

Panaji, 21st August, 2025 (Sravana 30, 1947)

SERIES II No. 21

OFFICIAL GAZETTE GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note: There are two Extraordinary issues to the Official Gazette, Series II No. 20 dated 14-8-2025, as follows:-

- 1. Extraordinary dated 19-8-2025 from 661 to 664 regarding Order from Goa State Election Commission.*
- 2. Extraordinary (No. 2) dated 20-8-2025 from 665 to 666 regarding Notification from Department of General Administration.*

GOVERNMENT OF GOA

Goa Human Rights Commission

BEFORE THE GOA HUMAN RIGHTS COMMISSION PANAJI-GOA

Proceeding No. 57/2024

Suo Motu

V/s

The Principal Chief Engineer,
Public Works Department,
Altinho, Panaji-Goa.

INQUIRY REPORT

(11th March, 2024)

This proceeding commenced on 28/02/2024, on the Commission taking suo motu cognizance of the newspaper reports of 'Herald' and 'The Navhind Times', about the shortage of water in the taps in Majorda, Calata and at Chapora, Assagao and Anjuna.

2. By Order dated 28/02/2024, the Commission had issued notice to the Respondent to submit their report.

3. The Respondent submitted their report on 11/03/2024.

4. At this stage, Ms. Sharlet Fernandes, Panch, of Ward No. IX, of Utorda, Majorda, remained present and also submitted a copy of the letter dated 26/12/2023, to the Assistant Engineer, Public Works Department, Margao, regarding the problem faced by the villagers due to the water supply.

5. The Commission heard the Respondent and Ms. Sharlet Fernandes.

6. The Newspapers had reported that several families have to buy water to drink in Majorda and Calata and so also, at Chapora, Assagao and Anjuna, there has been a month long water scarcity.

7. The Commission has considered the report submitted by the Respondent. In respect of the water supplied to Majorda, Calata and Utorda, they stated that the affected area is at the tail end of the system and many of the houses have metallic (GI) connections which are very old and corroded and this is the main reason for low supply. They stated that the Department offered to lay common pipelines for the benefit of

four houses and to facilitate replacement of service connection pipelines but due to some local dispute, the matter was pending.

8. In respect of the water supply at Chapora, Assagao and Anjuna, the Respondent stated that they are in the process of constructing the water treatment plant at Assagao and augmentation of the Assonora Water Treatment Plant by 30 MLD, which are to be completed by December 2024.

9. The Commission also heard Ms. Sharlet Fernandes, who submitted that there is a pipeline of higher diameter running parallel through the Francisco Costa Ward and Loyola Ward in Utorda, which are the hard hit areas and water connection can be given to the locals from the higher diameter pipelines.

10. As water is a basic necessity and a human right of the citizens, the Commission considers the need for making recommendations for resolving the shortage of water faced by the villagers in these areas.

11. Accordingly, the Commission recommends that in the affected areas of Utorda, the Respondent ensures that the villagers in the Francisco Costa Ward and Loyola Ward, being part of Ward No. IX, are assisted with connections from the pipeline of higher diameter running parallel through these wards.

So also, the Commission recommends that the Respondent facilitate the villagers in the said areas for replacement of service connection through UPVC pipelines, in place of the existing metallic (GI) pipelines, within 60 days from today.

The Commission further recommends that in respect of the areas of Assagao, Chapora and Anjuna, the work on the construction of 5.6 MLD Water Treatment Plant at Sonarkhed, Assagao and augmentation of Assonora Water Treatment Plant by 30 MLD be completed by the end of December 2024.

12. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

13. Copy of the Inquiry Report be sent to the Respondent, calling for their comments, including the action taken or proposed to be taken, on or before 13/05/2024, in respect of Utorda area and on or before 31/12/2024, in respect of Chapora, Assagao and Anjuna, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date: 11/03/2024.

Place: Panaji-Goa.

Desmond D'Costa
Acting Chairperson/Member,
Goa Human Rights Commission.

Pramod V. Kamat
Member,
Goa Human Rights Commission.

No. DDW/CE(DW)/TECH/F-1-1/2025-26/45
Government of Goa,
Officer of the Chief Engineer (DW),
Department of Drinking Water,
Altinho, Panaji-Goa.

Dated: 10/06/2025

To,
Under Secretary,
Office of the Goa Human Rights Commission,
Old Education Department Bldg.,
1st Floor, 18th June Road,
Panaji, Goa.

Sub.: Inquiry Report dated 11.03.2024 in Proceeding No. 57/2024- Submission of Action Taken Report.

Ref.: 1. Regarding Suo Motu cognizance taken by the Hon'ble Goa Human Rights Commission, Panaji Goa, in connection to newspaper report appeared in the local newspaper "Herald" dated 28.02.2024, under the caption "WATER WATER EVERYWHERE BUT NOT IN THEIR TAPS" and in the local Newspaper

“The Navhind Times” dated 28.02.2024, under the caption “CHAPORA VILLAGERS STAGE PROTEST OVER IRREGULAR SUPPLY OF WATER”

2. Letter/Proceeding No. 57/2024/1385 dated 12-03-2024
3. Letter/Proceeding No. 57/2024/332 dated 01-07-2024
4. Proceeding No. 110/2024/20 dated 03-04-2025

Madam,

With reference to above cited subject and letter/proceeding dated 03.04.2025 the further Action Taken Report in respect of Utorda area, submitted by the Executive Engineer, Works Division-IV, Department of Drinking Water, Margao and in respect of Chapora, Assagao and Anjuna areas, the Action Taken Report submitted by the Executive Engineer, Works Division-II, Department of Drinking Water, Porvorim are enclosed herewith as directed.

