



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 419 OF 2014

1. Bhanudas M. Naik, Assistant Sub-Inspector, (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
2. Shri Rajendra S. Gaunkar, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
3. Shri Suresh B. Naik, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
4. Shri Bastyanv S. Fernandes, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
5. Shri Vijay B. Harji, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
6. Shri Ramdas S. Naik, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
7. Shri Gokuldas V. Mokhardkar, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
8. Shri Fati M. Shetgaonkar, ASI (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.
9. Shri Sanjay J. Raut, Head Constable (Dog

Handler), CID Dog Unit, Altinho, Panaji-Goa.

10. Shri Prakash S. Pednekar, PSI (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.

11. Shri Sakharam A. Shetye, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa.

12. Shri Shameel S. Gurav, Head Constable (Dog Handler), CID Dog Unit, Altinho, Panaji-Goa. ... Petitioners

Registered Addresses. All the above Petitioners are Major of Age and Indian National.

V e r s u s

1. State of Goa, through its Chief Secretary, Having Office at Secretariat, Alto Porvorim, Bardez, Goa.

2. The Director General of Police, State of Goa, Having Office at Police Headquarters, Panaji, ... Respondents
Goa.

Mr. Jitendra P. Supekar, Advocate *for the Petitioners.*

Mr. Manish Salkar, Government Advocate *for the Respondents.*

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATE: 30th September, 2025

ORAL JUDGMENT *(Per Bharati Dangre, J.)*

1. The Writ Petition filed by the twelve Petitioners, who joined the Goa Police Department as Police Constables, have chosen to join the 'Dog Unit' and on undergoing adequate training at BSF Tekanpur, Gwalior (MP), were promoted to the post of Head Constables. The grievance raised by all the twelve Petitioners is common.

It is their pleaded case that on joining 'Dog Unit', when they are promoted to the post of Head Constable and being referred to as Head Constable (Dog Unit), their cadre remained the same i.e. of the Head Constable but since they were trained for a particular purpose, they were attached to the 'Dog Unit' of the Police Department, which is an integral part of the Department of the State of Goa.

The Petitioners compared themselves with Head Constables (Executive) who had approached this Court in Writ Petition No. 137 of 2006 and in the wake of the existing pay anomaly with the Head Constable (Executive) and Head Constable (Driver), the Petition was disposed of on a statement being made by the Advocate General that the proposal for removal of disparity was already forwarded by the Superintendent of Police (HQ) to the State Government for upgradation of the pay scale of Head Constable (Executive).

This resulted in a passing of an Order by the Home Department (General) when the Head Constable (Executive) was brought on a higher pay scale of Rs.4000-6000, which was already availed by the Head Constable (Driver) w.e.f. 01.01.2001.

2. Pursuant to the aforesaid development taking place, the Petitioners as Head Constables (Dog Unit) immediately and to be precise on 11.07.2008, made a representation to the Superintendent of Police, Head Quarters, Panaji Goa, which resulted in passing of an Order by the Department of Home (General) on 22.01.2014, which reads thus :

“ORDER.

Government of Goa is pleased to up-grade the pay scales of the Head Constables of Dog Handler Section, Band Section and Armourers of the Goa Police Department in the pre-revised pay scale of Rs. 4000-6000 currently PB-I Rs. 5200- 20200 + 2400 (GP) with prospective effect.

This issues with the approval of the Cabinet in its LIVth Cabinet Meeting of the Council of Ministers held on 15.01.2014 and the same has been concurred by the Finance (Rev. & Cont.) Department vide their U.O. No. 1404545/F dated 28.11.2013.

By order and in the name of the
Governor of Goa.”

The grievance of the Petitioners before us is, conferring the benefit of the revised pay scale with prospective effect and denial of the benefit of the revised pay scales w.e.f. 01.01.2001, which was extended to Head Constables (Executive) when they were brought on par with Head Constable (Driver).

