

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO. 8/2023
IN
WRIT PETITION NO.200/2022**

SHASHIKANT K. USGAOKAR AND ANR ...Petitioners.

Versus

DIRECTORATE OF ACCOUNTS, GOVT.
OF GOA AND ANR ...Respondents.

Ms A.A. Agni, Senior Advocate with Ms Jay Sawaikar, Advocate
for the Petitioners.

Mr D.J. Pangam, Advocate General with Ms Sulekha Kamat,
Addl. Govt. Advocate *for the Respondents.*

**CORAM : M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATE : 19th July 2023.

ORAL ORDER :

1. Heard Ms A. Agni, learned Senior Advocate, who appears along with Ms Jay Sawaikar for the Petitioners and Mr D. Pangam, learned Advocate General, who appears along with Ms Sulekha Kamat, Addl. Govt. Advocate for the Respondents.

2. Ms Agni, learned Senior Advocate for the Petitioners, submitted that the Judgment and Order 21/4/2023, for which the review is applied, refers to some modifications to the Government of Goa's order dated 27/10/1997. She submits that, factually, there were no modifications and, in any case, the modifications had no nexus with the issues raised by the Petitioners in the Petition. She submits that

such modifications cannot have the effect of amending the statutory rules by which the Petitioner's case was governed. This, she presents, is an error apparent on the face of the record, warranting the exercise of review jurisdiction.

3. Ms Agni submits that the pension amounts computed by the Respondents do not accord with the illustrations provided in the Seventh Pay Recommendations Pension of Civilian Employees (at pages 89 to 97 of the Petition paper book). She submitted that this Court should have interfered since the pension fixation is not in terms of such illustrations. Non-interference amounts to an error apparent on the face of the record.

4. The learned Advocate General pointed out how the order dated 27/10/1997 provides that the benefit of revised pay scales on par with the Central Government employees was subject to certain modifications. He submitted that there is a reference to such modifications in paragraph 2 and the other paragraphs of the order dated 27/10/1997. He offers that the pension calculations were undertaken strictly following the Government of Goa's order 27/10/1997 and the modifications referred to therein. Further, he pointed out that the Seventh Pay Recommendations the learned Senior Advocate for the Petitioners referred to at pages 89-97 could apply subject to certain modifications brought about by order dated 27/10/1997. He, therefore, submits that there is no error, much less any error apparent on the face of record for the exercise of review jurisdiction.

5. The rival contentions now fall for our determination.

6. Regarding the first point, it is true that we have referred to the Government of Goa's order dated 27/10/1997 and stated that the revised pay scales make applicable on par with the Central Government employees subject to certain modifications. This is precisely provided in paragraph 2 of the State Government's order dated 27/10/1997. This is reiterated in the notes and other clauses of this order dated 27/10/1997. All that means is that the State Government did not entirely accept or apply the revised pay scales applicable to the Central Government employees. Still, the State Government did grant such benefits to its employees subject to certain modifications.

7. The contention that the modifications have no nexus to the issue of Petitioner's pension or pay fixation is also incorrect. The learned Advocate General had demonstrated that the pay fixation and consequential pension calculations were entirely consistent with the State Government's order dated 27/10/1997. Incidentally, such contentions were raised and duly considered by us in the Judgment of which review is now applied.

8. Regarding the second contention, we have noted that the revised pay scales in terms of the Seven Pay Recommendations were only partially accepted by the State Government. Acceptance was subject to certain modifications reflected in the State Government's order dated 27/10/1997. This order gives an illustration to facilitate calculations. Since the calculations are consistent with the examples appended to the State Government's order dated 27/10/1997, there is no apparent error on the face of the record.

9. Thus, based on the two grounds now urged before us, no case for exercise of review jurisdiction is made out.

10. This review is, therefore, dismissed. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.