Yours faithfully,

Chief Engineer,
DDW

Encl: As above

BEFORE THE HON'BLE HUMAN RIGHTS COMMISSION AT PANAJI, GOA.

Proceeding No. 57/2024

In the matter of suo moto cognizance of report in Herald dated 28/02/2024 under the caption WATER WATER EVERYWHERE BUT NOT IN THEIR TAPS and report in Navhind Times dated 28/02/2024 under the caption CHAPORA VILLAGERS STAGE PROTEST OVER IRREGULAR SUPPLY OF WATER.

Action Taken Report

The areas of Majorda, Utorda being located at the tail end of the distribution network was reported facing water shortage. On inspection, it was noticed that some houses were facing acute shortage on account of lengthy G.I. service connections, which were clogged within thereby reducing the bore size. The Department extended 63 mm dia Distribution line thereby reducing the length of service connection and G.I. pipes were replaced with UPVC pipes thereby resolving the water issue of these houses.

Also, 110mm Dia PVC pipeline from Verna to Gabriel Cruz Waddo West was laid crossing the railway track, which improved the supply to Gabriel Cruz Waddo East and West.

The Department made various modifications in distribution network by installing air valves, sluice valves, etc. for improvement of water supply in these areas.

As per the recommendation of the Commission, the Department connected 63mm Dia PVC distribution line to 110mm Dia PVC pipeline at two locations, thereby improving supply in Francisco Costa Ward.

Presently, no water shortage is reported from these areas. During any breakdowns/shutdowns, it takes some time to normalize the supply as these areas are located at the tail end.

For further improvement of water supply, this department has tendered the work of “Improvement of water supply network in Utorda village by laying of 200 mm D.I pipeline from Ambebaug Junction to Molar Junction via Utorda Railway Gate, Utorda in Nuvem constituency” with estimated cost of Rs. 3,05,14,895/- on 09/06/2025 and the same will be opened on 23/06/2025.

Subsequently after completion of said work there will be faster restoration of supply to Utorda village after shutdowns/breakdowns.

Date: 09-06-2025

Place: Panaji-Goa

Executive Engineer,
W.D.IV, DDW, Fatorda.

BEFORE THE HON'BLE HUMAN RIGHTS COMMISSION AT PANAJI, GOA.

Proceeding No. 57/2024

SUO MOTO

V/s

The Principal Chief Engineer,
Altinho, Panaji-Goa.

In the above mentioned proceeding, the Respondents would like to submit as below:

The work of 5.6 MLD Water Treatment Plant and allied works at Siolim is in final stages of completion. The construction of the water treatment plant, Raw Water arrangements, electricity supply arrangement etc. is complete. However, hydraulic testing of already laid pipelines and laying of portion of pipelines is pending on account of ban on road digging due to ensuing monsoon. The plant is likely to be totally completed by December 2025. The water supply to the village of Chapora has been regularized and improved by commissioning the newly laid HDPE pipeline of larger diameter and all the existing service water connections are already shifted on the newly laid line as a result of which water supply hours improved from 2 to 2.5 hours alternate days to 4-5 hours daily. Provision of water to the said line was made from Assonora Water Treatment Plant.

The work of retrofitting of the existing water supply scheme by enhancing filtration capacity by 30 MLD is in final stages of completion.

The work for units of Aerator, pump house and chlorine shed are completed.

Filter house work is in progress and balance work includes filling of sand media in filter beds, laying of inter connecting pipelines, electrification, finishing and painting. After completion of this work plant will be commissioned by October 2025.

Date: 10-06-2025

Executive Engineer II,

Place: Porvorim

DDW.

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**BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI-GOA**

Proceeding No. 14/2025

Shri Rohidas C. Kerkar,
Muddawadi, Saligao,
Bardez-Goa.

... Complainant

V/s

The Principal Chief Engineer,
Public Works Department,
Altinho, Panaji-Goa.

...
Respondent

INQUIRY REPORT(04th April, 2025)

The complaint dated 18/02/2025, was received from the Complainant in respect of wrongful recovery of Amount of Rs. 71,588/- from his gratuity.

