

Panaji, 26th December, 2025 (Pausa 5, 1947)

**SERIES II No. 39**

# OFFICIAL GAZETTE GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

*Note: There are three Extraordinary issues to the Official Gazette, Series II No. 38 dated 18-12-2025 as follows:-*

- 1. Extraordinary dated 23-12-2025 from pages 1305 to 1306 regarding Notifications from Office of the Chief Electoral Officer.*
- 2. Extraordinary (No. 2) dated 24-12-2025 from pages 1307 to 1308 regarding Order from State Election Commission, Goa.*
- 3. Extraordinary (No. 3) dated 24-12-2025 from pages 1309 to 1312 regarding Notification from Department of Panchayati Raj & Community Development.*

## GOVERNMENT OF GOA

### Inspectorate of Factories & Boilers

#### Order

No. 2/05(Part-IX)/ADM-IFB/25-26/2718

Date : 12-Dec-2025

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/1/5/19(1)/2025/191 dated 22-08-2025, Government is pleased to appoint Dr. Naresh Suresh Fadte to the post of Medical Inspector of Factories (Group "A" Gazetted) in the Inspectorate of Factories and Boilers, Altinho, Panaji, Goa on deputation with immediate effect.

The period of deputation shall be initially for a period of 03 years and shall be regulated as per the standard terms of deputation as contained in the O.M. No. 13/4/74-PER dated 20-11-2013 issued by the Department of Personnel and as amended from time to time.

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

*Anant S. Pangam*, Chief Inspector of Factories and Boilers & ex officio Joint Secretary.

Panaji.

## Goa Legislature Secretariat

#### Order

No. LA-ADMN-2025-3140

Date : 23-Dec-2025

In pursuance of Rule 4(2) of the Goa Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1988, the Hon'ble Governor in consultation with the "BOARD" is pleased to promote Smt. Anjusha G. Amonkar, Reporter (Konkani) of the Goa Legislature Secretariat to the post of Chief Reporter, Group "B" (Gazetted) in the Pay Matrix Level-7, with effect from 23<sup>rd</sup> December, 2025 (f. n.) on regular basis.

2. The said promotion is made against the post of Chief Reporter caused due to promotion of Smt. Maria Celestina Sequeira, Chief Reporter to the post of Editor of Debates.

3. Smt. Anjusha G. Amonkar, will be on probation period for a period of 2 years from the date of her promotion.

4. The pay of Smt. Anjusha G. Amonkar, shall be fixed as per the rules.

5. The expenditure on account of this be debited to the Budget Head “2011-Parliament/State/U.T. Legislature; 02—State/U.T. Legislature; 103—Legislative Secretariat; 01—Legislature Secretariat of State; 00—General; 01—Salaries.”

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

*Mohan J. Gaonkar*, Joint Secretary, Legislature.

Porvorim.



## Department of Labour

### Notification

No. 28/02/2025-LAB/643

Date : 17-Nov-2025

The following Award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 16-10-2025 in Case Ref. No. IT/57/1999 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.

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

Porvorim.

## IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Mrs. Vijayalaxmi Shivolkar, Hon'ble Presiding Officer)

Ref. No.: IT/57/1999

Mr. Santan Costa,  
Rep. by the Goa MRF Employees Union,  
Saidham, Dhavalimol,  
Ponda-Goa.

... Workman/Party I

V/s

M/s. M.R.F. Limited,  
Tisk, Usgao,  
Ponda-Goa.

... Employer/Party II

Workman/Party I represented by Learned Adv. Shri P. Agrawal.

Employer/Party II represented by Adv. Shri S. B. Karpe along with Adv. Ms. S. Vaigankar.

### AWARD

**(Delivered on this the 16<sup>th</sup> day of the month of October of the Year, 2025)**

By Order dated 25<sup>th</sup> May, 1999 bearing No. IRM/CON/P/(188)/1998/2667, the Government of Goa in exercise of powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act of 14 of 1947), has referred the following dispute to this Tribunal for adjudication.

## SCHEDULE

- (1) “Whether the action of the management of M/s. MRF Limited, Usgao, Ponda-Goa, in terminating the services of Shri. Santana Costa with effect from 28-10-1996, is legal and justified?
- (2) If not, to what relief the workman is entitled?

2. Upon receipt of the reference, it was registered as IT/57/1999 and registered A/D notices were issued to both the Parties. Pursuant to service of notice, Party I filed his Claim Statement at Exhibit 3.

3. The Party I stated that since the formation of the Union, the Company has been attempting to disrupt the unity of the workmen employed by the Company who are members of the Union. Of late, there has been large scale harassment and victimization of the Union Office bearers and its other members due to their legitimate trade union activities. The harassment, inter-alia, include illegal changes in service conditions, unjustified and unwarranted suspensions, charge-sheets based on false and fabricated charges, refusal to negotiate in good faith, and impositions of unfair labour practices in the guise of following management policy, etc., and further including the termination of the Workman, Mr. Santana Costa.

4. The Party I states that the Workman was issued a letter/charge-sheet dated 13-05-1996, which itself was illegal and untenable at law and was based totally on concocted charges solely to victimize the Workman for his union activities. The Party I states that the said Company issued Charge-sheet dated 13-05-1996, thereby alleging certain acts of misconduct against the said Workman, which (the issuance of the Charge-sheet) is illegal, invalid and untenable at law. It was based totally on concocted charges to victimize him for his bonafide Union activities.

5. The Charge-sheet was based on the allegation that the said Workman, was in the habit of remaining absent from duty without authorization on several dates more particularly mentioned in the charge-sheet. The purported charges mentioned in the so-called Charge-sheet were not supported with any document. The said Workman was called upon to submit his reply in writing within 48 hours. The workman stated that the misconduct alleged therein, even if proved, would not be enough to warrant the punishment of dismissal from service.