3. We have heard learned Counsel Mr. Supekar for the Petitioners and learned Government Advocate Mr. Salkar for the Respondents.

Since 'Rule' is already issued and the pleadings being completed, we have taken up the Petition for final hearing.

4. Mr. Salkar, during the course of his arguments, has placed before us the Note for the Cabinet when the proposal for uniformity in the pay scale of Head Constables (Dog Handler Section, Band Section and Armourers) was placed for consideration and he has also produced an Order dated 18.01.2018 passed by the Under Secretary (Home), where it is declared that the Government has accorded its approval to revise the pay scales of this class of Head Constables on par with the Head Constables (Executive) in the pre-revised pay scale of Rs.4000-6000 notionally w.e.f. 01.01.2001 and the monetary benefits are conferred w.e.f. 22.01.2014 as has been done in the case of Head Constables (RTO, Cipher, Engine Mechanic and Carpenter).

The aforesaid order record that it has issued with the approval of the cabinet in its XXVIth Cabinet Meeting of the Council of Ministers held on 10.01.2018 and it has received the concurrence of the Finance Department on 15.11.2017.

5. Mr. Supekar, learned Counsel for the Petitioners, at the outset, has made a request to raise a challenge to the Order dated 18.01.2018 and we have permitted him to carry out the amendment by dispensing re-verification of the Writ Petition.

Learned Counsel for the Petitioners would submit that the Petitioners, the dog handlers, in fact belong to the same cadre i.e. cadre of Head Constables and there is no reason why the pay scale which has been conferred upon them on par with the Head Constables (Executive) w.e.f. 01.01.2001, shall deprive them of drawing the benefits from the date the benefits are conferred on them w.e.f. 22.01.2014.

It is not the stand of the State Government that the nature of duties discharged by them are distinct from the duties discharged by the Head Constables (Executive) and learned Counsel for the Petitioners would submit, that only for work purpose, there is segregation of Head Constables and this includes the Head Constables (Driver), Head Constables (Executive), Head Constables (RTO, Cipher, Engine Mechanic, Carpenters) and some other categories. However, he would submit that if all the Head Constables belong to one cadre, there can be no disparity in the pay scales applicable to them and this is the precise reason, why the State Government has accepted and already issued an order on 22.01.2014, considering the representations preferred by the Petitioners and placing them in the pre-revised pay scale of Rs.4000-6000 currently in PB-I Rs.5200-20200+2400 (GP).

The grievance of the Petitioners is about the fixation of their pay being done notionally w.e.f. 01.01.2001 and the monetary benefits being directed to be released w.e.f. 22.01.2014.

6. It is the submission of Mr. Supekar, the learned Counsel, that financial burden can be no excuse in denying equal treatment to equally situated employees and he would also submit that merely because others in the cadre of Head Constables designated in a different way, will also claim the benefit, if this Court grants them the relief conferring the benefit upon them on par with Head Constables (Executive), with no distinction being made between the Head Constables (Executive) and Head Constables (Dog Handler) is no ground to deny this benefit. He would submit that the impugned decision as well as the further decision dated 18.01.2018 taken by the State Government to confer the benefit notionally w.e.f. 01.01.2001 is arbitrary and violate Article 14 of the Constitution and therefore this Court should intervene and quash and set aside the said Orders.

7. When we specifically inquired with Mr. Salkar, the Government Advocate representing the State Government, as to what is the cause for disparity in the pay scale and if that now has been cured, why the Petitioners shall not be held entitled for the benefit of the pre-revised pay scale w.e.f. 01.01.2001, which has already been conferred on the Head Constables (Executive).

