

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 121 OF 2022

Dr. Anyssia Viegas

... Petitioner.

Versus

State of Goa, Thr. Its Chief Secretary & 3 Ors. ... Respondents.

Ms. Sonadevi Nishad, Advocate *for the Petitioner.*

Mr. P. Faldessai, Additional Government Advocate *for Respondents.*

CORAM: G. S. KULKARNI &
BHARAT P. DESHPANDE, JJ.

DATED: 17th November, 2022

P.C:

1. The grievance of the petitioner in the present proceedings was of the non-payment of the benefits of the 7th Pay Commission, which was offered to the other employees. Unfortunately during the pendency of the petition, the petitioner expired. The petition is now being pursued by the legal representatives of he deceased petitioner. On 7 October 2022, this Court had made the following order :

“P.C.

We find that this is a gross case where the petitioner during the pendency of the petition has

passed away suffering cancer and was made to run from pillar to post to seek her basic entitlement namely to set benefits of the 7th Pay Commission as offered to all the other employees.

2. Mr. Faldessai, learned Additional Government Advocate, responding to the earlier order states that a decision has already been taken by the State Government to make such payment and now in pursuance of such decisions, the payments of the amounts/arrears of the 7th Pay Commission shall be made.

3. We expect that on the adjourned date of hearing, not only the decision is acted upon but the payment be effected in favour of the petitioner. Accordingly, we adjourn the matter finally to two weeks.

4. In the event the payment is not effected, we may have to direct that the Secretary, Education and the Director of Education to remain present before the Court to explain to us the reasons thereof so that the Court can proceed to hear the matter on merits and pass appropriate orders.

5. Stand over to 21 October 2022, high on board.”

2. In pursuance of the above order, Mr. Faldessai, learned Additional Government Advocate, has stated that the amounts have already been released in favour of the legal heirs of the petitioner. Learned Counsel

for the petitioner would also confirm such statement as made by Mr. Faldessai. The grievance of the petitioner is however, in regard to the calculations of such payment being not supplied to the petitioner. Mr. Faldessai, has fairly stated that all the calculations shall be provided to the petitioner and if there is any grievance on the issue of calculation, the petitioner can make a representation which would be decided in accordance with law. We accept the statement of Mr. Faldessai. Let the calculations be provided to the petitioner within a period of two weeks from today.

3. Ordered accordingly.

4. In such view of the matter, the Writ Petition would not warrant any further adjudication. It is accordingly disposed of keeping open all contentions of the parties on the calculations forming the basis for payment of arrears as made by the respondents.

5. Disposed of.

6. No costs.

BHARAT P. DESHPANDE, J.

G. S. KULKARNI, J.