6. Thereafter, the management without even calling for an explanation from the workman concerned decided to hold an enquiry into the charges and accordingly fixed an inquiry to be held on 24-05-1996 by appointing Inquiry Officer. That on 10-08-1996 the plea of the workman was recorded and the management presented their case by submitting document on 12-08-1996 on which date the management also produced the several warning letters dated 15-07-1994, 22-08-1994 and 26-11-1996 in support of the charges levelled in the charge-sheet dated 13-05-1999. It is further the case of the workman that by letter dated 28-10-1996 his services were terminated without affording to him a reasonable opportunity to show-cause to the decision taken by the management to terminate his services.

7. Party I further stated that, during the course of enquiry, many irregularities and discrepancies were brought to the notice of the Enquiry Officer. The Enquiry Officer had deliberately ignored all the evidence placed before him by the said Workman. As such it is stated that the Findings of the Enquiry Officer sent to him subsequent to the Order of Dismissal is perverse and invalid. The Party I stated that the charge-sheet issued to him was ex-facie illegal and untenable at law. He further stated that the Enquiry Officer has conducted the enquiry devoid of the principles of natural justice. The Party I through his amended pleading further submitted that it had served a letter dated 29-08-1996 on 30-08-1996 to the Labour Commissioner at Panaji calling for the conciliation proceedings on the Charter of Demands dated 15-02-1996 of the workmen for their wage rise and better service conditions. The workman concerned in the present dispute is also a workman concerned/covered in the dispute/demand pending before the Labour Commissioner as on 30-08-1996.

8. The Party I states that the Party II attended the conciliation proceedings on the said Charter of Demands and even filed its reply to the justification of the Party I on the general demands on 24-10-1996. In the meanwhile, since the management was not ready to accede to the demands of the Union, the Labour Commissioner of Panaji was pleased to call for further meetings between the management and Union. The last meeting, to the best of Union's knowledge, was held on 17-02-1996 at 3.00 p.m., for trying to conciliate and settle the dispute. The Labour Commissioner was called for the said joint meeting on 17-02-1997 vide letter dated 11-02-1997 bearing No. IRM/CON/PONDA/(104)/96/752.

9. The Party I states that the workman was dismissed on 28-10-1996, while the proceeding before the Labour Commissioner, Panaji, was still pending to conciliate and settle the dispute on the Charter of

Demands, without even waiting for the Failure Report to reach the appropriate Government. The Government of Goa was pleased to refer the said dispute to this Hon'ble Tribunal for adjudication only on 05-06-1996 vide its Order No. ALC/PONDA/C.H.OFDEMANDS/MRF/2488.

10. Under these circumstances, it is humbly submitted that the Party II was required to seek approval of its action for dismissal under Section 33 of the Industrial Disputes Act, which it had failed to do. Therefore, its action of dismissing the workman without seeking approval of the Conciliation Officer/Labour Commissioner is contrary to Section 33 of the Industrial Disputes Act, hence illegal and void.

11. Party I further stated that there was no evidence supporting the charges levelled against him, and that the charges levelled did not constitute any misconduct either major, or at all and that he was prejudiced at each stage of the enquiry. He stated that his illegal termination from services was also an act of unfair labor practice under the Industrial Disputes Act, 1947. That the Dismissal Order was passed in haste and without waiting for the Conciliation Officer to forward the report of failure of conciliation of general demands to the appropriate Government or waiting for the Government of Goa to receive the same or to consider the same or to make a reference of the dispute. Hence, it is stated that the penalty of illegal and unjust termination is grossly disproportionate to the charges on which the termination is based, and moreover, the same is illegal and void. Hence, it is prayed that the illegal termination of Party I be revoked and he be reinstated in service with full back wages.

12. In its Written Statement filed at Exhibit 4, the Party II submitted that Mr. Santana Costa was charge-sheeted vide Charge-sheet dated 13-05-1996 for alleged act of misconduct as referred to in the said charge-sheet. It is submitted that the said unauthorized absenteeism by the Workman, if proved, amounts to gross misconducts under Item Nos. XXV & LII of Clause-21 of the Certified Standing Orders of the Company/Party II, and the charges in the charge-sheet reads as under:

Clause 21 Item XXV : Habitual absence without leave or Absence without leave for more than 8 Consecutive days or over staying the sanction leave without satisfactory explanation

Clause-21 Item LII : Any act subversive of discipline and with which you are charged

13. As the charge-sheet outlines the misconduct of the Workman, the Workman has been charged with misconduct of unauthorized absenteeism in the backdrop of the Certified Standing Orders. Accordingly, an inquiry was conducted by the Enquiry Officer Mr. P. S. Nayak. In the said inquiry Mr. Prakash Mulgaonkar represented the management. On the first date of hearing workman remained absent and when issued notice of inquiry once again did not accept deliberately and remained absent for the second hearing as well did not attend the hearing on subsequent dates. The Workman however remained present on 03-08-1996, on which day the plea of the Party I/Workman was recorded in presence of his defense representative Mr. Digamber Bhawe.

14. After the closure of the evidence on both the sides, the Enquiry Officer, after considering the evidence on record, submitted his Findings dated 10-10-1996, holding the Party I/Workman guilty of the charges. The Party II submitted that the Findings of the Enquiry Officer are based on the evidence on record and that the enquiry had been conducted in accordance with the principles of natural justice.

15. The Party II submits that the proved misconduct established at the enquiry warranted extreme punishment of dismissal of Party I/Workman from its service. The Party II submitted that the punishment of termination was consequent to properly conducted enquiry and is based on the proved acts of misconduct committed by the workman.