Mr. Salkar, do not dispute that the Petitioners belong to the same cadre as that of Head Constables (Executive) and principally he also agree that the nature of duties performed are that of Head Constables

except that they are given a different nomenclature depending upon the nature of duties discharged by them as the Petitioners were offered special training for handling of the dogs of the Police Department, they have been described as Head Constables (Dog Handlers). He would however submit that the Government deem it fit to grant the benefit w.e.f. 22.01.2014, as the Petitioners had approached this Court by filing the present Petition with reliefs being prayed, on 02.07.2014 and that is why the Order of 18.01.2018 declared that the monetary benefits shall be conferred w.e.f. 22.01.2014, as was done in the case of Head Constables (RTO, Cipher, Engine Mechanic and Carpenter).

8. This objection raised by Mr. Salkar is vehemently opposed by Mr. Supekar by submitting that the Petitioners immediately on conferment of benefit pursuant to the decision on 15.02.2008 taken by the Government, when it ordered up-gradation of pay scale of Head Constables (Executive) to Rs. 4000-6000 w.e.f. 01.01.2001 pursuant to the Petition filed by them claiming parity with Head Constables (Driver), preferred repeated representations to the State Government which in fact resulted into the passing of the impugned Order and, therefore, there is no gainsay that only when the Petitioners approached the Court, they raised a demand of extension of this benefit for the first time before the High Court.

9. On perusal of the pleadings in the Petition and the documents annexed thereto, we find substance in the submission of Mr. Supekar as we find that after the order was issued by the State Government on 15.02.2008, in respect of Head Constables (Executive), and the Petitioner-R. S. Gaunkar preferred a representation to the Superintendent of Police, making a grievance that he is also entitled for upgradation of the pay scale in parity with other Head Constables in the State of Goa.

Pursuant to this representation, the Superintendent of Police (HQ), addressed a communication to the Under Secretary (HQ) on 31.07.2008, with reference to several applications received by the Head Constables working as Dog Handlers and a request was made to the State Government to take a decision in this regard at the earliest.

The Under Secretary (Home) thereafter addressed a communication to the Director General of Police requesting for furnishing the details such as the nature of duties discharged by them, etc., and this was complied by the Superintendent of Police by his communication dated 03.02.2009, where the details of the duties performed by the Head Constables (Executive), Head Constables (Driver), Head Constables (Dog Handler), etc., were set out and we find the same to be at Exhibit H of the Petition.

A perusal of the said document would clearly reveal that the nature of duties discharged by Head Constables, operating in different

areas like Head Constables (carpenters, Band, Engine Mechanic, Cipher, RTO as well as Dog Handlers), were placed before the Home Department.

10. On perusal of this document, the Superintendent of Police addressed a formal communication on 16.11.2010 clarifying that the Head Constables in their respective trades are performing specialized duties and the nomenclature of the posts i.e. prefix - Head Constable is common to all. The Superintendent of Police in his communication dated 16.11.2010 clarified thus :

No. ES-T/Revised Pay Scale/0715/2010,
Office of the Director General of Police,
Panaji Goa: Dated – 16.11.2010.

To
The Under Secretary (Home),
Home Department(General),
Secretariate, Porvorim - Goa.

Sub: Revision of Scale of Pay of Hend Constable.

Sir,

Please refer your letter No. 1/30/93-HD(G) dated 28.10.2010 regarding the subject cited above.

2. It is stated that although the nature of duties /functions are different, the Head Constables in their respective trades are performing specialized duties ind the nomenclature of the posts i.e prefix - Head constable is common to all.

3. It may further be stated that the post of Head Constable is feeder grade post filled by 100% promotion from the post of Police Constable. As a matter of fact all the Police Constables joining the department have to undergo basic training either of their appointment to the post of PC, no matter they may work for different units like Dog unit, RTO, Armoury or any other unit. Considering this aspect it is proposed that anomaly in pay between Head Constable RTO/Dog Handler/ Armourer and Head constable Executive may be removed and all the Head Constable in Goa Police irrespective of their nature of work should be given common pay scale as one rank one salary.

