

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.982 OF 2017.
WITH
STAMP NUMBER (APPLN.)NO.1412 OF 2018
IN
CONTEMPT PETITION NO.1 OF 2018.

Mohammed Makandar & Others. Petitioners.
Versus
The State of Goa through Chief
Secretary and others. Respondents.

Mr. Vivek Agnelo Rodrigues, Advocate for the Petitioners.

Mr. Pravin Faldessai, Additional Govt. Advocate for the
Respondents.

Mr. Amogh Prabhudesai, Additional Government Advocate for the
Applicant-State in STA No.1412/2018.

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

Date : 2 May 2018.

P.C.:

On 26 April 2017, the Division Bench of this Court in Writ Petition No.668/2014 had allowed the Petition filed by various employees of the State Government in respect of the Circular and the corrigendum issued by the State Government. The issue that arose for consideration of the Division Bench was regarding financial upgradation of various employees. By Judgment and Order dated 26

April 2017, the Division Bench quashed and set aside the Circular dated 2 December 2010 and directed the Respondents-State to fix the retiral benefits of the Petitioners in the light of the observations made in the Judgment. Since the order was not implemented, Contempt Petition No. 1 of 2018 was filed by the original Petitioners. The Contempt Petition was disposed of on 15 January 2018, on the statement made by the State that the Judgment and Order dated 26 April 2017 would be complied with within a period of three months. In this disposed of Contempt Petition, a Civil Application bearing Stamp Number (Appln.) No.1412/2018 is taken out for extension of time to comply with the Order.

2. Writ Petition No. 982 of 2017 is taken up along with the Civil Application. It is an admitted position at the Bar that the Petitioners in Writ Petition No.982/2017 are identically situated as the Petitioners in Writ Petition No. 668/2014.

3. Considering the facts and circumstances, we allow the Civil Application Stamp Number (Appln.) No.1412/2018 in which it is specifically asserted and confirmed by the learned Additional Government Advocate that time is sought by the State Government for implementation of the Judgment and Order dated 26 April 2017. Two months' time is granted to the State to implement the Judgment and Order dated 26 April 2017.

4. Since, it is an admitted position at the Bar that the Petitioners in Writ Petition No.982/2017 are identically situated as the ones in Writ Petition No.668/2014, the Petitioners in Writ Petition No. 982/2017 are also entitled to the same benefit as the Petitioners in Writ Petition No.668/2014. Accordingly, we dispose of Writ Petition No.982/2017, directing the Respondents-State to extend the benefits of the Judgment and Order passed in Writ Petition No.668/2014 to these Petitioners as well.

5. As a result, the Respondents-State will implement the Judgment and Order passed in Writ Petition No.668/2014 within two months and the order passed in Writ Petition No.982/2017 today, within a period of four months from today.

6. The Writ Petition and the Civil Application are disposed of in the above terms.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.