16. The Party II submits that the enquiry was fair and proper and was conducted in accordance with the principles of natural justice. The Party I was given every opportunity to defend himself and only after appreciating the evidence on record, the Enquiry Officer gave a reasoned finding on the basis of which any prudent person would come to the conclusion that the Party I was guilty of the charges leveled against him. The Party II submits that the termination by way of punishment of Party I is pursuant to charge-sheet and properly conducted enquiry by an impartial Enquiry Officer who has considered all the evidence on record and has submitted reasoned findings, and that the termination by way of punishment of Party/Workman is legal and justified.

17. Party II denied that there has been large scale harassment & victimization of the union office bearers and its other members due to their legitimate trade union activities, as alleged. It is denied that there are any illegal changes in the service conditions or unjustified or unwarranted termination or that the charge-sheets are issued to the workman on false and fabricated charges, or that there is refusal to negotiate in good faith, as alleged. It is denied that there is commission of unfair labour practice. It is specifically denied that Mr. Santana Costa was an active member of the Union.

18. It is denied that the Enquiry Officer erred in coming to the conclusion of guilt, as alleged, or that the Enquiry Officer failed to appreciate the evidence of the workman, or that he was biased. It is denied that the Termination Order of the workman was for collateral purposes or that it was solely to victimize the workman for his continued allegiance to the said Union, as alleged. It is denied that there has been any gross discrimination in imposing the punishment of termination of the Party I/Workman, as alleged, and hence it is submitted that the Party I is not entitled to the relief sought in the Claim Statement and prays that the claim of the Party I/Workman may be rejected on the aforesaid grounds.

19. The Party I in its Rejoinder filed at Exhibit 5 repeats and reiterates all averments made by him in the Statement of Claim and denies all the averments made by Party II in its Written Statement which run contrary to the pleadings in the Statement of Claim.

20. On completion of the pleadings, the following Issues were reframed at Exhibit 6 by this Tribunal which reads as under:

#### ISSUES

1. Whether the Party I proves that the domestic enquiry held against the workman Shri Santana Costa is not fair and proper?
2. Whether the charges of misconduct levelled against the Workman Shri Santana Costa are proved to the satisfaction of the Tribunal by acceptable evidence?
3. Whether the Party I proves that the termination of service of the Workman Shri Santana Costa is by way of victimization and unfair labour practice?
4. Whether the Party I proves that the action of the Party II in terminating the services of the workman Shri Santana Costa w.e. f. 28-10-1996 is illegal and unjustified?

**Additional Issue No. 4A:** Whether the Party II has followed the mandatory provisions of Section 33(2) (a)(b) of the Industrial Disputes Act before dismissing the workman from the services?

5. Whether the Workman Shri Santana Costa is entitled to any relief?
6. What Award?

21. From the issues framed hereinabove, Issue No. 1 and 2 and additional issue No. 4A have been taken up to be tried as preliminary issues and accordingly both the Parties to the proceeding led their evidence in respect of these preliminary issues, and my findings to the same with reasons are as follows:

Issue No. 1 : In the Affirmative

Issue No. 2 : In the Negative

Issue No. 4A : In the Negative

#### REASONS

22. *Issue No. 1 and 2:* It is in the evidence of Shri Francis Gonzales, the then Officer working for Party II in the HRD Department, that the Party I was issued with charge-sheet dated 13-05-1996. The Party I was appointed as a Trainee with the Party II vide letter dated 02-04-1990 signed by these. General Manager Shri Mr. E. M. Mathai who was competent to do so. The appointment of the Party I was probationary appointment, and later on he was confirmed in the service after completion of the probation period vide Confirmation Letter dated 01-10-1991. All the corresponding letters have been identified by Shri Francis Gonzales when the same were produced in the domestic enquiry as well produced before this Tribunal for identification. In the said enquiry, the Company appointed Shri M. P. S. Nayak as an Enquiry Officer who

submitted his findings to the management on the conclusion of the enquiry. The management was represented by Mr. Prakash Mulgaonkar. The Party I/Workman was represented by his co-worker Mr. Digamber Bhawe.

23. He further deposed that on completion of the enquiry, the Enquiry Officer gave his Findings dated 10-10-1996 holding the Party I guilty of the charges referred to in the charge-sheet and submitted his findings to the Management. In his cross-examination, the Management witness Shri Francis Gonsalves denied that no fair and proper enquiry was conducted and that the Findings given by the Enquiry Officer are perverse.

24. The management examined Shri P. Shankar Nayak as the witness No 2, he being the Enquiry Officer who had conducted the enquiry into the charges of unauthorised absenteeism levelled against the workman. According to Mr. Nayak, the Party I was represented by his co-worker Mr. Digamber Bhawe and that the Workman was given fair and proper opportunity. He further confirmed that the proceedings and records of the enquiry are true and correct. The Enquiry Officer in the cross denied that he was biased and favoured the management in the enquiry and that he did not give fair and proper opportunity to the Party I/Workman to defend his case. He further denied that he having rejected the request of the workman to examine his wife as a witness or that the enquiry was closed without giving the workman an opportunity to wait for the evidence.

25. The Party I/Workman in his defence examined himself whereby he reiterated and maintained the facts stated by him in his Claim Statement and deposed to say that he was not given fair opportunity to cross-examine the MR. He further stated that Enquiry Officer did not give him an opportunity to examine his witness though he had made such a request and that the Enquiry Officer closed the enquiry because of which he could not give his statement properly. He further stated that the Findings given by Enquiry Officer are perverse and are not based on the evidence on record. In the cross-examination, the Party I/workman however admitted of he having not attended the enquiry on the first two dates of hearing and admitted he having received the notice of inquiry. The workman also identified the proceeding sheets wherein it is mentioned that the proceedings of the enquiry have been explained to him. He admitted that he was allowed to be represented by the co-worker of his choice i.e. Mr. Digamabr Bhawe, so, there is no direct evidence which the Party I/Workman could rely upon to say that no fair and proper opportunity was given to him to defend himself in the said enquiry.