4. It is recommended that they too may be considered for equivalence in Scales of pay.

Yours faithfully,
Sd/-
(V. U. Borkar)
Superintendent of Police (HQ)
For Director General of Police(Goa),
Panaji-Coa.

11. Pursuant to the aforesaid communication exchanged between the Superintendent of Police and the Home Department (General), since no action was taken, repeated representations were preferred by the Petitioners to the Superintendent of Police (HQ) as well as Under Secretary (Home), seeking relief and redressal of their grievance by removing the 'pay anomaly' existing in the pay scale of Head Constables (Dog Handler), Head Constables (Executive) and Head Constables (Driver) in the Goa Police Department.

The Petitioners thereafter were constrained to knock the doors of this Court by filing Writ Petition No. 482 of 2013, raising a challenge to the inaction of the Respondents in not removing the pay anomaly existing in the pay scale, at par with the Head Constables (Executive) and the Petition was disposed off on 15.10.2013, when the learned Advocate General made a statement before the Court that an appropriate decision would be taken on the representation of the Petitioners within a period of twelve weeks.

The aforesaid commitment resulted in issuance of Order dated 22.01.2014.

12. It is not the stand of the State Government that by conferring the benefit of the pay scale w.e.f 01.01.2001 on the Petitioners, there would be any financial implication and in fact we have before us the noting of the Home Department (General) resulting into a draft Note of the Cabinet and on its perusal, we do not see that there is any dispute about the fact that the nature of duties performed by the Petitioners are similar to that discharged by the Head Constables (Executive) and even there is no concern expressed about the financial repercussions but for the obvious reason that the Petitioners are only twelve in number.

The Finance Department, however, is seen to have expressed its concern upon the Noting of the Home Department, in reference to the directions issued by the High Court in Writ Petition No. 482 of 2013 filed by the Head Constables (Dog Handlers) and from the noting, we see no decision taken that the benefit of the pay scale of Rs.4000-6000 shall be granted to the Petitioners with a prospective effect. On the contrary, we find the Noting referring to the following :

“As regards to the anomaly arising out of the Head Constable (Executive) and Head Constable (other nomenclature) cited at 'B' on pre-page, the matter has been dealt in detail by the than JS (Fin) in his note at point no. 3 at page 124/N and agreed to grant the pre-revised pay scale of ₹4000-6000 currently PB-I 5200-20200 + GP 2400 to bring about equivalency in all levels of the Head Constables in Police Department.

Now, that the Hon'ble High Court of Bombay at Goa vide Order dated 15.10.2013 (page 534/C) in the W.P. No. 482/2013 has also

directed the State Government to take appropriate decision on the representations made by the petitioners on its own merits within twelve weeks from the date of Order. FD may agree to grant the same pay scales as applicable to the Head Constable (Executive) to all the other categories of Head Constable i.e. Radio Telephony Operators, Cipher, Engine Mechanic, Carpenters, Band, Dog Handlers and Armourers, from prospective effect subject to Cabinet approval.”

13. As far as the Finance Department is concerned, its noting recorded at proposal page 125 and 126-N specifically record thus :

“... FD has earlier examined the proposal at page 124-126/N in respect of the following cases:

(a) To provide the pay scale equivalent to Head Constable (Executive, Cipher, Engine Mechanic, Radio Telephony Operator, Carpenters), in terms of Hon'ble High Court judgement of 06.08.1998 in W.P. No. 39 of 1994 (M.G. Parab & others V/s State of Goa & others) to Head Constable (Band, Dog Handler & Armourer).

(b) To address the anomaly arising out of Head Constables and Assistant Sub Inspectors (A.S.I.) being the same i.e. ₹ 4000-100-6000.

(c) To upgrade pay scale of Police Constables from ₹ 1900 (G.P.) to ₹ 2000 (G.P.) i.e. from pre-revised ₹ 3050-4590 to ₹ 3200-4900.

However, the matter was kept pending as per the minutes of the than Comm.& Secy. (Finance) at 'X' on page 126/N.

