

IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO.1098/2019
IN
WRIT PETITION NO.655/2019

SURESH SALGAOKAR AND ORS. Petitioners

V/s.

STATE OF GOA, through
Chief Secretary and others. Respondents

Mr. V. Naik, Advocate for the Petitioners.

Mr. D. Pangam, Advocate General along with Ms. A. Kamat,
Additional Government Advocate for the Respondents.

Coram:- M.S. SONAK &
SMT. M.S. JAWALKAR, JJ.

Dated:- 18th December, 2019

P. C.:

Heard Mr. V. Naik for the petitioners and Mr. D. Pangam,
learned Advocate General for the respondents.

2. Modification is applied for in paragraph 8 of our order dated
06.08.2019 to the effect that the applicant should be paid salary from
June 2019 onwards and not merely for the months of June and July,
2019.

3. When we disposed of the petition and made the order dated 06.08.2019, we were informed by and on behalf of the respondents that the petitioners are not attending the duties. The petitioners, no doubt, were contending otherwise. Upon evaluation of the rival contentions, we concluded that the interest of justice would be served if the petitioners are paid salaries for the months of June and July and thereafter the show cause notices issued against the petitioners should be disposed of and the issue of payment of further salary should abide by such decision, no doubt, with liberty to the petitioners to question such decision in accordance with law.

4. According to us, there is absolutely no change in the circumstances so as to persuade us to modify our conscious decision as reflected in paragraph 8 of our order dated 06.08.2019. Accordingly, this application is liable to be dismissed and is hereby dismissed.

5. Learned Advocate General now states that the petitioners are still not reporting for duties. Mr. V. Naik, learned counsel for the petitioners disputes this position and states that they are reporting to the duties but not permitted to sign the muster roll. In this application, obviously, we cannot go into this controversy. However we accept the statement of the learned Advocate General that if the petitioners report for duties tomorrow itself, at the traffic section of the River Navigation Department at Betim, Goa at 9.30 a.m., then, they

will be permitted to resume duties without prejudice to the pending departmental inquiry. Learned Advocate General clarifies that even though, 19th December is a public holiday, the same is not a holiday in so far as the petitioners are concerned. Learned Advocate General states that if the petitioners resume duties from tomorrow, even salary for the period from the date on which they resume and for the period during which they work will surely be paid to them.

6. Mr. V. Naik, learned counsel for the petitioners, makes a statement that the petitioners will indeed report as aforesaid. He clarifies that this submission is without prejudice to the contention of the petitioners that even otherwise they have been reporting.

7. Learned Advocate General states that the departmental inquiry instituted against the petitioners will also be completed on or before 31.03.2020. Mr. V. Naik states that the petitioners will cooperate in the completion of these departmental proceedings. These statements are also accepted.

SMT. M.S. JAWALKAR, J.

M. S. SONAK, J.