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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.257 OF 2021

SATU VATKO SALERKAR AND 31 ORS. ... Petitioners.

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY AND 2 ORS. ... Respondents.

Mr. Vivek Rodrigues, Advocate *for the Petitioners*.

Mr. Manish Salkar, Government Advocate *for the State*.

CORAM: REVATI MOHITE DERE &
M.S. JAWALKAR, JJ.

DATED: 23rd November 2021

P.C:

1. At the outset, learned Counsel for the Petitioners seeks leave to amend the petition. Leave granted. Amendment to be carried out forthwith.
2. Heard learned Counsel for the parties.
3. By this petition, the Petitioners have sought the following substantive reliefs:-

“a) Issue a Writ of Certiorari or a writ in the nature of Certiorari, or any other appropriate writ, order or direction quashing and setting aside the impugned Circular dated 02.12.2010 issued by the Respondent No.3 and the recoveries effected from the petitioners in pursuance thereof vis a vis these petitioners;

b) To direct fixation of the Salary and Pensionary benefits of the petitioners in the Pay scale of Rs. 9300-34000+Rs.4600 (G.P.) along with future benefits based on the revised pay scales.”

4. Learned Counsel for the Petitioners submitted on the last date that the facts in the present petition are identical to the facts in W.P. No.668/2014 decided by the Division Bench of this Court in its Judgment and Order dated 26.04.2017. In view of the submission made by the learned Counsel for the Petitioners, the matter was adjourned so as to enable the Government Advocate to take instructions.

5. Today, learned Counsel appearing for the Respondent No.2 on the instructions of Mr. Raghuvir Keni, Chief Electrical Engineer, submits that the facts in the present petition are identical to the facts as decided by this Court in W.P. No.668/2014.

6. This Court by Judgment and Order dated 26.04.2017 had quashed and set aside the impugned Circular dated 02.12.2010, as far as the petitioners in W.P. No.668/2014. The said order is at page 138 of the petition.

7. Subsequently, another petition was filed i.e. W.P. No.719/2017 and this Court vide order dated 05.12.2018, allowed the said petition and granted the same benefits to the Petitioners therein, as were granted to the Petitioners in W.P. No.668/2014. This Court also directed the Respondent-State to extend the benefits as per Judgment and Order passed in W.P. No.668/2014 even to the Petitioners in W.P. No.719/2017, including

necessary monetary benefits, within a period of six months from the date of the order.

8. It is not in dispute, as aforesaid, that the case of the Petitioners is squarely covered by the Judgment dated 26.04.2017 passed by this Court (Corum: F.M. Reis and Nutan D. Sardesai, JJ) and the Petitioners in W.P. No.719/2017.

9. Considering the aforesaid, the view taken by the Division Bench of this Court as stated aforesaid, will also have to be followed in the present petition.

10. Accordingly, the Writ Petition is allowed. The Petitioners herein are entitled to the same benefits as the Petitioners in W.P. No.668/2014 and Petitioners in W.P. No.719/2017.

11. The Respondent-State is directed to extend the benefits to the Petitioners herein as per Judgment and Order dated 26.04.2017 passed by this Court in W.P. No.668/2014. All monetary benefits shall also be extended to the Petitioners herein, within a period of six months from today.

12. The Writ Petition is disposed of in the aforesaid terms.

13. All parties to act on authenticated copy of this order.

M.S. JAWALKAR, J.

REVATI MOHITE DERE, J.