase in Covid 19 cases in the State and to submit proposals to overcome the same in order to expeditiously complete various Infrastructure Projects taken up in the State, vide Order No. 2/2/PCE/PWD/ADM (I)/2021-22/231 dated 22-07-2021.

And whereas, the Committee after detailed deliberations, looking into the various works handled presently in PWD, WRD, Electricity Department and GSIDC and after careful consideration, looking into various issues presently faced in the State due to COVID-19, which have affected the progress of various developmental works, submitted its proposal with recommendations to the Government for approval.

Whereas, the Government has considered and accepted the recommendations of the Committee

to provide relief to the following works taken up as below:-

1. Three cases as stated below have been identified for providing relief under Clause 10 CC as provided in escalation clause of CPWD Contract document. Cost of escalation will be calculated on basis of indices published by the Office of Economics Advisor, Department for Promotion of Industries and internal Trade on their official websites. The calculation of labour escalation under Clause 10cc of the contract, the value of minimum daily wages of unskilled male mazdoor as notified by the Chief Labour Commissioner, Ministry of Labour and Employment, Government of India, New Delhi.

2. The works which have been considered for these reliefs are as follows:

a. Work is of Capital intensive in Nature i.e. works costing more than Rs. 2 Crores.

b. The stipulated period of completion of work is 120 days and above.

3. Case I

Work Order is issued for the work during/after the pandemic from 01-04-2020 onwards.

a. The escalation will be calculated as provided under 10CC of CPWD Form 7/8 and this will be subject to the following condition:-

i) The work is to be completed by the agency latest by the stipulated date of completion or 90 days from the date of issue of this notification in the Official Gazette, whichever is later.

4. CASE II

Works which have been tendered prior to the date of notification of this scheme in the Official Gazette.

a. Calculation of escalation will be from the date of issue of relevant GSR and upto the last date for submission of tender.

b. The justified statement is prepared after opening of tender based on cost put to tender plus the escalation calculated as above.

c. In case the tender is quoted within 5% of justified amount it will be accepted by the tender accepting authority as per delegated power in accordance with the Finance Department circular in this regard.

d. In case the tender quoted exceeds 5% of justified amount, it will be placed before GSWB for approval/suitable decision from GSWB for Departments & as per the procedures adopted by Autonomous bodies/Corporations etc., for approval/suitable decision.

5. CASE III

For works which have been tendered after to the date of notification of this scheme in the Official Gazette.

a. Escalation will be calculated from date of issue of relevant GSR and upto the last date of submission of tender.

b. Reasonable amount is proposed considering cost put to tender and escalation calculated as above.

c. In case the tender is quoted within 5% of reasonable amount it will be accepted by the tender accepting authority as per delegated power in accordance with the Finance Department circular in this regard.

d. In case the tender quoted exceeds 5% of reasonable amount, it will be placed before GSWB for approval/suitable decision from GSWB for Departments & as per the procedures adopted by Autonomous bodies/Corporations etc., for approval/suitable decision.

This notification will be in force for period of one year or till further directions. In all the Cases I, II and III mentioned above the concerned Department, Autonomous bodies/Corporation etc. will be allowed to exceed the expenditure sanction upto 10% without referring to the Finance Department. In case the Revised Expenditure sanction on account of this notification exceeds 10% of the original sanction amount, it will be submitted to the Finance Department for accord of revised expenditure sanction.

This is issued with the approval of the Government and concurrence of the Finance Department (Expenditure) vide U. No. 1400082228 dated 4-10-2021.

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

U. P. Parsekar, Principal Chief Engineer (P.W.D.).
Panaji, 11th October, 2021.

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Department of Science and Technology
and Waste Management

Order

No. 3-191/2011/STE-DIR/808

1. Read Order No. 9/309/2011HE/SInC/1673 dated 4th August, 2011.
2. Read Order No. 3-191/2011/STE-DIR/702 dated 12th September, 2013.
3. Read Order No. 3-191/2011/STE/DIR/725 dated 18th January, 2021.

