

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 470 OF 2015

Bertha Renata Rodrigues
House no. 687, Pulvaddo,
Benaolim, Salcete, Goa.

... Petitioner

V e r s u s

1. State of Goa,
Through the Secretary, Public Works Department,
With his Office at Secretariat,
Porvorim, Bardez, Goa.

2. Principal Chief Engineer,
Public Works Department.
Altinho, Panaji, Goa.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate for the
Petitioner.

Mr. P. Faldessai, Addl. Government Advocate for the Respondents.

Coram :- **F. M. REIS,**
 K. L. WADANE, JJ.

Date : **10th September, 2015**

JUDGMENT *(Per F. M. Reis, J.)*

Heard Shri S. D. Lotlikar, learned Senior Advocate appearing for the
Petitioner and Shri Faldessai, learned Counsel appearing for the Respondents.

2. Rule. Heard forthwith with the consent of the learned Counsel.
Learned Addl. Government Advocate appearing for the Respondents, waives
service.

3. The above Petition is filed by the Petitioner on the ground that pursuant to an advertisement published in the Times of India (Goa Edition) dated 11.02.2011, inviting applications for filling up the posts of 'Labourer' on Work charged establishment of the Public Works Department of the Government of Goa, the Petitioner applied for the post of 'Labourer' on work charged establishment under the 'General Category.'. Thereafter, a duly constituted Department Selection Committee met on 01.07.2011 and selected a total of 13 candidates from the unreserved category, 11 candidates from 'other backward classes', 13 candidates from the 'Scheduled Tribe Category', three candidates from the Scheduled caste category and two Candidates from Children of freedom fighters category for appointment. It is further the contention of the Petitioner that the recommendations of the Department Selection Committee were accepted by the State Government and the Petitioners were offered a temporary post of "Labourer" Group 'D' Non-Gazetted on Work Charged Establishment in the Public Works Department. Upon receipt of the said offer of appointment, the Petitioners addressed a letter to the Deputy Director of Administrative Public Works Department, Altinho, on 14.11.2011 accepting the said offers of appointment. Upon receipt of the letter of acceptance of the Petitioner vide letter dated 12.12.2011 addressed by the Principal Chief Engineer of the Public Works Department, Altinho, to the Medical Superintendent, Hospicio Hospital, at Margao, the petitioner was subjected to medical examination. The Petitioner was accordingly certified medically fit for appointment to the post of Labourer at Public Works Department. The Petitioner further contended that everytime she visited the office of the Respondent no. 2 she was informed that since the Model Code of conduct had come into force, their appointment order was kept pending and the same would be issued to her after the Assembly Elections.

The Petitioner further contends that it was confirmed upon inquiries that some of the appointees filed a Writ Petition before this Court bearing nos. 7/2014, 771/2013, 8/2014, 773/2013 and 775/2013 in connection with their appointments. It is further her contentions that this Court by a Judgment dated 07.05.2014 directed the Respondents to forthwith issue an Order of appointment in favour of the said appointees who had filed a Writ Petition before this Court to the post of Labourer, Group 'D' non-gazetted on the work charged establishment in the Public Works Department. It is further the case that the Petitioner expected that she would be giving a joining Order in pursuance to the joining Order of this Court along with the Petitioner therein as she had undergone the same selection process which was the subject matter of the said Writ Petitions. As no Order for appointment has been issued in favour of the Petitioner inspite of completing the necessary formalities, the Petitioner had no other alternative than to file the above Writ Petition, inter alia, seeking a direction to the Respondents to forthwith issue an Order of appointment in favour of the Petitioner to the post of 'Labourer' on work charged establishment in the Public Works Department, Government of Goa.

4. We have heard Shri S. D. Lotlikar, learned Senior Advocate appearing for the Petitioner as well as the learned Addl. Government Advocate appearing for the Respondents. Upon hearing the learned Counsel, it is not disputed that the Petitioner had been duly selected in the recruitment process which was the subject matter of the Judgment passed by this Court on 07.05.2014 in Writ petition no. 7/2014 and other connected Petitions. The learned Addl. Government Advocate further does not dispute that the Petitioner was duly selected and a letter of appointment was duly accepted by the Petitioner and she had also undergone the

medical examination. It is also not disputed that the Petitioner is similarly placed and, as such, the Petitioner is entitled for the reliefs as directed in the Judgment passed by this Court in Writ Petition no. 7/2014. The learned Senior Counsel has also brought to out notice that in a similar Writ Petition, this Court had also issued similar directions to the Government by Judgment dated 12.08.2015 passed in Writ Petition no. 152/2015.

5. In such circumstances, for the reliefs stated in the Judgment dated 07.05.2014 passed in Writ Petition no. 7/2014, the relief sought in the above Writ Petition are to be allowed. The Respondents are accordingly directed to issue an Order of appointment in favour of the Petitioners to the post of Labourer Group 'D' on the work charged establishment of the Public Works Department of the Government of Goa in the pay scale as per the Rules within three months.

6. Rule is made absolute in the above terms with no orders as to costs.

K. L. WADANE, J.

F. M. REIS, J.

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