

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 199 OF 2020

Shri Ananthu Somaiah, age 59, Indian National,
in service, R/o H. No. 18, Type-II, Block-3, GMC
Complex, Bambolim, Goa. Petitioner

Versus

1. Goa Medical College, Through its Dean,
Bambolim-Goa.
2. State of Goa, Through Secretary, Secretariat,
Porvorim-Goa. Respondents

Mr. Shivraj Gaonkar, Advocate for the Petitioner.

Mr. Manish Salkar, Government Advocate for the Respondents.

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

Date:- 30th June, 2020

ORAL JUDGMENT: (Per M. S. Sonak, J.)

Heard Mr. Shivraj Gaonkar, the learned Counsel for the petitioner and Mr. Manish Salkar, the learned Government Advocate for the respondents.

2. Rule. With the consent and at the request of the learned Counsel for the parties, Rule is made returnable forthwith.

3. Mr. Salkar, the learned Government Advocate waives service on behalf of the respondents.

4. The petitioner was placed under suspension by order dated 21.02.2019 made by respondent no. 1. Despite lapse of more than 90 days from the date of issuance of such suspension order, no charge sheet was issued to the petitioner. It is the case of the petitioner that upon expiry of period of 90 days from the date of service of suspension order i.e. w.e.f. 23.05.2019, the suspension order stands revoked and the petitioner, is entitled to full wages and other consequential benefits.

5. The petitioner has since retired w.e.f. 31st March, 2020. Mr. Gaonkar submits that the petitioner is also not being paid pension and other retiral benefits, even though, necessary applications were made by the petitioner way back in November, 2019 itself.

6. Mr. Salkar, on the basis of instructions, from the Director (Administration), Goa Medical College, makes a statement that the suspension will be deemed to have been revoked from 23.05.2019 and the petitioner will be paid full wages from the said date. Mr. Salkar also states that all permissible consequential benefits will also be released to the petitioner in accordance with the Rules and Regulations as applicable.

7. According to us, the said statement made by Mr. Salkar, which we accept, as a statement made to the Court, redresses the petitioner's grievance in relation to prayer clauses (a) and (b) of the petition. Accordingly, by accepting such statement and by directing the respondents to act accordingly, we see no difficulty in disposing of this petition.

8. Insofar as the issue of pension and other consequential benefits is concerned, Mr. Salkar, again, on the basis of instructions, states that the same will be processed and paid to the petitioner. He, in fact, seeks four months time to complete this procedure.

9. According to us, three months time is sufficient now that the petitioner has already retired w.e.f. 31.03.2020. Accordingly, we dispose of this petition by directing the respondents to pay the petitioner full wages w.e.f. 23.05.2019 until the date of his retirement as also other permissible consequential benefits as expeditiously as possible and in any case, within a period of three months from today. We also direct the respondents to process and start paying pension and other retiral benefits to the petitioner as expeditiously as possible and in any case, within a period of three months from today.

10. Since this petition was restricted to the issue of suspension and payment of pension/retiral benefits and now that both these issues

have be substantially redressed, we dispose of this petition.

11. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

12. All concerned to act on the basis of an authenticated copy of this Order.

SMT. M.S. JAWALKAR, J.

M. S. SONAK, J.

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