26. Be that as it may, regardless of whether the enquiry was ex-facie illegal and in violation of the principles of natural justice or not, the Party I/Workman in order to prove that the management did not comply with the provisions of Section 33(2)(a)(b) of the Industrial Disputes Act, 1947. In support of its subsequent amended pleading in the Claim Statement, the Party I/Workman examined Shri Rohidas Naik. It is in the evidence of Shri Rohidas Naik who claims to be the President of the Union and that his Union had issued Letter dated 29-08-1996 on 30-08-1996, upon the Labour Commissioner, Panaji, thereby calling for the conciliation proceedings on Charter of Demands dated 12-02-1996 of the workmen, including the Party I/Workman, for wage rise and better service conditions and the said Workman was also concerned in the said dispute covered under the said Charter of Demands, which were pending before the Labour Commissioner as on 30-08-1996. The Party II/Company had, in fact, attended the conciliation proceedings on 24-10-1996 in respect of the aforesaid Charter of Demands. Since, the Party II Company was not ready to accede to the demands of the Union, the Labour Commissioner, Panaji, was pleased to call for further meetings between the said Company and the said Union and the last meeting, to the best of his knowledge, was held on 17-02-1997, for trying to conciliate and settle the dispute.

27. That the said Company did not even wait for the Conciliation Officer, the Labour Commissioner to record failure and, without waiting for the appropriate Government to receive the report to consider the same or make reference of the dispute to this Hon'ble Tribunal, the Party II/Company dismissed the Party I/Workman on 28-10-1996. It is pertinent to note that the Government of Goa was pleased to refer the aforesaid dispute of Charter of Demand to this Hon'ble Tribunal for adjudication only on 04-06-1997. That the dismissal of the said Workman while the aforesaid conciliation proceedings were pending before the Conciliation Officer amounts to an unfair labour practice.

28. The Letter dated 10-09-1996 at Exhibit 31 is addressed by the Assistant Labour Commissioner to Party II. By this letter, the Assistant Labour Commissioner requested the Party II/Company to offer their comments on the Charter of Demands raised by the said Union of which the Party I/Workman is part and parcel. In response thereto, the representative of the Party II/Company, Mr. George Nainan, the Plant Human

Resource Manager, vide its Letter dated 19-09-1996 at Exhibit 32, requested for 3 weeks' time to offer their comment to which the Assistant Labour Commissioner, vide his Letter dated 07-10-1996 at Exhibit 33, intimated to both the Parties therein that he would hold discussions and, if necessary, the conciliation proceedings under the provisions of Section 12(3) of the Industrial Disputes Act, 1947, in respect of the dispute raised by the Party I/Workman and the date of hearing was fixed on 14-10-1996 at 11.00 a.m. The Party II/Company thereafter vide its Letter dated 10/10/1996 at Exhibit 34, requested time to file their comments. The Assistant Labour Commissioner, after considering the request of the Party II/Company, thereafter placed the matter for further discussions/conciliation on 14-10-1996. On the said day, the proceedings before the Conciliation Officer reads thus.

'... the union stated that it is unjustified to give more time to the management and denied the contention of the management that they want to study the charter of demand which is not correct as the said charter of demand has been submitted by the union in the month of Feb 1996. The management however had several meetings with the union on the charter of demand and when no outcome in the said meetings therefore the union approached the conciliation machinery for the intervention and reiterated their stand as the management had no justification for asking time. Further the union stated that the management is forcing and illegally suspending the workmen. However next joint discussion is fixed in the office of ALC on 24/10/1996 ...'.

29. Accordingly, the Minutes of Meeting drawn at Exhibit 37 detailing the business of the day and before concluding the Minutes, the Conciliation Officer held that "both the Parties have stuck up to their own stand; as such, he suggested that they should both think about their stand taken by them so as to have an amicable solution and postponed the discussions to 28/10/1996 at 11.00 a.m." The joint discussions continued on 28-10-1996 and in the Minutes of Meeting which was drawn on 28/10/1996 at Exhibit 38, the Conciliation Officer, once again, held that "both the parties had stuck to their own stand as the said Union was not ready to amend their demands and the said Company was not ready to give any offer and, as such, there is no need to have further discussion at this level. Hence the discussion is closed both the parties to await for further report."

30. The Assistant Labour Commissioner, vide its Letter dated 29-10-1996 at Exhibit 39, forwarded to the Commissioner, Labour, the report of failure of discussion on the Charter of Demands raised by the union and the Management of M/s. MRF Ltd Goa, along with his original file for its perusal and further necessary actions thereupon. The Office of the Commissioner, Labour, vide his Letter dated 15-11-1996 at Exhibit 40, called upon the President of the Party I/Union, of which the Workman concerned is the member, for discussing the matter with him.

