

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.206 OF 2011

The All Goa Government
Pensioners Association & Ors. Petitioners

Versus

State of Goa,
Through its Chief Secretary Respondent

Mr. J. P. Supekar, Advocate for the Petitioners.

Ms. Priyanka Kamat, Additional Government Advocate for the
Respondent.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 22 October 2018.

P.C.:

This petition is filed by the all Goa Government
Pensioners Association seeking the following directions.

“(A) This Hon'ble Court be pleased to issue appropriate writ, order or directions to grant to the pensioners/retirees the benefits awarded in the judgment and order dated 15 October 2009 in Writ Petition No.430/2003 forthwith;

(B) This Hon'ble Court also be pleased to issue

directions to the Respondent to pay interest to the beneficiaries of the judgment and order dated 15 October 2009 at such rate this Hon'ble Court deems fit and proper upon the arrears from the date such amounts became due until the date of actual payment of arrears;

(C) This Hon'ble Court also be pleased to direct the Chief Secretary, State of Goa to hold an inquiry into the matter of delay/inaction in the matter of implementation of the judgment and order dated 15 October 2009 in Writ Petition No.430/2003 and thereafter initiate appropriate action against those found responsible for the same.”

2. Rule was issued on 17 October 2011 by speaking order thus:

“Mr. Kakodkar, learned Addl. Govt. Advocate appearing for the respondent states that the State has challenged the Judgment dated 15th October, 2009 passed in Writ Petition No. 430 of 2003 by this Court, before the Apex Court. The petitioners in the present petition despite seeking directions against the respondent to pay arrears of pension, are also seeking directions against the respondent to pay interest over it.

2. In view of the admitted position that Special Leave Petition has been preferred in the Apex Court, we deem it appropriate to issue rule in the matter. Hence Rule. Mr. Kakodkar waives notice on behalf of the respondent.

3. We are told that the Apex Court has not granted any interim relief. Therefore, it is expected of the respondent to comply with the Judgment passed by this Court by

paying arrears of pension to those persons who are entitled to it expeditiously”

3. When the petition came up for hearing, the learned Additional Government Advocate on behalf of the State informed that the proceedings in the Apex Court have been disposed of and time was taken to place a communication on record. Today the learned Additional Government Advocate has placed on record a communication addressed by the Additional Secretary (Fin. R&C) to the Government Advocate dated 21 September 2018 which reads thus :

“Sir,

With reference to the above, I am enclosing herewith a copy of the communication received from Adv. Pratap Venugopal, Advocate on record for the State of Goa, in the SLP (Civil) CC 19428 of 2010 alongwith copy of the order of Hon'ble Supreme Court dated 15 April 2013, by which the SLP was disposed.

2. Pursuant to this Office letter dated 18th September 2018, copy of which was endorsed to you, discussions were held with the Director of Accounts. It has been ascertained that subsequent to the issue of Circular No.8/5/2003-Fin (R&C) dated 27 June 2011, cases of those pensioners who ceased to be in service from 1 January 1996 to 31 December 2000 and eligible for revision in their pension, which were referred to the Directorate of Accounts have been cleared by the Directorate and arrears of pension and other pensionary dues in all such cases have since been settled.

3. This is for your kind information and records please.”

4. The learned counsel for the Petitioners states that inspite of his efforts, he is not receiving instructions from the Petitioners as regards the current status. We dispose of the petition by taking the communication dated 21 September 2018 on record. We make it clear that those pensioners who are not covered by the said communication, their rights are not foreclosed by the disposal of this petition.

5. With the above clarification, the writ petition is disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.