

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 594 OF 2018.

Angela Jasmina Fernandes.

... Petitioner.

Versus

State of Goa, Thr.
the Chief Secretary and ors.

... Respondents.

Mr. A.Sinai Kakodkar, and Mr. V. Naik, Advocates for the Petitioner.

Mr. D. Lawande, Advocate General with Mr. P. Faldessai, Addl. Govt.
Advocate for the Respondents.

***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.
Date:- 18 June 2018.***

P.C.:-

Heard learned Counsel for the parties. The Petitioner has challenged the order passed by the Director of Tourism dated 1 June 2018 wherein the pensionary benefits to the Petitioner have been withheld, since, according to the Respondents/Authority, the Petitioner is liable to return excessive amount of Rs.88,392/-

2. The learned Advocate General submitted that, keeping aside the amount of Rs.88,392/-, the Petitioner's pension papers will

be processed and remaining amount payable to the Petitioner will be released within a period of three weeks from today.

3. As regards the amount of Rs.88392/- is concerned, the Petitioner has relied upon Office Memorandum dated 2 March 2016 in which a reference is made to the decision of the Apex Court in the case of *State of Punjab and ors Vs. Rafiq Masih(White Worker)* etc¹. It appears that applicability of this memorandum is not brought to the notice of the Respondents.

4. We, therefore, direct the Respondents to consider this Writ Petition as representation of the Petitioner and examine the reliance of the Petitioner on the Office Memorandum dated 7 March 2017 read with 2 March 2016 and take a decision thereupon within a period of five weeks from today, as per law. We have not considered the merits of the Petition.

5. Writ Petition is accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.

¹ CA No.11527 of 2014 in SLP(C) No.11684 of 2012 dt 18 December 2014.