31. Further the Office of the Labour Commissioner, vide his Letter dated 14-01-1997 at Exhibit 41, informed the President of the Union of which Union the concerned Workman is the member stating that the Hon'ble Minister for Labour wanted to explore the possibility of an amicable settlement on the whole dispute and if required to hold on more meetings with the party. The Office of the Labour Commissioner thereafter, vide his letter dated 11-02-1997 at Exhibit 42, called upon both the parties for a joint discussion to be held on 17-02-1997 at 3.00 p.m. in the Office of the Labour Commissioner. It is pertinent for this Hon'ble Tribunal to note that there were no further correspondences, nor was there any report or write-up produced before this Hon'ble Tribunal about the joint discussion which was proposed to be held on 17-02-1997 in the Office of the Labour Commissioner. The submission of the Failure Report to the Labour Commissioner, by the Conciliation Officer, is an inter departmental affair. Even after submission of the Failure Report by the Assistant Labour Commissioner, the Labour Commissioner thought it appropriate to call upon the parties for further joint discussion. The matter did not stop at that stage and that there was an intervention by the Hon'ble Minister for Labour who too felt it appropriate to have a joint discussion with both the parties.

32. It is therefore the contention of the Party I/Workman that in the event, even assuming without admitting that the joint discussion had failed, it was incumbent upon the Conciliation Officer to submit his Failure Report to the Government but it was not done until such time the Union of the Party I/Workman preferred a Writ Petition before the Hon'ble Bombay High Court at Goa, pursuant to which the Additional Government Pleader produced on record Order No. ALC/PONDA/Ch. of Demands/MRF dated 05-06-1997. Thus, it is submitted that the Conciliation Officer did not send the Failure Report in view of the date being fixed for further discussions even after the Failure Report was sent by the Assistant Labour Commissioner to his Superior, i.e., the Office of the Labour Commissioner and, further, from the Office of the Labour Commissioner, the joint discussions were proposed to be held with the intervention of the Hon'ble Minister for Labour.

33. The perusal of the Outward Register at Exhibit 48 Colly, would confirm that the File, ALC/Ponda/Ch. Of Demand/MRF was forwarded to the Hon'ble Labour Minister. It is also important to note that the Office of the Labour Commissioner, vide his letter dated 14-01-1997 at Exhibit 41 informed the Union of the Party I/Workman that the Hon'ble Labour Minister wanted to explore the possibility of an amicable settlement on the whole dispute; therefore, it could not be said that the Failure Report was indeed sent to the Government vide this Outward Number 2424 dated 04/06/1997 by the Office of the Labour Commissioner. As such the contention of the Party II/Company that there were no conciliation proceedings pending before the authorities at the time when the workman was dismissed from the services, same being devoid of any substance. It is abundantly clear that the Hon'ble Labour Minister wanted to have joint discussion with both the parties and, therefore, by no stretch of imagination can it be construed that the File containing the Minutes of the Failure sent to the Hon'ble Labour Minister is the Failure Report being sent to the Government of Goa under the provisions of Section 12(3) of the Industrial Disputes Act, 1947.

34. The records speak for itself and the document to that effect shows that the Party I/Workman was dismissed on 28-10-1996 and the Outward Register seems to suggest that the so-called Failure Report was forwarded on 04-06-1997. Thus, it is clear from the records that the services of the Party I/Workman were terminated when the matter was sub-judice for conciliation before the Conciliation Officer; therefore, the Party I/Workman, through oral as well as documentary evidence, was able to prove his defence of the Party II/Company having clearly violated the requirements prescribed under the provisions Section 3 (2)(a)(b) of the Industrial Disputes Act, 1947.

35. Shri Rohidas Naik has highlighted the relevant and material facts pertaining to the conciliation proceeding before the Labour Commissioner. The said witness, Shri Rohidas Naik stood by his testimony in the cross-examination to support and substantiate the defence of the Party I/Workman as regards to the Party II/Company violating the mandatory provisions of Section 33 of the Act. In addition to the oral testimony and documentary evidence on record, the Party I/Workman has placed reliance in the case of **Jaipur Zila Sahadari Bhoomi Vikas Bank Ltd. V/s. Ram Gopal Sharma and Others [(2002) 2 SCC 244]**.

36. Therefore the ratio laid down in the case of **Jaipur Zila Sahadari Bhoomi Vikas Bank Ltd. (Supra)** has come to the rescue of this Workman. The Party I/Workman has been able to establish that his termination was illegal as the same was done pending the Charter of Demands, in which Charter of Demands he too was a concerned workman. Therefore, the Party II ought to have refrained from taking any action pending such conciliation proceeding before the Authority. Section 33 of the Industrial Disputes Act, sub-section (1) reads as under:

Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.- (1) During the pendency of any conciliation proceeding before [an arbitrator or] a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute”.

37. Furthermore, as per the ratio laid down in **Lokmat Newspaper Pvt. Ltd. v/s Shankar Prasad (1999) 6 SCC** it is but obvious that the impugned termination of the said Workman on 28/10/1996, amounts to unfair labour practice. The relevant portion is reproduced which reads thus.

‘... (19) NOW it must be stated that the impugned termination order was passed against the respondent-workman on 22-06-1982. Within three days thereof, the respondent raised an industrial dispute by filing a complaint under Section 28 of the Maharashtra Act alleging that the impugned termination order amounted to unfair labour practice. Before the impugned termination order was passed by the management, it had already served a notice under Section 9-A of the I. D. Act to the respondents union to the effect that it proposed to introduce a change in the conditions of service of the respondent and other members of the union on the ground that it was proposing to rationalise the printing work at the appellants concern at Nagpur by setting up photo-type machine for carrying out the work of composing, resulting in substantial reduction in the work of composing by hand. It may be stated that the respondent was employed as a foreman in the hand-composing department of the appellant at the relevant time. The respondents union objected to the said notice of change and approached the Conciliation Officer under Section 12 (1) of the I.D. Act which reads as under:



12. Duties of Conciliation Officers.- 1 Where an industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under Section 22 has been given, shall hold conciliation proceedings in the prescribed manner.