2. On perusing the complaint, the Commission by Order dated 26/02/2025, issued notice to the Respondent calling for their reply.
3. The Respondent filed their reply dated 18/03/2025.
4. The Commission heard the Complainant in person and heard Ms. Dhanyata Harmalkar, Assistant Surveyor, on behalf of the Respondent.
5. On going through the complaint, reply of the Respondent and their documents, the Commission finds that the Complainant had been working as the Driver of the Respondent and he retired on superannuation on 31/05/2019. Subsequently it is seen from the Memorandum dated 28/08/2019, that the excess payment of Rs 71,588/- was recovered for his gratuity.
6. The reply of the Respondent states that after the Complainant retired on 31/05/2019, it came to their notice that there has been over payment to the Complainant and the same amount was recovered.
7. There is the Judgment of the High Court of Bombay at Goa in the case of **Jotiba Ishwar Mali vs the State of Goa and others, Writ Petition No. 285 of 2024**, decided by the Oral Judgment dated 03/04/2024.
8. The above case of **Jotiba Ishwar Mali (supra)** was a case where an excess payment of Rs. 4,18,633/- was recovered from the Petitioner, after his retirement, on the ground that this amount was wrongly paid to him. The High Court held that the excess payment was not due to any misrepresentation by the Petitioner and it was because of an error on the Respondents' part.
9. The above Judgment was based on the principles laid down by the Hon'ble Supreme Court in the cases of the **State of Punjab vs Rafiq Masih, A.I.R. 2015 SC 696** and **Thomas Daniel vs State of Kerala and others, 2022 SCC Online SC 536**.
10. Both the above referred decisions hold that where monetary benefits were given to the employees in excess of their entitlement due to unintentional mistakes committed by the concerned competent authorities in determining the emoluments payable to them and the employees were not guilty of furnishing any incorrect information/misrepresentation/fraud, which had led the concerned competent authorities to commit the mistake of making the higher payment to the employees, no recoveries must be ordered or enforced after the retirement of such employees. In fact, the direction was not to recover from the retired employees or the employees who were due to retire within one year of the order of recovery.
11. Guided by the above Judgments, the Commission finds that the Respondent could not have recovered the excess payment from his retirement gratuity, much after his retirement in 2019, as the excess payment was not due to any mistake of the Complainant.
12. Guided by the Judgment of the High Court of Bombay at Goa (supra), in the facts of the present case, the Commission finds that the Respondent could not have recovered the said overpayment of Rs. 71,588/- from the gratuity amount of the Complainant after his retirement. It is also not the case of the Respondent that the excess payment was due to any misrepresentation by the Complainant.
13. Accordingly, the Commission recommends that the Respondent shall refund the recovered amount of Rs. 71,588/- (Rupees seventy one thousand and five eighty eight only) to the Complainant as expeditiously as possible and, in any case, not later than 60 days from today. If this amount is not paid to the Complainant within 60 days from today, it will carry interest at the rate of 8% per annum beginning from the date of this order until the date of payment.
17. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.
18. Copy of the Inquiry Report be sent to the Respondent, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 04/06/2025, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date: 04/04/2025

Place: Panaji-Goa.

Desmond D'Costa
Acting Chairperson/Member,
Goa Human Rights Commission.

Pramod V. Kamat
Member,
Goa Human Rights Commission.

Office of the Principal Chief Engineer
Public Works Department
Altinho, Panaji-Goa.

Email id:- diradm-pwd.goa@nic.in

website:- www.pwd.goa.gov.in

No. 3/11/PCE-PWD-ADM(I)/2025-26/365

Dated 13/06/2025

ORDER

Whereas, Shri Rohidas C. Kerkar, Ex-Driver retired on superannuation w.e.f. 31/05/2019. Upon submission of his pension papers to Directorate of Accounts, it was observed that, at the time of fixation of 5th Pay Commission, Shri Rohidas C. Kerkar's pay was fixed on higher side, due to which total amount of Rs. 71,588/- (Rupees seventy one thousand five hundred eighty eight only) was recovered from the retirement benefits of Shri Kerkar.

And whereas, aggrieved upon the recovery amount, Shri Kerkar, filed a complaint before the Goa Human Rights Commission, Panaji with a request to refund the wrongful recovery done at the time of his retirement.

And whereas, as per the Inquiry Report/Order dated 04/04/2025 in Proceedings No. 14/2025 the Hon'ble Commission in terms of Section 18(e) of the Protection of Human Rights Act, 1993, has recommended that the Respondent shall refund the recovered amount of Rs. 71,588/- to the Complainant as expeditiously as possible.

Now therefore, the approval of the Finance Department (R&C), is hereby conveyed to refund the recovered amount of Rs. 71,588/- (Rupees seventy one thousand five hundred eighty eight only) to Shri Rohidas Kerkar, Ex-Driver, O/o Superintending Engineer, C.O. IX(NH), PWD, Altinho, Panaji vide their U. O. No. 1400103451 dtd. 04/06/2025.

U.P. Parsekar
Principal Chief Engineer,
PWD.

To,
Shri Rohidas Kerkar,
Muddawadi, Saligao,
Bardez-Goa.

Copy to:

1. The Director, Directorate of Accounts, Porvorim-Goa.
2. The Superintending Engineer, C.O.IX(NH), PWD, Altinho, Panaji.
3. The Goa Human Rights Commission, Old Education Dept. Bldg., 1st Floor, 18th June Road, Panaji-Goa.
4. Guard file.

**BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI-GOA**

Proceeding No. 154/2024

Mr. Shrikant Vadyekar,
R/o. H. No. 1342/2, Sirsat Waddo,
Chorao, Tiswadi, North Goa.

... Complainant

V/s

The Captain of Ports,
Captain of Ports Department,
Panaji-Goa

... Respondent

INQUIRY REPORT

(06th December, 2024)

The complaint dated 28/08/2024, was received in this Commission regarding recovery of the excess amount from him of Rs. 1,26,799/- at the time of his retirement.

2. On perusing the complaint, the Commission by Order dated 06/09/2024, issued notice to the Respondent, calling for their reply.

3. The Respondent filed their reply on 16/10/2024 along with their documents.

4. The Commission heard Mr. Shrikant Vadyekar, the Complainant in person and also Shri Pravin Shirodkar, Assistant Accounts Officer, on behalf of the Respondent.

5. The Commission has gone through the complaint, the reply of the Respondent, the documents of the Parties and has considered the arguments as well as the law on the subject.

6. The Complainant was working in the Captain of Ports Department, Government of Goa as a Helmsman, as a Group 'C' worker and had retired on superannuation on 28/02/2023.

7. In their reply, the Respondent had stated that upon verifying the pay fixation of the Complainant, it was seen that he was erroneously granted higher grade pay at the time of financial upgradation under MACPS in the grade pay of Rs. 2400/- instead of Rs. 2000/- and on verification of the Service Book, a Corrigendum was issued vide Order dated 01/12/2021.