In supersession of the above referred order, Government is pleased to re-constitute the Goa State Innovation Council (GSInC) comprising the following members:

- | | |
|---|-------------|
| 1. Shri Jose Manuel Noronha,
Bagbhat, Raia, Salcete, Goa | — Chairman. |
| 2. Director, Indian Institute
of Technology, Farmagudi,
Ponda, Goa or his nominee | — Member. |
| 3. Director, National Institute
of Technology, Farmagudi,
Ponda, Goa or his nominee | — Member. |
| 4. Director, National Institute
of Oceanography, Dona
Paula, Goa or his nominee | — Member. |
| 5. Director, Birla Institute
of Technology & Science
Zuarinagar, Sancoale or
his nominee | — Member. |

- | | | |
|--|---|-------------------|
| 6. Director, Department of Information Technology, Government of Goa, Altinho, Panaji-Goa | — | Member. |
| 7. Director, Directorate of Higher Education, Government of Goa, Porvorim, Goa | — | Member. |
| 8. Director, Directorate of Technical Education, Government of Goa Porvorim, Goa | — | Member. |
| 9. Principal, Goa College of Engineering, Farmagudi, Ponda, Goa | — | Member. |
| 10. Principal, Don Bosco College of Engineering, Fatorda, Goa | — | Member. |
| 11. Shri Shreedhar Bevara, CEO, BMR Innovations Vishakapatnam, Andhra Pradesh | — | Member. |
| 12. Shri D. S. Prashant, C.E.O. Forum for Innovation, Incubation, Research and Entrepreneurship, Fatorda, Goa | — | Member. |
| 13. Shri Kastubh Priolkar, Professor, Department of Physics, Goa University, Taleigao, Plateau, Goa | — | Member. |
| 14. President, Goa Technology Association, Ponda, Goa or his nominee | — | Member. |
| 15. Member Secretary, Goa State Council for Science and Technology, Department of Science and Technology, Government of Goa, Saligao, Bardez-Goa | — | Member. |
| 16. Director, Department of Science and Technology & Waste Management, Government of Goa, Saligao Bardez-Goa | — | Member Secretary. |

4. Map opportunities for innovation in the State of Goa.

5. Assist in identifying and setting up common facility centers for “Robatics and Coding” at educational institutions.

6. Create periodic reports on innovations in the State of Goa.

7. Create and maintain the Council Web portal which includes monitoring and evaluating the Virtual Innovation Register.

8. Organize risk capital and venture capital for young innovators in the State of Goa.

9. Identify High Networth Individuals (HNI) and Angel Investors (AI) and organize periodic “Pitching Sessions” for the innovators of the State with the HNIs and AIs.

10. Engage with the Innovation Community to develop ideas and strategies for the growth of Innovation in the State of Goa.

11. Connect and develop closer linkage between National and State Innovation ecosystems.

12. To provide financial support for prototyping technology based innovative projects/ideas under the Virtual Innovation Register (VIR) to make it affordable for students, startups, innovators, research faculty and entrepreneurs who require necessary support in converting ideas into marketable products.

The Non Official members of the Council shall be paid sitting fees @ Rs. 2000/- per sitting. Out station Members will be paid TA/DA as per prevalent rules in addition to sitting fees.

Levinson J. Martins, Director/ex officio Jt. Secretary (S&T & WM).

Porvorim, 19th October, 2021.



Department of Sports and Youth Affairs

Directorate of Sports & Youth Affairs

Corrigendum

No. GFDC/01/01/2012 (Part-I)/1758

Read Orders No. GFDC/01/01/2012(Part-I)/321 dated 05-06-2020.

No. GFDC/01/01/2012 (Part-I)/793 dated 31-07-2020.

Following shall be the ‘Terms of Reference’ for the Council:-

1. Support the Government to promote innovation in Science and Technology and to strengthen the Innovation ecosystem in the State of Goa.

2. Organize seminars, workshops, lectures and symposia on innovation and related areas.

3. Identify, encourage and reward young talent in innovation related to Science and Technology.

In partial modification, to the above Order the name of the Members at Sr. No. 12 of General Body of Goa Football Development Council and Sr. No. 10 of Council Committee of Goa Football Development Council, Lavino Rebello is changed/ replaced to Kum. Maria Rebello and Caitano J. Fernandes respectively.

Other contains of the order remain unchanged.

This issues with the approval of Competent Authority.

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

Mekala Chaitanya Prasad, IAS, Director, ex officio & Joint Secretary (Sports & Youth Affairs).