(20) The Conciliation Officer took the dispute in conciliation within his discretion even though as appellant concerned was not a public utility service it was not mandatory for the Conciliation Officer to start conciliation proceedings. As the report of the Conciliation Officer submit to the State government shows, he invited the management and the respondents union for preliminary discussions on 14-4-1982 in his office and thereafter the matter was adjourned during conciliation from time to time.

(21) It can therefore, be said that by 14-04-1982 the matter was taken up for investigation and thus the conciliation proceedings had commenced. It is also well established on the record of the case that the parties could not come to any settlement with the result that on 22-06-1982 the investigation was closed by the Conciliation Officer at 4.35 p.m. at Nagpur. Immediately thereafter the, appellant passed the impugned order of termination against the respondent and others on the very same day i.e. on 22-6-1982 at 5.00 p.m. The said order was placed on the notice board of the appellants office at Nagpur on the evening of that day. It is not in dispute between the parties that thereafter the Conciliation Officer submitted his report to the government which reached the State government on 13-8-1982.

(22) ON the aforesaid facts, the question arises whether the impugned termination order dated 22/6/1982 was passed during the pendency of the conciliation proceedings. It is not in dispute between the parties that before passing such an order no express permission in writing was obtained by the appellant from the Conciliation Office. The Labour court/the Industrial court and the learned Single Judge of the High court have taken the view that because investigation was closed by the conciliator by 4.35 p.m. on 22-6-1982, immediately thereafter the conciliation proceedings could be said to have ended and were not pending before him. Consequently at 5.00 p.m. on that very day when the appellant issued the impugned order, it did not violate Section 33 of the I. D. Act. While, on the other hand, the division bench of the High court in the impugned judgment has taken the view that merely because the conciliator closed the investigation in the evening of 22-6-1982 till he prepared his report as per Section 12(4) of the I. D. Act and till that report reached the government, conciliation proceedings were deemed to have continued and had not got terminated till 13-08-1982 and as in the meantime on 22/6/1982, the impugned termination order was passed without following the procedure of Section 33(1) of the I.D. Act which got vitiated in law.

(23) UNDER these circumstances, a moot question arises whether the impugned retrenchment order was passed on 22-6-1982 during the pendency of conciliation proceedings. It cannot be disputed that the impugned order was directly connected with the matter in dispute before the Conciliation Officer wherein the question of legality of notice under Section 9-A of the I. D. Act was under consideration for the purpose of arriving at any settlement between the parties in this connection. The impugned order had definitely altered to the prejudice of the respondent his conditions of service. It was not a case of retrenchment simplicities but was a consequential retrenchment on the introduction of the scheme of rationalisation as contemplated by Section 9-A read with Schedule Invite No. 1 of the I.D. Act.

(24) WE shall refer to these provisions in greater detail later on while considering the question of legality of notice under Section 9-A of the I. D. Act. For the time being, it is sufficient to note that the question of violation of Section 33 (1) of the I. D. Act has a direct nexus with the further question whether on 22-6-1982 when the impugned termination-order was passed, conciliation proceedings were pending before the authority or not.

(25) IN order to answer these questions, it is necessary to note Ss. (4) of Section 12 of the I.D. Act which reads as under: & quot; (4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at. A mere look at this provision shows that if the Conciliation Officer finds during conciliation proceedings that no settlement is arrived at between the disputing parties, then after closing the investigation he has, as soon as practicable, to send to the appropriate government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and has also to mention all other details as required to be mentioned in the report under Section 12 (4) of the I. D. Act.

(26) The aforesaid statutory requirements leave no room for doubt that after closing the investigation and after having arrived at the conclusion that no settlement is possible between the parties, the Conciliation Officer had to spend some more time before submitting his detailed written report about failure of consideration for information and necessary action by the State government. In the very nature of things, therefore, such requirement will take at least a couple of days, if not more, for the Conciliator after closing the investigation to enable him to send an appropriate report to the State Government. It is, therefore, obvious that on 22-6-1982 when by 4.35 p.m. the Conciliation Officer declared that settlement was not possible between the parties and he closed the investigation, neither his statutory function did not come to an end nor did he become functus officio. His jurisdiction had to continue till he submitted his report as per Section 12(4) to the appropriate government. Even such preparation of the report and sending of the same from his end to the appropriate government would obviously have taken at least a few days after 22-6-1982. It must, therefore, be held that the conciliator remained in charge of the conciliation proceedings at least for a couple of days after 22-6-1982. It is, therefore, difficult to appreciate how within half an hour after the closing of investigation by the conciliator and before his getting even a breathing time to prepare his detailed written report about failure of conciliation to be sent to the government as per Section 12(4), the appellant could persuade itself to presume that conciliation proceedings had ended and, therefore, it was not required to follow the procedure of Section 33(1) and straightaway could pass the impugned order of retrenchment within 25 minutes of the closing of the investigation by the conciliator on the very same day. It is difficult to appreciate the reasoning of the Labour court that after the closer of investigation the conciliator became functus officio and the management could not have approached him for express written permission to pass the impugned order. It is easy to visualise that even on the same day i.e. on 22-6-1982 or even on the next day, before the conciliator had time even to start writing his report, such an express permission could have been asked for by the appellant as the conciliator by then could not be said to have washed his hand off the conciliation proceedings. He remained very much seized of these proceedings till at least the time the report left his end apart from the further question whether conciliation proceedings could be said to have continued till the report reached the State government. Thus, on the express language of Section 12(4) the conclusion is inevitable that closer of investigation by 4.35 p.m. on 22-6-1982 did not amount to termination of conciliation proceedings by that very time. The argument of learned counsel for the appellant was that closer of investigation automatically amounted to termination of conciliation proceedings. This argument proceeds on a wrong premise that closer of investigation by the conciliator is the same as closer of conciliation proceedings. The legislature while enacting Section 12(4) has deliberately not used the words closer of conciliation but, on the contrary, provided that after closer of investigation something more was required to be done by the conciliator as laid down under Section 12(4) before he can be said to have done away with conciliation proceedings earlier initiated by him. On this conclusion alone the decision rendered by the division bench of the High Court that the impugned order of termination dated 22-6-1982 was issued by the appellant without following the procedure of Section 33(1) of the I. D. Act has to be sus-tained....’.

