

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 475 OF 2016

1. Shri. Lala Gokuldas Halankar,
House No.342, Katurlim Wada,
Vagalim, Oxel,
Siolim, Bardez-Goa
 2. Anthony F. Furtado
House No. 379, Davorlim, Indona
Navelim, Salcete-Goa
- ... Petitioners

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. C. Padgaonkar, Advocate for the Petitioner.

Mr. P. Dangui, Additional Government Advocate for the Respondents.

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

Reserved for Judgment on : 11th August, 2016
Judgment to be pronounced on : 25th November, 2016

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

Heard Mr. C. Padgaonkar, learned Counsel appearing for the Petitioners and Mr. P. Dangui, learned Additional 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 on behalf of the Respondents.

3. The above Petition, inter alia, seeks for a direction to forthwith issue an Order of appointment in favour of the Petitioners to the post of Labourer on the Work-charged establishment in the Public Works Department of the Government of Goa.

4. Briefly, it is the contention of the Petitioners that they had applied for such post pursuant to the advertisement dated 11.02.2011 and a duly constituted Departmental Selection Committee which met on 01.07.2011, selected a total number of 30 candidates for the unreserved category, 11 candidates from other backward classes, 13 candidates from the Scheduled Caste Category, three candidates from the Scheduled Caste Category and two candidates from the Children of freedom fighters category. The recommendations thereafter were accepted on 27.10.2011 by the Government and the Petitioners were offered temporary post of "Labourer" Group 'D', non-gazetted on Work Charge Establishment in the Public Works Department. The Petitioner thereafter accepted the offer of appointment by the State Government. Thereafter the Petitioners were subjected to medical examination and a report was submitted by the concerned hospital to the

Department. It is further pointed out that the Petitioners have been continuously visiting the concerned offices and they were assured that a letter of appointment would be issued in due time. Some of similar placed Petitioners moved this Court by filing Writ Petition nos. 7/2014, 771/2013, 8/2014, 773/13 and 775/2013. This Court by Judgment dated 07.05.2014 allowed all the said Petitions and directed the Respondents to forthwith issue the orders of appointment. Subsequently, in December, 2014, letters of appointments were issued to some of the candidates. It is further pointed out that a group of similarly placed candidates who have not filed any Petition before this Court have also been given Orders of appointment in December, 2014. In September, 2015, the Petitioners were also informed that another group of labourers had preferred a Writ Petition before this Court and consequent directions were issued for such appointment by Order dated 12.08.2015. As no Orders of appointment were given to the Petitioners who were also similarly placed, the Petitioners have filed the aforesaid Petition seeking for the aforesaid reliefs.

5. The Respondents have not filed any affidavit in reply disputing the said benefits. Considering the Judgment passed by this Court whilst disposing of the Judgment dated 07.05.2014 passed in Writ Petition no. 7/2014 and other connected, we find that similarly placed candidates were directed to issue Orders of appointment in favour of the Petitioners therein. In fact, based on the said Judgment in another Writ Petition bearing no. 152

of 2015 by Judgment dated 12.08.2015, similar directions were issued to the Respondents to issue the letters of appointments. Even subsequently, by Judgment dated 10.09.2015 passed in Writ Petition no. 470 of 2015, the Respondents were directed to issue Orders of appointment in favour of the Petitioners to the post of Labourer Group 'D' on the Work-charged Establishment.

6. The records also reveal that even with regard to some candidates who had not approached this Court, the State Government had in fact issued letters of appointment to such candidates. Depriving the Petitioners of similar leave would lead to discrimination and, as such, the Petitioners are entitled to grant similar reliefs in the above Petition.

7. In view of the above, we hereby direct the Respondents to within 1 month issue the Orders of appointment in favour of the Petitioners to the post of Labourers on Work-charged Establishment in the Public Works Department.

8. Rule is made absolute in the above terms. Petition stands disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

arp/*