

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 605 OF 2022

1. Mr. Devidas P. Goakar,
Major in age, 63 years,
Resident of Flat No.G-2,
Samraj residencece,
Alto Porvorim, Goa.

2. Mr. Avinash D. Naik,
Major in age, 65 years,
Residence of H.No.71/1,
Kasarpal, Latambarcem,
Bicholim,

3. Ratnakar Hari Pawar,
Major in age, 62 years,
Residence of Flat No.B/4,
Behind police station complex,
Combo, Margao Goa.

4. Mrs. Chitra R. Parab,
Major in age, 64 years,
Residence of H.No.57-2,
Opp. Sayeri Mahamaya Temple,
Paliem, Goa.

5. Mrs. Rosy S. Pinto,
Major in age, 63 years,
Residence of H.No.13,
Sallem Bhatt, Mercedes, Goa.

6. Mrs. Vaishali K. Komarpant,
Major in age, 62 years,
Residence of Loyala Housing Society,
Flat No.C-3, Boleponda, Ambuj,
Fetorda Margia, Goa.

7. Maria C.S. Dsouza,

Major in age, 63 years,
Residence of H.No.223/11,
Don Joao, Mercas, Goa.

8. Mr. Avinash D.T. Volvoikar,
Major in age, 71 years,
Residence of H.No.32,
at Opomburpa Bardez Goa.

9. Mrs. Nutan A. Volvoikar,
Major in age, 63 years,
Residence of H.No.15061,
near Vidhya Prabhadini high school,
Porvorim Goa.

10. Jaganath K. Naik Dessai,
Age 60 years, R/o. F.No.C-1,
6/71 Hindustan Biluder,
Xolim – Bardez-Goa.

... Petitioners

Versus

1 State of Goa,
Through the Chief Secretary,
Secretariat, Porvorim, Bardez Goa.

2 The Office of the Director General of Police,
Panaji Goa.

3 The Director of Accounts,
Directorate of Accounts, Panaji Goa.

... Respondents

Mr Siddharth Malik, Advocate *for the Petitioners.*

Mr D. Pangam, Advocate General with Ms Maria Correia,
Additional Government Advocate *for the Respondents.*

CORAM:

M. S. SONAK &

VALMIKI SA MENEZES, JJ

DATED : 14th MARCH 2023

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

1. Heard Mr Malik, learned counsel for the Petitioners. Mr D. Pangam learned Advocate General appears along with Ms Maria Correia, learned Additional Government Advocate for the Respondents.

2. Rule. The rule is made returnable forthwith at the request and with the consent of the learned counsel for the parties.

3. The Petitioners seek the following substantive reliefs in this petition.

(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 bearing No.1/1/82-PER (Part-IV) 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. A Division Bench of this Court, by its judgment and order dated 26.04.2017 in Writ Petition No.668 of 2014, struck down the

impugned Circular dated 02/12/2010 and granted consequential financial benefits to the Petitioners in the said petition. However, the relief, it appears was restricted only to the Petitioners in the said petition.

5. After that, several petitions were filed before this Court by the persons identically placed and such petitions were allowed. The benefit of quashing of the impugned Circular and granting of financial benefit was extended to such persons. The Petitioners have annexed the orders made in Writ Petition Nos. 719 of 2017, and 982 of 2017 to this petition. Mr. Malik produced on record the order made in Writ Petition No. 257 of 2021. The Petitioners' case is therefore covered by the orders made by this Court in Writ Petition No. 668 of 2014 and such other petitions referred to above, amongst others.

6. The learned Advocate General therefore made a statement that the benefit of the above judgments and orders would be extended to the Petitioners in the present petition who are identically placed with the Petitioners in the said petitions. We accept this statement and direct the concerned authorities to extend similar benefits to the Petitioners in this petition within three months from today.

7. Since we find that the identically placed persons are forced to file petitions to secure reliefs due to them in terms of the law laid down by this Court in Writ Petition No. 668 of 2014 and other petitions referred to above, we direct the State and the concerned

authorities to extend the benefit of the judgments in the said petitions to all identically placed persons, without requiring them to approach the Court by filing petitions.

8. In *Amrit Lal Berry Vs Collector of Central Excise, New Delhi and others*¹, the Hon'ble Supreme Court has held that when a citizen aggrieved by the action of the Government department has approached the Court and obtained declaration of law in his favour, others in like circumstances, should be able to rely upon the sense of responsibility of the department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to the Court. The principle, according to us should apply to the persons who are identically placed with the Petitioners in Writ Petition No.668 of 2014 and other petitions referred to above.

9. Accordingly, this petition is disposed of. The rule is made absolute in the above terms without any order for costs.

10. All concerned are to act on the authenticated copy of this order.

VALMIKI SA MENEZES, J

M. S. SONAK, J