38. The Ld. Adv. Shri S. B. Karpe, appearing for Party II in support of their defence on the issue of alleged violation of Section 33, placed reliance in the case of **East Asiatic & Allied V/s Shelke (B.L.) (1961 ILLJ162 Bom)**, **Ambuja Cement V/s U B Group**, **Gopinath Daulat Dalvi V/s State of Maharashtra**, **Suresh Vithoo Nare V/s Dharamsi Morarji Chemicals** 1991 Lab. I.C. 1932 Bom, and **VIP Industries Shramik Sangh V/s. VIP Industries Ltd.** MANU/MH/1929/2024.

39. Relying on the ratios in the citations above, Ld. Adv. Shri S. B. Karpe submitted that unless the Conciliation Officer applies his mind and decides to enter in conciliation, the conciliation cannot be said to have commenced.

40. The above contention of Ld. Adv. Shri S. B. Karpe is contrary to the records produced by the Party I/Workman and the evidence on record supports the defence taken by him as regard to his termination being illegal and in contraventions to the provisions of Section 33. The same is duly supported by the ratio in the case of **Lokmat Newspaper Pvt. Ltd. (Supra)**, as the provisions of Section 33 (2) (b) has been settled in the case of **Lokmat (Supra)**, the same being later in time than the ones relied upon by the Party II. Hence, it is the contention of the Party I Workman that the facts in question and the provisions of law involved in the case of **Lokmat (Supra)** are the same as in the present reference. Therefore, it directly applies to the case in hand, giving no room to this Tribunal to deviate from the ratio laid down in the citation above.

41. That, except a mere submission being made “that unless the Conciliation Officer applies his mind and decides to enter in conciliation, the conciliation cannot be said to have been commenced” there is nothing produced by the Management. Nor could the management discard the evidence adduced by the Party

I/Workman, which clearly indicates his termination being ordered pending the conciliation proceedings sans the Failure Report, which clearly shows that the termination was prior to submitting the Failure Report to the Government of Goa.

42. Thus, this is a clear case of violation of mandatory provisions of Section 33 (2) (b) of the Industrial Disputes Act, 1947. Hence, the ratio laid down in the case of **Jaipur Zila** would be squarely applicable to the present reference, wherein it is held “Amendments to Section 33 of the I.D. Act in the year 1956 were made at a time when no remedy under the Industrial Disputes Act was available to the individual workman to challenge the termination of his employment. At that time, the dismissal of an individual workman could form the subject-matter of an industrial dispute only if it was espoused by the fellow workmen. In those days, dismissal of workmen who actively participated in raising an industrial dispute was not uncommon. In order to obviate this contingency, Section 33 imposed an obligation on the employer to seek approval or permission for the dismissal of any workman to be effected during the pendency of an industrial dispute. Apart from imposing an obligation on the employer to file such an application, in order to protect the workman against any termination which might be made without seeking approval or permission, Section 33-A was enacted creating a right in favour of the aggrieved workman to file a complaint which will be dealt with like adjudication of an industrial dispute. In other words, a right which was not available to the individual workman to approach the Labour Court or Tribunal for adjudication of a dispute relating to his dismissal was conferred by Section 33-A.”

43. The Supreme Court in the case under review has ruled that failure to apply for approval by the employer would make the order of dismissal inoperative and that the workman may get wages and other benefits. It was also held that even if the application for approval is granted by the authority, still the aggrieved could make a complaint under Section 33-A challenging the approval. It is to be considered whether an interpretation can be placed on Section 33 to the effect that even without a judicial declaration about the validity of the order of dismissal, as a result of the failure to seek approval or permission, the workman could straightaway proceed on the footing that the dismissal is invalid and inoperative and work out his rights for recovery of wages and other benefits. The case law placed before the Supreme Court does not support the present ruling. In order to dispel any doubt in the minds of the litigants and the lower courts, it may be clarified that no dismissed workman can claim the relief of reinstatement without a declaration by a competent court that the order of termination is not valid and no punitive order of termination be interfered without any technical grounds if such an order is otherwise justified on merits.

44. The Party I/Workman thus have successfully discharged his burden to prove that the domestic enquiry held against him was not fair and proper, the same being in violation of provision of Section 33 of the Industrial Disputes Act, 1947. Consequently, the charges of unauthorized absenteeism cannot be said to be proved again for the reason that there has been violations of mandatory provisions of the Industrial Disputes Act. The act of violations of provisions of Section 33(2)(a)(b) of the Industrial Disputes Act by the Party II/Company since goes to the root of the matter therefore the entire enquiry amounts to be void ab initio so also the Order of Dismissal of the Party I Workman becomes illegal and unjustified. Hence, the Issue No. 1 stands answered in favour of the Party I/Workman in the affirmative. Consequently, this Tribunal holds that the management has failed to discharge their burden of proving the misconduct to which the Issue No. 2 has been answered against the management in the negative.

45. Additional Issue No. 4A: While discussing the Issue Nos.1 and 2, this Tribunal has taken into consideration all the sequential events to show that the Employer/Party II has violated the mandatory provisions of the Industrial Disputes Act, 1947. Thus, this is a fit case where the ratio laid down in the case of **Jaipur Zilla** squarely applies, leaving no room for any further prolonged litigation but to put a full stop to the entire reference by applying the ratio laid down in the case of **Jaipur Zilla (Supra)**.