Panaji, 26th October, 2021.

◆◆◆
Department of Town and Country Planning
Office of the Chief Town Planner (Admn.)

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Order

No. 1/3/TCP (Part File)/2017-19/1844

Government is pleased to order the transfer of following officers of the Town and Country Planning Department in public interest with immediate effect as per the details shown in the following table:

Sr. No.	Name and Designation	Present posting	New posting/additional charge
1.	Shri K. Ashok Kumar, Deputy Town Planner	Member Secretary, Mormugao Planning and Development Authority, Vasco	Member Secretary, Mormugao PDA and additional charge of Quepem Taluka Office, TCP Dept., Quepem.
2.	Shri Anand A. Deshpande, Deputy Town Planner	Town & Country Planning Dept., Quepem Taluka Office, Quepem and additional charge at Canacona Taluka Office, Canacona	Town & Country Planning Dept., Headquarters, Panaji.
3.	Shri Yugandaraj V. Redkar, Deputy Town Planner	Goa Real Estate Regulatory Authority (RERA)	Goa Real Estate Regulatory Authority (RERA) with additional charge of Town & Country Planning Department, Canacona.

The officers are directed to join the new place of posting with immediate effect without availing joining time. The officer mentioned at Sl. No. 2 shall move first and Senior Town Planner (South) shall relieve the officer. Officers should complete handing over and taking over process with immediate effect and submit compliance.

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

James Mathew, Chief Town Planner (Administration).

Panaji, 11th November, 2021.

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Department of Urban Development
Municipal Administration

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Notification

No. 14/DMA/STAT/PFMS/2021-22/2861

The Ministry of Housing and Urban Affairs, Government of India is implementing the Centrally Sponsored Schemes such as Swachh Bharat Mission - Urban, Deendayal Antyodaya Yojana - National Urban Livelihoods Mission (DAY-NULM) and Pradhan Mantri Awas Yojana - Urban and has been releasing Central Assistance to the State for execution of the project/scheme.

The Ministry has directed the State Government to designate a Single Nodal Agency (SNA) for each Centrally Sponsored Scheme and the SNA shall be further register on the PFMS portal and roll out on EAT module.

Further, the GSUDA is a Society registered under the Societies Registration Act, 1860 under the Administrative control of this Directorate, Government of Goa and is implementing the Centrally Sponsored Schemes from the date of launch of the scheme's.

Further, the State Government is pleased to designate the GSUDA as the Single Nodal Agency for the three Centrally Sponsored Schemes having bank account mentioned below:

Sr. No.	Scheme	Code of State Linked Scheme	Bank	Account	PFMS Unique Agency Code
1	2	3	4	5	6
1.	Deendayal Antyodaya Yojana National Urban Livelihoods Mission	GA108	Punjab National Bank	01642010025600	GSUDA.
2.	Swachh Bharat Mission (Grant-in-Aid)	GA245	ICICI Bank Ltd.	136401000082	GSUDA.
3.	Pradhan Mantri Awas Yojana	GA112	ICICI Bank Ltd.	136401000103	GSUDA.

Gurudas P. Pilarnekar, Director (Urban Development).

Panaji, 3rd November, 2021.

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Department of Vigilance

Directorate of Vigilance

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Notification

No. 15/19/2012-VIG/2352

Whereas, an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is being held against Shri Pankaj Bandekar, the then Inspector of Survey and Land Records, Directorate of Settlement and Land Records, Government of Goa.

And whereas, the Governor of Goa considers that for the purposes of the departmental inquiry relating to said Shri Pankaj Bandekar, it is necessary to summon the witnesses, as their presence is essential to confirm the facts of complaints.

Now therefore, the Governor of Goa, in exercise of powers conferred by sub-section (1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972), hereby authorizes Shri Nikhil U. Dessai, the Managing Director, Goa Tourism Development Corporation Limited, Panaji as the Inquiry Authority to exercise the power specified in Section 5 of the said Act in relation to departmental proceeding against Shri Pankaj Bandekar, the then Inspector of Survey and Land Records, Directorate of Settlement and Land Records, Government of Goa.

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

Sanjeev C. Gauns Dessai Director & ex officio Addl. Secretary (Vigilance).

Panaji, 10th November, 2021.

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