8. The Respondent has produced the Payment of Pension Order dated 22/02/2023, showing the recovery of Rs. 1,26,799/-, from the retirement gratuity of the Complainant. On behalf of the Respondent, it was submitted that the recovery was done due to wrongful pay fixation.

9. There is the Judgment of the High Court of Bombay at Goa in the case of ***Jotiba Ishwar Mali vs the State of Goa and others, Writ Petition No. 285 of 2024***, decided by the Oral Judgment dated 03/04/2024.

10. The above case of ***Jotiba Ishwar Mali (supra)*** was a case where an excess payment of Rs. 4,18,633/- was recovered from the Petitioner after his retirement on the ground that this amount was wrongly paid to him. The High Court held that the excess payment was not due to any misrepresentation by the Petitioner and it was because of an error on the Respondents' part and further held as under:-

"6. Before such recovery, the principles of natural justice and fair play were not complied with. Besides, such recovery was contrary to the principles the Hon'ble Supreme Court laid down in the cases of the State of Punjab vs Rafiq Masih, A.I.R. 2015 SC 696 and Thomas Daniel vs State of Kerala and others, 2022 SCC Online SC 536.

7. Both the above-referred decisions hold that where monetary benefits were given to the employees in excess of their entitlement due to unintentional mistakes committed by the concerned competent authorities in determining the emoluments payable to them and the employees were not guilty of furnishing any incorrect information/misrepresentation/fraud, which had led the concerned competent authorities to commit the mistake of making the higher payment to the employees, no recoveries must be ordered or enforced after the retirement of such employees. In fact, the direction was not to recover from the retired employees or the employees who were due to retire within one year of the order of recovery.

8. Mr. Naik pointed out that the Central Government has issued an Office Memorandum dated 02.03.2016 following the law laid down in Rafiq Masih (supra). By the Office Memorandum dated 07.03.2017, the Government of Goa has also adopted the Central Government's OM dated 02.03.2016."

11. Guided by the above Judgments, the Commission finds that the Respondent could not have recovered the excess payment from his retirement gratuity, as the excess payment was not due to any mistake of the Complainant.

12. In the present case, the Complainant had retired on 28/02/2023 and just six days before his retirement, the Order dated 22/02/2023, was issued to recover the amount of Rs. 1,26,799/- from his retirement gratuity.

13. Guided by the Judgment of the High Court of Bombay at Goa (supra), in the facts of the present case, the Commission finds that the Respondent could not have recovered the said overpayment of Rs. 1,26,799/- from the gratuity amount of the Complainant just six days before his retirement and without notice to him and it is not the case of the Respondent that the excess payment was due to any misrepresentation by the Complainant. The Undertaking/Consent obtained from the Complainant dated 08/09/2022, cannot deprive him of his rights arising from the law laid down in the earlier referred Judgments.

14. Accordingly, the Commission recommends that the Respondent shall refund the recovered amount of Rs. 1,26,799/- (Rupees one lakh twenty six thousand seven hundred and ninety nine only) to the Complainant as expeditiously as possible and, in any case, not later than 60 days from today. If this amount is not paid to the Complainant within 60 days from today, it will carry interest at the rate of 8% per annum beginning from the date of this order until the date of payment.

15. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

16. Copy of the Inquiry Report be sent to the Respondent, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 06/02/2025, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 06/12/2024.

Place : Panaji-Goa.

Desmond D'Costa
Acting Chairperson/Member,
Goa Human Rights Commission.

Pramod V. Kamat
Member,
Goa Human Rights Commission.

Captain of Ports Department
Government of Goa
Dayanand Bandodkar Road,
Panaji-Goa-403001, India.
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No. A-33020/2024/COP/493

Dated:- 22/01/2025

ORDER

Sanction of the Government is hereby conveyed to refund an amount of the recovery of Rs. 1,26,799/- (Rupees one lakh twenty six thousand seven hundred ninty nine only) to Shri Shrikant Vadyekar, Retired, Ex-Master of Captain of Ports Department as per Inquiry Report/Order dated 06/12/2024 in Proceeding No. 154/2024/871 of Goa Human Rights Commission, Panaji-Goa.

The expenditure is debitable to the Budget Head, Demand No. 67, 3051—Ports and Lighthouses, 02—Minor Ports, 102—Ports Management, 01—Port Establishment (Non Plan), 01—Salary.

This issues with the approval of Finance (Revenue & Control) Department vide U. O. No. 1400105093 dated 23/12/2024.

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

Octavio A. Rodrigues, Captain of Ports.

To,
Shri Shrikant Vadyekar,
H. No. 1342/2, Sirsat Waddo,
Chorao, Tiswadi, North Goa.

Copy to:-

1. The Under Secretary of Goa Human Rights Commission, Panaji-Goa.
2. The Sr. Dy. Accountant General (Audit), Porvorim-Goa.
3. The Directorate of Accounts, Porvorim-Goa. (Pension Section).
4. The Bill Unit, Captain of Ports Department, Panaji-Goa.
5. Office File.
6. Personal File.
7. Service Book.



**BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI-GOA**

Proceeding No. 53/2024

Shri Chandrakant N. Bhagat,
H. No. 255, Delem, Post Chaudi,
Canacona-Goa.

... Complainant

V/s

1. The Director,
Directorate of Accounts,
Porvorim-Goa.
2. The Director of Education,
Directorate of Education,
Porvorim-Goa.
3. The Deputy Director,
South Educational Zone,
Margao-Goa.
4. The Headmaster,
Shri Mallikarjun Vidyalaya High School,
Canacona-Goa.

... Respondents

INQUIRY REPORT

(27th August, 2024)

The complaint dated 20/02/2024, was received from the Complainant, in respect of the recovery from his gratuity on his retirement.

