

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 152 OF 2012

AGOSTINHO F. DIAS AND 3 ORS.

... Petitioner

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND ORS.

... Respondent

Mr. Nigel Da Costa Frias, for the Petitioners.
Mr. Susan Linhares, for Respondent Nos. 1 to 3.

Coram:- SHANTANU S. KEMKAR &
NUTAN D. SARDESSAI, JJ.

Date:- 16th January 2018

PC.

. By filing this Petition under Article 226 of the Constitution of India, the Petitioners are seeking following reliefs.

"(a) For a writ of mandamus or a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction thereby commanding the Respondents to forthwith revise the Petitioners pay scale to Rs. 4500-125-7000 with effect from 01/01/1996 as per the order dated 12/12/2007 of the Superintending Engineer-I and grant them further up gradations due thereon and in accordance with law."

2. The Respondents have filed reply of the Petition of which

the Petitioners have filed the rejoinder.

3. Having considered the submissions made by the learned counsel for the parties and having gone through the report of the Executive Engineer as also the decision taken on it, we find that the issue which has been raised by the Petitioners in this Petition has not been dealt with in the notings which have been filed along with reply of the Petition and the same has also not been replied in the reply to the Petition.

4. In the circumstances, we deem it proper to give liberty to the Petitioners to submit a fresh detail representation with supporting documents before the Respondent No. 2 within one month from today.

5. On receipt of such representation, Respondent No. 2 shall consider the Petitioners' claim afresh uninfluenced by the earlier rejection order and the stand taken by the Respondents in the reply.

6. The decision on the Petitioners' representation be taken as expeditiously as possible preferably within three months from the date of receipt of such representation.

7. With the aforesaid direction, the Petition is disposed of.

8. In case any adverse order is passed, it will be open for the Petitioners to challenge the same by way of appropriate proceedings.

NUTAN D. SARDESSAI, J. SHANTANU S. KEMKAR, J.
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