46. It is pertinent to note that in the case of **Jaipur Zila (Supra)** while referring to the case of *Strawboard Mfg. Co. v/s Gavin*, the Humble Apex Court observed that “the application for approval was rejected by the Tribunal”. Dealing with the consequence of such rejection, the Supreme Court held that “If the Tribunal does not approve of the action taken by the employer, the result would be that the action taken by him would fail and thereupon the workman would be deemed never to have been dismissed or discharged and would remain in the service of the employer. In such abase no specific provision as to reinstatement is necessary and by the very fact of the Tribunal not approving the action of the employer, the dismissal or discharge of the workman would be of no effect and the workman concerned would continue to be in service as if there never was any dismissal or discharge by the employer”.

47. Considering this observation, this Tribunal is of the opinion that no further purpose will be served if this Tribunal proceeds to pass the Part Award on the preliminary issues only and keeps the reference alive for holding enquiry on other issues when the termination of the Party I/Workman itself is illegal and void, the same being in violation of provisions of Section 33 (2) (a) (b) of the Industrial Disputes Act, 1947.

Hence, the final Order.

### ORDER

- i. It is held that the action of the management of M/s. MRF Ltd, Usgao Ponda in terminating the services of Shri Santana Costa with effect from 28-10-1996 is illegal and unjustified.
- ii. Consequently, the Party II/M/s MRF Limited, Usgao, Ponda-Goa is hereby directed to re-instate in service the Party I/Workman, Shri Santana Costa with full back wages from 28-10-1996.
- iii. No Order as to Cost.

*Vijayalaxmi R. Shivolkar*, Presiding Officer, Industrial Tribunal & Labour Court.

Panaji.

### Department of Revenue

#### Order

No. 30/01/2005-RD-I/7746

Date : 23-Dec-2025

Read:- Order No. 30/01/2005-RD/6929 dated 21-04-2025.

The Government of Goa is pleased to make modification in Sr. No. 22 of above mentioned Order of Collector South is as under:

Sr. No.	Name of the Section of Collectorate	Name of Assistant Public Information Officer (APIO)	Name of Public Information Officer (PIO)	First Appellate Authority (FAA)
22	Office of Dy. Collector of concerned Taluka	UDC	Awal Karkun of concerned Taluka	Dy. Collector /SDO-I/II of concerned Taluka

*Agnelo L D'souza*, Under Secretary (Rev-II).

Porvorim.

#### Order

No. 30-01-2005-RD-I/7747

Date : 12-Dec-2025

Read:- Order No. 30/01/2005-RD/6928 dated 21-04-2025.

The Government of Goa is pleased to make modification in Sr. No. 14 of above mentioned Order of Collector North is as under:

Sr. No.	Name of the Section of Collectorate	Name of Assistant Public Information Officer (APIO)	Name of Public Information Officer (PIO)	First Appellate Authority (FAA)
14	Office of Dy. Collector of concerned Taluka	UDC	Awal Karkun of concerned Taluka	Dy. Collector/SDO-I/II of concerned Taluka

*Agnelo L D'souza*, Under Secretary (Rev-II).

Porvorim.

**Department of Tourism****Order**

No. 5/3(1629)/2025/DT/620

Date : 16-Dec-2025

Ref.: Notification No. N-5/3/(1629)2025-DT/4186 dated 30-10-2025.

As per Notification No. N-5/3(1629)/2025-DT/4186 dated 30-10-2025 Goa Aerosports Rules, 2025, Government is pleased to constitute a Technical Committee having jurisdiction over the whole of the State of Goa (North Goa and South Goa).

**North Goa**

1.	Director, Department of Tourism	Chairman
2.	Dy. Director, Department of Tourism (North)	Vice Chairman
3.	Assistant Director (North)	Member Secretary
4.	Representative of District Collector, North	Member
5.	Representative of SP North Goa	Member
6.	Representative of Department of Civil Aviation, Porvorim-Goa	Member
7.	Chief Medical Officer or his Representative of concerned District, Campal, Panaji-Goa	Member
8.	Representative of NIMAS/ABVIMAS	Member
9.	Representative of Aero Club of India (ACI)- National Airports Control (NAC) or its appointed Commission	Member
10.	Assistant Tourist Office (North)	Member

**South Goa**

1.	Director, Department of Tourism	Chairman
2.	Dy. Director, Department of Tourism (South)	Vice Chairman
3.	Assistant Director (South)	Member Secretary
4.	Representative of District Collector, (South)	Member
5.	Representative of SP South Goa	Member
6.	Representative of Department of Civil Aviation, Porvorim-Goa	Member
7.	Chief Medical Officer or his Representative of concerned District, Campal, Panaji-Goa	Member
8.	Representative of NIMAS/ABVIMAS	Member
9.	Representative of Aero Club of India (ACI)- National Airports Control (NAC) or its appointed Commission	Member
10.	Assistant Tourist Office (South)	Member

The Committee shall constitute a quorum of at least 50% of the members for the meeting or inspection. In the absence of the Chairman, the Vice Chairman may be delegated the authority to convene and preside

over meetings. In the event Vice Chairman is unable to conduct an inspection, he may authorize the Assistant Director to carry out the inspection on his behalf, while remaining responsible for convening meetings of the Technical Committee.

To inspect and certify Aerosports equipments manufactured and homologated by an internationally recognized certification authority in coordination with the operator, from safety and airworthiness perspective.

The Committee shall meet as and when meeting is convened by the Chairman.

*Kedar Naik*, GCS, Director of Tourism.

Panaji.