

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 831 OF 2023

1. Ms. Julieta Dias E Correia, Wife of Urbano Correia, Aged 46 years, occupation service, Residing at House No.471, Modem Bhatt Velim, Velim, South Goa - 403 723

2. Mrs. Selma Anton Simoes, Wife of Francisco Silva, Aged 36 years, occupation service, Residing at House No. 285, Dongor Waddo, Fatorda, Fatoda, South Goa - 403 602

3. Shri Puttu Khapru Gaonkar, Son of Khapru Gaonkar, Aged 40 years, occupation service, Residing at House No.9, Old Vaddem, Curdi, South Goa, Goa - 403 704.

4. Mrs. Leena Sunil Palekar, Wife of Shri Sunil Palekar, Aged 44 years, occupation service, Residing at House No. 181, Dexibhat Agassaim, Goa-North, Goa - 403 204.

5. Mrs. Blancy Fernandes, Wife of Saude Fernandes, Aged 36 years, occupation service, Residing at House No. 1417, Rangali, Velim, South Goa - 403 723.

6. Mrs. Nalini Mahadev Zambaulikar Wife of Mahadev Zambaulikar, Aged 58 years, occupation service, Residing at Carambolim, North Goa - 403 110.

... PETITIONERS

Versus

1. State of Goa, Through its Chief Secretary, Having his Office at Secretariat, Porvorim, Goa, 403 521.

2. Chief Engineer, Water Resources Department, Porvorim, Bardez-Goa, 403 521.

3. Executive Engineer, Water Resources Department, Works Division XII, Gogol, Margao-Goa, 403 602.

4. Executive Engineer, Water Resources Department, Mahdei Cell, Gogol, Margao-Goa, 403 602.

... RESPONDENTS

Mr S.N. Joshi with Ms S. Raul, Advocates *for the Petitioners*.

Mr D. Pangam, Advocate General with Mr N. Vernekar, Additional Government Advocate *for the State*.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE: 3rd JANUARY 2024

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

1. Heard Mr Joshi who appears along with Ms S. Raul for the petitioners and the learned Advocate General appears along with Mr N. Vernekar, learned Additional Government Advocate for the respondents.

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

3. The petitioners challenge the Orders dated 10.10.2023, 23.02.2023, 07.08.2023 and the Memorandum dated 07.04.2022 by which the

respondents have started recoveries of certain alleged excess payments made to them. Mr Joshi states that apart from several infirmities, the impugned orders which will visit the petitioners with serious consequences, were made without any compliance with the principles of natural justice and fair play.

4. Learned AG fairly accepts that no notices were given to the petitioners before the impugned orders were made. Accordingly, he states that the impugned orders will stand withdrawn and based upon the same no recoveries will be made. Learned AG further states that notices will be issued to the petitioners and after obtaining their say, orders in accordance with law would be made and communicated to the petitioners.

5. The above statements are accepted and this petition is disposed of. If any adverse orders are made, they should not be implemented for at least four weeks from the date of their intimation to the petitioners.

6. The Rule is made absolute in the above terms without any order for costs.

7. All concerned to act on an authenticated copy of this Order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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