

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 28 OF 2018

Radha Krishna Rane. Petitioner.

Versus

Chief Engineer, Water Resources
Department & others. Respondents.

Mr. Ravi Gawas, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Ms. Amira
Rabdul Razaq, Government Advocate for the Respondents.

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

Date : 9 October 2018.

P.C.:

The Petitioner has filed this Petition making a grievance in respect of two aspects.

2. Firstly, that the adverse remarks against him for the year 2014-15 have not been communicated to the Petitioner and are being used against the Petitioner to deny the benefits of the Modified Assured Career Progression Scheme. According to the Petitioner, the adverse remarks should be set aside since they were not communicated. On this aspect of the matter, nothing is pointed out to the contrary. It appears that the adverse remarks against the

Petitioner have not been communicated and, therefore, these remarks will have to be set aside. So far as the benefits of the Scheme is concerned, it is the contention of the Petitioner that as per clause 17 of the Scheme, the financial upgradation is irrespective of the adverse remarks. However, since we are setting aside the adverse remarks against the Petitioner and the matter is being remanded to the Authorities for that purpose, even this aspect regarding the benefit of the Scheme can also be reconsidered by the Authorities.

3. The Authorities will take a decision as to whether clause 17 operates irrespective of the adverse remarks for PB-1. In that case, the outcome of the adverse remarks would not be of any relevance. If according to the Authorities the remarks in the ACR are relevant even for the financial upgradation for PB-1, a decision be taken based on the outcome of the fresh consideration of the adverse remarks. If the decision is adverse to the Petitioner, it is open to the Petitioner to challenge the same on its own merits.

4. The Petition is accordingly disposed of as above.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.