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IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO. 466 OF 2015
WITH
MISC. CIVIL APPLICATION NO. 309 OF 2023
IN
WRIT PETITION NO. 466 of 2015**

Anyssia Viegas, wife of Brian Viegas,
major of age, Principal, Sanjay Higher
Secondary & Officer-inCharge of the
Vocational Training Unit, Delta Centre,
Porvorim, Bardez, Goa.
Resident of House No. 264/43, Green
Valley, Porvorim, Bardez, Goa.

... PETITIONER

Versus

1. The State of Goa, Through its Chief
Secretary, Secretariat, Porvorim,
Goa.
2. The Director, Institute of Public
Assistance (Provedoria), Mala,
Panaji-Goa.
3. Director of Education, Department
of Education, Government of Goa,
Porvorim, Bardez-Goa.
4. The Sanjay Centre for Special
Education Goa, Through its Member
Secretary, Pundalik Nagar,
Porvorim, Bardez, Goa.

... RESPONDENTS

Mr. Nigel Da Costa Frias, Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for
Respondent Nos. 1, 2 and 3.

**CORAM: PRAKASH D. NAIK &
BHARAT P. DESHPANDE, JJ.**

DATED: 18th AUGUST 2023

ORAL JUDGMENT: (per Prakash D. Naik)

1. The Petitioner has expired during the pendency of this Petition. The husband of the Petitioner has preferred Miscellaneous Civil Application No. 309 of 2023 for impleading him as Petitioner No. 1 in Writ Petition No. 466 of 2015 being the legal representative of the Petitioner on the ground that he would be entitled to the pension and other pay benefits due to the deceased Petitioner. The relief sought in this Petition is to declare that the Petitioner was an employee of the Government of Goa and was entitled to the status, rights and duties of a Grade-I, Gazetted Officer.

2. Learned Counsel appearing for the Petitioner brought to our notice relieving order dated 15.03.2017 and orders dated 15.06.2017 issued by the Member Secretary of the Sanjay Centre for Special Education Goa.

3. Vide relieving order dated 15.03.2017 issued by Member Secretary, Sanjay Centre for Special Education Goa, it was directed that the Petitioner is relieved from the post of Principal, Sanjay Higher Secondary and Officer-in-Charge of Vocational Training and Rehabilitation Centre on 15.03.2017 with instructions to report to the Department of Personnel, Secretariat, Porvorim for further

posting. She was directed to handover her charge to Mr. Kudalkar, Headmaster, who was given additional charge. Vide letter dated 15.06.2017 issued by Member Secretary of above Education Centre, it was stated that the relieving order dated 15.03.2017 issued to Petitioner is withdrawn with immediate effect. Vide order issued by Member Secretary on the same day i.e. 15.06.2017, it was directed that the Petitioner is relieved from post of Principal, Sanjay Higher Secondary and Officer-in-Charge of Vocational Training and Rehabilitation Centre with immediate effect, with direction to report to the Institute of Public Assistance, Provedoria (IPA) for further instructions. Vide another order dated 15.06.2017 issued by Member Secretary, it was directed that the Petitioner is transferred to Institute of Public Assistance, Provedoria (IPA), Mala, Panjim for further instructions.

4. Vide order dated 26.07.2017 passed by this Court in Miscellaneous Civil Application No. 524 of 2017, it was recorded that the grievance of the Petitioner was that she had reported to the Director of the IPA and was informed that there was no particular order permitting the Department to employ the Petitioner. The other grievance of the Petitioner was that the salary of the Petitioner was not paid from 15.06.2017, though the arrears were already deposited. The Court recorded the statement of the learned Advocate General appearing for Respondent No. 4 thereby pointing

out that the order reverting the Petitioner to IPA by Respondent No. 4 was pursuant to the approval of the Government and as such, the IPA will take the Petitioner in employment accordingly. Learned Advocate General also pointed out that as per the relieving order dated 15.06.2017, the Petitioner reported to the IPA and as such, the salary to the Petitioner shall be paid by the IPA. Miscellaneous Civil Application was disposed of in view of the statement made by the learned Advocate General.

5. Since the Petitioner's husband has preferred an Application for impleading, contending that he would be entitled for pension and other benefits accrued to Petitioner, the said Application can be allowed.

6. Considering the factual matrix, this Petition can be disposed of with a direction to Respondent No. 2 to process the family pension and other retiral benefits accrued to the Petitioner and her family within a period of three months from today.

O R D E R

(i) Miscellaneous Civil Application No. 309 of 2023 is allowed. Applicant be impleaded in the Petition forthwith.

(ii) Writ Petition is disposed of with direction to Respondent No. 2 to process the family pension and other retiral benefits accrued to the Petitioner and her family within a period of three months from the date of this order.

BHARAT P. DESHPANDE, J.

PRAKASH D. NAIK, J.

VAIGANKAR
ESHA SAINATH

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