

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 766 OF 2016

Shri Dina Ragalo Naik,
Son of Shri Raglo Naik,
Aged 49 years, Indian
National, resident of
House no. 255/9, Mole Shet
Shirvai, Quepem, Goa.
(Registered Address)

... Petitioner

V e r s u s

1. Cheif Electrical Engineer,
Office of the Electrical
Chief Engineer, Electricity
Department, Government of Goa,
4th Floor, Vidyut Bhavan,
Panaji, Goa.

2. State of Goa,
through its Chief Secretary,
having office at Secretariat,
Porvorim, Goa.
(Registered Addresses)

... Respondents

Mr. D. Pangam, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Addl. Government Advocate for the Respondents.

Coram :- **F. M. REIS,**
NUTAN D. SARDESSAI, JJ.

Date : 24th August, 2016

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

Heard Mr. Pangam, learned Counsel appearing for the Petitioner
and Mr. Sagar Dhargalkar, learned Addl. Government Advocate 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 short point that comes for consideration according to the learned Counsel appearing for the Petitioner, is whether the Petitioner is entitled for relaxation of age in view of the fact that he was working on contract basis prior to his appointment as watchman in the concerned Department.

4. On the last date of hearing, Shri Lotlikar, learned Advocate General, had pointed out that unless and until there are records to suggest that such contractual appointment was based on an appropriate selection process, the Petitioner would not be entitled to avail of such relaxation in view of the Circular dated 27.08.2013.

5. Shri Pangam, learned Counsel appearing for the Petitioner, files an affidavit on behalf of the Petitioner, inter alia, producing the document to disclose that he was appointed on contractual basis after following a due recruitment process.

6. Shri Dhargalkar, learned Addl. Government Advocate appearing for the Respondents, on perusal of such records, states that it does suggest that such appointment was based on a recruitment process.

7. In such circumstances, as the Petitioner satisfies the requirements of the relaxation in terms of the Circular dated 27.08.2013, the impugned termination by the Respondents would not be tenable. Hence, the impugned Order dated 14.07.2016 is quashed and set aside. Consequently, the show cause notice dated 26.05.2016 does not survive.

8. The operative part of the Order is intimated to the concerned Officer Shri Ramakant Talkar, Dy. Director of Administration Electricity, who is present in Court for acting thereon.

9. Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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