2. On perusing the complaint, the Commission by Order dated 11/03/2024, issued notice to the Respondent No.1 for filing their reply.

3. Subsequently, the Respondents No. 2, 3 and 4 were added as Parties in the present proceedings and replies of all four Respondents had been called for.

4. Reply has been filed only by the Respondent No. 4 on 26/07/2024.

5. Arguments were heard of the Complainant, Shri Naresh Kankonkar, Assistant Accounts Officer, on behalf of the Respondent No.1, Shri Kiran Choukekar, Legal Officer on behalf of the Respondent No. 2 and Shri Bhanudas Gaonkar, Teacher, on behalf of the Respondent No. 4. Respondent No. 3 was not represented at the time of hearing.

6. The Commission has gone through the complaint, the documents attached thereto, the reply of the Respondent No. 4 and has considered the submissions of the respected Parties.

7. The Commission finds that the Complainant had been appointed as a Lower Division Clerk in Shri Mallikarjun Vidalaya High School, Canacona-Goa, where he joined on 01/08/1986. He retired on superannuation as an Upper Division Clerk on 31/08/2023. It was his case that when his pension papers were submitted to the Directorate of Accounts through the South Education Zone, Directorate of Accounts raised objection with regard to wrong date of sanctioning of ACPS I and MACPS II with wrong fixations and the Order dated 30/06/2023, issued by the School Management re-fixing his pay, resulted in recovery of Rs. 10,35,456/- from his gratuity amount. He approached the Commission for refund of the said amount.

8. The Respondent No. 4 in their reply admitted that the Complainant had been appointed as a Lower Division Clerk (L.D.C.) in their school from 01/08/1986 and was subsequently promoted as an U.D.C. They stated that the Directorate of Accounts by letter dated 18/04/2023, had directed the school authorities to revise his pay scale which had been wrongly fixed and the excess payment of Rs.10,35,456/-, was deducted from his retirement gratuity. They stated that when making the pay fixation, the Complainant had given an undertaking to refund any excess payment which may be found to be made to him.

9. Shri Kiran Choukekar, Legal Officer of the Respondent No. 2, had relied on the Judgment in the case of **High Court of Punjab and Haryana vs. Jagdev Singh, (2016) 14 Supreme Court Cases 267**. In the said Judgment, in the facts of the said case, it was held that whenever the Officer had furnished an undertaking, while opting for revised pay scale that he would refund the excess amount paid, he was bound by the undertaking. So also, he relied on the Judgment of **Walmik vs. State of Maharashtra and others, 2018 (4), M.H.L.J.**, which had followed the above Judgment of the Supreme Court.

10. On the other hand, the Complainant had relied on the Judgments in the case of **State of Punjab vs Rafiq Masih, A.I.R. 2015 SC 696**. There is also the Judgment of the High Court of Bombay at Goa in the case of **Jotiba Ishwar Mali vs the State of Goa and others, Writ Petition No. 285 of 2024**, decided by the oral judgment dated 03/04/2024.

11. The above case of **Jotiba Ishwar Mali (supra)** was a case where an excess payment of Rs. 4,18,633/- was recovered from the Petitioner after his retirement on the ground that this amount was wrongly paid to him. The High Court held that the excess payment was not due to any misrepresentation by the Petitioner and it was because of an error on the Respondents' part and further held as under:-

"6. Before such recovery, the principles of natural justice and fair play were not complied with. Besides, such recovery was contrary to the principles the Hon'ble Supreme Court laid down in the cases of the State of Punjab vs Rafiq Masih, A.I.R. 2015 SC 696 and Thomas Daniel vs State of Kerala and others, 2022 SCC Online SC 536.

7. Both the above-referred decisions hold that where monetary benefits were given to the employees in excess of their entitlement due to unintentional mistakes committed by the concerned competent authorities in determining the emoluments payable to them and the employees were not guilty of furnishing any incorrect information/misrepresentation/fraud, which had led the concerned competent authorities to commit the mistake of making the higher payment to the employees, no recoveries must be ordered or enforced after the retirement of such employees. In fact, the direction was not to recover from the retired employees or the employees who were due to retire within one year of the order of recovery.

8. Mr. Naik pointed out that the Central Government has issued an Office Memorandum dated 02.03.2016 following the law laid down in Rafiq Masih (supra). By the Office Memorandum dated 07.03.2017, the Government of Goa has also adopted the Central Government's OM dated 02.03.2016."

12. The Commission has gone through the complaint, the documents attached thereto, the reply of the Respondent No. 4 and has considered the submissions of the respective Parties. The Complainant had been appointed as a Lower Division Clerk in the Mallikarjun Vidalaya, Canacona-Goa, where he joined on

01/08/1986. He retired on superannuation as an Upper Division Clerk on 31/08/2023. After his retirement, he received the payments of his pensionary benefits by letter dated 15/01/2024.

13. The Complainant had relied on the Order No. 8/4/2021-FIN (R&C)/1854 dated 08/09/2021 of the Government of Goa, which had been issued to all the departments that in order to avoid excess payments arising due to unintentional mistakes/administrative errors, the concerned Head of Departments/Head of Offices were directed to carry out verification of all fixation of pay, at all intervening Pay Commissions/upgradations/promotions, etc. in respect of all the employees under their control within a period of six months from the date of issuance of the Order. As the Order was issued on 08/09/2021, the verification had to be completed by 08th March, 2022.

14. From the said Order, the excess payments detected were to be recovered and all Heads of Departments had to send a certificate within the aforesaid period specifying that the pay fixations of all the staff within the purview of their Department is verified and that there are no errors. The Order had further stated that in future, if such lapses are detected, the responsibility would be fixed on the concerned officials responsible for the erroneous pay fixation.

15. In the present case, nothing has been brought on record by the Respondent No.4, that after the said Order dated 08/09/2021, they had carried out the verification of all fixation of pay of all employees including the Complainant, or that they had found any errors and detected any excess payments.

16. Accordingly, the Commission finds that the Respondents could not have ordered the recovery of the excess payment which was not due to any mistake of the Complainant.

17. On going through the authorities relied on by the Parties, the Commission finds that the authorities relied on by the Complainant apply to the facts of present case, whereas, the authorities relied upon by the Respondent No. 2, are in different circumstances.

18. In the present case, the Complainant had retired as U.D.C. on 31/08/2023. Prior to his retirement, when his pension papers were sent by the Respondent No. 4 to the Respondent No.1, the Respondent No.1 had found wrong fixations during his service and only on 30/06/2023, i.e. two months prior to his retirement, the School Management re-fixed his pay.

19. As held by the High Court of Bombay at Goa, in the case of *Jotiba Ishwar Mali vs the State of Goa and others (supra)*, the excess payment made to the Complainant was not due to any misinterpretation by the Complainant and it was a case of an error on the part of the Respondents. So also, in the case of the *State of Punjab vs Rafiq Masih, A.I.R. 2015 SC 696*, it was clearly held that no recoveries should be made from employees who are due to retire within one year of the order of the recovery.

20. In the present case, the order of recovery was passed just before the retirement of the Complainant, on 31/08/2023. Accordingly, the Commission holds that the recovery was bad in law and the Complainant is entitled for refund of the said amount. The undertaking given by him to refund any excess payment is of no consequence, in view of the law laid down by the Courts.

21. Guided by the Judgment of the High Court of Bombay at Goa (supra), in the facts of the present case, the Commission finds that the Respondents could not have recovered the said overpayment of Rs. 10,35,456/- from the gratuity amount of the Complainant after his retirement and without notice to him and it is not the case of the Respondents that the excess payment was due to any misrepresentation by the Complainant.

22. Accordingly, the Commission recommends that the Respondents shall refund the recovered amount of Rs. 10,35,456/- (Rupees Ten Lakhs Thirty Five Thousand Four Hundred and Fifty Six only) to the Complainant as expeditiously as possible and, in any case, not later than 60 days from today. If this amount is not paid to the Complainant within 60 days from today, it will carry interest at the rate of 8% per annum beginning from the date of this order until the date of payment.

23. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and

they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

24. Copy of the Inquiry Report be sent to the Respondents No. 1, 2, 3 and 4, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 28/10/2024, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date: 27/08/2024.

Place: Panaji-Goa.

Desmond D'Costa
Acting Chairperson/Member,
Goa Human Rights Commission.

Pramod V. Kamat
Member,
Goa Human Rights Commission.

Government of Goa
DIRECTORATE OF EDUCATION
Alto-Porvorim, Bardez-Goa.

Email:- dir-educ.goa@nic.in

Tel:- 0832-2416023, 2416033

Fax:- 0832-2416136

No. DE/GIA-I/17/2/sal/2025-26/232

Dated:- 02/07/2025

ORDER

Whereas, the Pension case of Shri Chandrakant Bhagat, Ex UDC of Mallikarjun Vidhyalaya High School, Canacona was submitted to the Directorate of Accounts, Porvorim through South Educational Zone, Margao vide Letter No. ACCTS/AIDED/Pension/GHRC/9478 dated 19/03/2025.

And whereas on scrutiny, Directorate of Accounts observed the overpayments amounting to Rs. 10,35,456/- (Rupees Ten Lakhs Thirty Five Thousand Four Hundred Fifty Six only) owing to erroneous pay fixation and recovered the said amount from retirement gratuity payable to Shri Chandrakant Bhagat Ex UDC vide P.P.O No. T-7691.

And whereas South Educational Zone, Margao proposed Transfer Entry to transfer the recovered amount of Rs. 10,35,456/- (Rupees Ten Lakhs Thirty Five Thousand Four Hundred Fifty Six only) to Demand No. 34 of this Directorate and the said T.E. is accounted for by Books Section of Directorate of Accounts vide No. DA/PA-I/Pens(14)-254 dated 15/01/2024.

And whereas Shri Chandrakant Bhagat approached the Hon'ble Goa State Human Rights Commission, Panaji-Goa for the relief of the recoveries to which Goa Human Rights Commission recommended to refund recovered amount of Rs. 10,35,456/-

And whereas the matter for adopting the recommendation of Hon'ble Goa State Human Rights Commission, Panaji-Goa to repay the recovered excess payment of Rs. 10,35,456/- was referred to Government for decision, wherein Government has agreed to accept the said recommendation.

Now therefore Sanction of the Government is hereby accorded for payment of Rs. 10,35,456/- (Rupees ten lakhs thirty five thousand four hundred and fifty six only) to Shri Chandrakant Bhagat, Ex U.D.C of Mallikarjun Vidhyalaya High School, Canacona towards the refund of the recoveries made from the gratuity.

The said expenditure shall be debited under the Budget Head of Accounts, 2202—General Education, 02—Secondary Education, 796—Tribal Area Sub Plan, 06—Salary and Maintenance Grant to Non Govt. Aided Secondary School (NP), 00—General, 35—Grant in Aid.

This issues with the approval of the Government vide their U. O. No. 1430/F dated 28/04/2025 & vide U. O. No. 930/F dated 28/04/2025.

By order and in the name of Governor of Goa.

Shailesh R. Sinai Zingde, ex officio Jt. Secretary and Director of Education.

Copy to:-

1. The Hon'ble Goa Human Rights Commission, Near Pharmacy College, Panaji-Goa.
2. The Directorate of Accounts, "Kautilya Lekha Bhavan", Directorate of Accounts, Penha-de-Franca, Alto Porvorim-Goa.
3. The Dy. Director of Accounts PA-I, "Kautilya Lekha Bhavan", Directorate of Accounts, Penha-de-Franca, Alto Porvorim-Goa.
4. The Dy. Director of Education, South Educational Zone, Margao-Goa.
5. The Jt. Director of Accounts, South Educational Zone, Margao-Goa.
6. The Manager, Shri Mallikarjun Vidyalaya High School, Canacona-Goa.
7. Shri Chandrakant N. Bhagat, H. No. 255, Delem, Post Chaudi, Canacona-Goa 403702.



Department of Labour

Notification

24/13/2022/LAB/497

Date : 13-Aug-2025

In pursuance of the provisions contained in Clause (iii) of sub-rule (1) of Rule 25 C of the Goa Child and Adolescent Labour (Prohibition and Regulation) Rules, 1994, the Government of Goa hereby constitutes the North Goa District Child Labour Task Force Committee comprising of following members, namely:-

(a)	The Collector and District Magistrate, Office of the District Collector, North Goa	—	Chairperson
(b)	The Labour Inspector, North Goa	—	Member
(c)	The Superintendent of Police, Office of the Superintendent of Police, North Goa	—	Member
(d)	Additional District Magistrate-I, Office of the District Collector, North Goa	—	Member
(e)	Nodal Officer Shri. Kaushik B. Desai, Mamlatdar of Tiswadi-Goa	—	Member
(f)	Assistant Labour Commissioner, Panaji-Goa	—	Member
(g)	Smt. Sharada Kerkar, Representative of Mog Foundation	—	Member
(h)	Shri. Arun Pandey, Representative of Anyay Rahit Zindagi (ARZ) Social Work Organisation	—	Member
(i)	Shri. Uday Tari, Representative of District Legal Services, North Goa	—	Member
(j)	Smt. Ezilda D'Souza, District Anti-trafficking unit, North Goa	—	Member
(k)	Chairperson of the Child Welfare Committee, Apna Ghar, Mercas, Goa	—	Member
(l)	District Child Protection Officer	—	Member
(m)	District Education Officer, Porvorim, Goa	—	Member
(n)	Shri. Anant Malik, Mamlatdar of Bardez-Goa	—	Member
(o)	Smt. Akshaya Amonkar, Secretary of the Task Force	—	Member

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

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

Amalia O.F. Pinto, Under Secretary (Labour).

Porvorim.

Notification

24/13/2022/LAB/498

Date : 13-Aug-2025

In pursuance of the provisions contained in Clause (iii) of sub-rule (1) of Rule 25 C of the Goa Child and Adolescent Labour (Prohibition and Regulation) Rules, 1994, the Government of Goa hereby constitutes the South Goa District Child Labour Task Force Committee comprising of following members, namely:-

- | | | | |
|-----|---|---|-------------|
| (a) | The Collector and District Magistrate,
Office of the District Collector, Margao, South Goa | — | Chairperson |
| (b) | The Labour Inspector, South Goa | — | Member |
| (c) | The Superintendent of Police, Office of the Superintendent of
Police, Margao, South Goa | — | Member |
| (d) | Additional District Magistrate-I, Office of the District Collector,
Margao, South Goa | — | Member |
| (e) | Nodal Officer Shri. Ganesh Barve, Dy. Collector/SDM-I, Salcete | — | Member |
| (f) | Assistant Labour Commissioner Vasco-da-Gama, Goa | — | Member |
| (g) | Smt. Sharada Kerkar, Representative of Mog Foundation | — | Member |
| (h) | Shri. Arun Pandey, Representative of Anyay Rahit Zindagi (ARZ)
Social Work Organisation | — | Member |
| (i) | Miss Sulaksha R. Naik, Representative of District Legal Services
South Goa | — | Member |
| (j) | Smt. Rashmi Bhaidkar, L.P.S.I., District Anti-trafficking unit,
Margao, South Goa | — | Member |
| (k) | Chairperson of the Child Welfare Committee, Apna Ghar, Mercedes,
Goa | — | Member |
| (l) | District Child Protection Officer | — | Member |
| (m) | District Education Officer, South Goa | — | Member |
| (n) | Shri. Laxmikant Dessai, Dy. Collector/SDO-II, Salcete | — | Member |
| (o) | Auda Viegas, Secretary of the Task Force | — | Member |

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

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

Amalia O.F. Pinto, Under Secretary (Labour).

Porvorim

Department of Law & Judiciary

Law (Establishment) Division

Order

1/7/2014-LD(Estt.)/1990

Date : 11-Aug-2025

Government of Goa is pleased to accept the resignation tendered by Adv. Pravin Nilkanth Faldessai, Additional Government Advocate before the Hon'ble High Court of Bombay at Goa, Porvorim, Goa with effect from 07/07/2025.

Adv. Pravin Nilkanth Faldessai shall return all the briefs pending with him if any, to the Office of Ld. Advocate General, Porvorim, Goa under intimation to this Department.

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

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

Porvorim.

**Department of Revenue****Order**

26/04/04/2025-RD/2578

Date : 18-Aug-2025

The Government of Goa is hereby pleased to constitute a State Level Co-ordination Committee to monitor and to ensure effective and smooth implementation of “National geospatial Knowledge based land Survey of urban Habitations (NAKSHA) programme under DILRMP”.

The committee shall consist of the following members:

I.	Director, Directorate of Settlement and Land Records	—	Chairperson
II.	Director, Directorate of Municipal Administration	—	Member
III.	Director, Directorate of Panchayat	—	Member
IV.	Shri A. K. Singh, Director, Maharashtra and Goa Geo Spatial Division	—	Member
V.	Director, State Administrative Training Institute	—	Member
VI.	Shri Somesh, Young professional (GIS)	—	Member
VII.	Shri Yogesh Vani, GIS Engineer	—	Member
VIII.	Additional Director, Directorate of Settlement and Land Records	—	Member Secretary

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

Vrushika P. Kauthankar, Under Secretary (Rev-I).

Porvorim.

Order

26/04/04/2025-RD/2579

Date : 18-Aug-2025

The Government of Goa is hereby pleased to constitute a ULB Level Co-ordination Committee to monitor and to ensure effective and smooth implementation of “National geospatial Knowledge based land Survey of urban Habitations (NAKSHA) programme under DILRMP”.

The committee shall consist of the following members:

I.	District Collector (North)	—	Chairperson for respective District
II.	District Collector (South)	—	Chairperson for respective District
III.	Shri A. K. Singh, Director, Maharashtra and Goa Geo Spatial Division	—	Member
IV.	Shri Somesh, Young professional (GIS)	—	Member
V.	Shri Yogesh Vani, GIS Engineer	—	Member
VI.	SPMU Expert (To be constituted)	—	Member
VII.	Block Development Officer (Tiswadi)	—	Member
VIII.	Block Development Officer (Salcete)	—	Member Secretary
IX.	Commissioner for the Corporation of City of Panaji	—	Member Secretary for the respective ULB
X.	Chief Officer, Margao Municipal Council	—	Member Secretary for the respective ULB
XI.	Chief Officer, Cuncolim Municipal Council	—	Member Secretary for the respective ULB

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

Vrushika P. Kauthankar, Under Secretary (Rev-I).

Porvorim.



Department of Urban Development

Directorate of Municipal Administration/Urban Development

Notification

10/671/2015-DMA/1486

Date : 15-Jul-2025

The Government has constituted a Special Purpose Vehicle (SPV) in the name and style of Imagine Panaji Smart City Development Limited (IPSCDL) for operationalizing the Smart City Projects with Board of Directors (BoD) vide Notification No. 10/671/2015–DMA/658 dated 9th June, 2016, Notification No. 10/671/2015–DMA/2170 dated 26th October, 2017, Notification No. 10/671/2015–DMA/3683 dated 08th March, 2019, Notification No. 10/671/2015–DMA/4858 dated 14th October, 2020, Notification No. 10/671/2015–DMA/4830 dated 14th January, 2021, Notification No. 10/671/2015–DMA/5282 dated 16th February, 2021, Notification No. 10/671/2015–DMA/170 dated 19th April, 2021, Notification No. 10/671/2015–DMA/488 dated 26th May, 2021, Notification No. 10/671/2015–DMA/4698 dated 24th February, 2022, Notification No. 10/671/2015–DMA/2039 dated 14th July, 2022, Notification No. 10/671/2015–DMA/3179 dated 20th October, 2022, Notification No. 10/671/2015–DMA/4604 dated 10th January, 2023, Notification No. 10/671/2015–DMA/676 dated 08th June, 2023, Notification No. 10/671/2015–DMA/2326 dated 30th October, 2023, Notification No. 10/671/2015–DMA/3911 dated 15th March, 2024 and Notification No. 10/671/2015–DMA/2411 dated 13th November, 2024. The Government of Goa hereby re-constitutes the Board of IPSCDL with Ex Officio members as per designation given in column [2] in Table A below and, Non ex officio members as given in Table B below:

TABLE A

Sr. No.	Designation	Name	IPSCDL Board Designation
[1]	[2]	[3]	[4]
1.	Chief Secretary, Government of Goa	Dr. V. Candavelou, IAS	Chairman
2.	Secretary (Finance), Government of Goa	Dr. V. Candavelou, IAS	Director
3.	Secretary (Urban Development), Government of Goa	Shri. Sanjay Goel, IAS	Director
4.	Managing Director & CEO, IPSCDL	Shri. Sandip Jacques, IAS	Director
5.	Collector, North Goa	Shri. Ankit Yadav, IAS	Director
6.	Director/Ex-officio Joint Secretary (Urban Development), Government of Goa	Shri Brijesh Manerkar	Director
7.	Commissioner, Corporation of the City of Panaji	Shri Clen Madeira	Director
8.	Principal Chief Engineer, PWD, Government of Goa	Shri Uttam Parsekar	Director

TABLE B

Sr. No.	Name	IPSCDL Board Designation
[1]	[2]	[3]
1.	Shri. Sandip Jacques, IAS	Managing Director & CEO, IPSCDL
2.	Shri Subhash Chander, US IFD, Government of India	Director
3.	Shri Atanasio Monserrate Minister for Revenue, Labour & Waste Management	Director
4.	Shri Rohit Joe Monserrate, Mayor, Corporation of the City of Panaji	Director

The Department of Urban Development/Directorate of Municipal Administration to issue notifications reconstituting the board in respect of Ex-Officio Members of the Board as and when there is a change of the incumbents holding the posts and for the other members as per Government order from time to time.

This is issued in supersession of all earlier Notifications issued in this regard.

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

Shri. *Brijesh Manerkar*, Director of Municipal Administration/Urban Development & ex officio Joint Secretary.

Panaji.