In view of above, as regard: to cases pertaining to anomaly arising out of Head Constables and ASI being in the same Grade Pay of ₹ 2400 cited at 'A' above, the matter has been examined by the than J.S. (Fin) at 'X' on page 125/N. This was prior to the issue of O.M. No. 8/7/2008-Fin(R&C) dated 14.02.2013 adopting the G.O.I.

O.M. dated 07.01.2013 (page 537-538/C) which provides fixation of pay on promotion to a post carrying higher duties and responsibilities but carrying the same grade pay. Since the post of ASI carries higher duties and responsibilities than the post of Head Constable, Finance Department may agree for fixation of pay of ASI as per O.M. dated 14.02.2013 and not for up-gradation of pay scales.”

Even in this noting, we do not find any discussion resulting in the financial burden on the State or that the conferment of the benefit should be with a prospective effect.

14. What Mr. Salkar has urged before us is that the benefit is probably conferred with prospective effect from 01.01.2001 since the Petitioners have approached this Court in the year 2014, also according to us is without any merit as we find that upon the decision being taken by the State Government, pursuant to the Writ Petition filed by the Head Constables (Executive) granting them parity fixing their pay scales by its Order dated 15.02.2008, immediately thereafter, the Petitioners took their grievance to the Superintendent of Police (HQ), which was followed by deliberate and conscious exchange of communications with the Home Department, and the Superintendent of Police ultimately clarified that the nature of the duties discharged by the Petitioners working as Head Constables, are merely distinguishable on account of the fact that, they are performing specialized duties and therefore the nomenclature of the posts i.e.

prefix Head Constables is common to all. It is also categorically recommended by the Superintendent of Police that the anomaly may be removed as the Head Constables in Goa, irrespective of their nature of their work should be given common pay scale as 'one rank, one salary'. Therefore, we find that the Petitioners cannot be blamed for approaching this Court in the year 2014 since despite the recommendation of the Superintendent of Police, the State Government did not take any decision, they were constrained to approach this Court and a statement was made that a decision in this regard shall be taken within a stipulated timeline and this resulted into passing of the impugned Order on 22.01.2014 as well as the Order dated 18.01.2018.

15. We must refer to the observations of the Apex Court in the case of **All India Judges' Assn. (II) vs. Union of India**¹ as regards the financial burden that is created upon the State pursuant to a decision being taken and we must refer to the relevant observations from the said law report, which reads thus :

“16. The contention with regard to the financial burden likely to be imposed by the directions in question, is equally misconceived. Firstly, the courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other plan and non-

1 (1993) 4 SCC 288

plan expenditure, we find that the financial burden caused on account of the said directions is negligible. We should have thought that such plea was not raised to resist the discharge of the mandatory duties. The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribe the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the calibre of the persons appointed to administer it are not of different grades in different States. Such contentions are ill-suited to the issues involved in the present case.”

Apart from this, the contention of Mr. Salkar that if the benefit is conferred on the Petitioners then the Head Constables, with different nomenclature may also approach the Court and claim extension of similar benefit, is also a ground which do not persuade us to deny the benefits as the Petitioners, as we find them to be similarly situated as that of Head Constables (Executive) and Head Constables (Driver) and if we find that they are entitled to a similar treatment, merely because that would open a window for Head Constables of other category, is not a ground for refusing the extension of relief in their favour, if they have made out a case of equal treatment being denied to them since the nature of duties discharged by them are identical to that of the Head Constables (Executive) and fortunately the State Government do not have any dispute in this regard.

In the wake of the aforesaid, since we find that the decision taken by the State Government on 22.01.2014 and the further decision taken

on 18.01.2018, which has revised the pay scales of the Petitioners, Head Constables (Dog Handler), in the pre-revised pay scale of Rs.4000-6000 notionally from 01.01.2001 and conferring the monetary benefit upon them w.e.f. 22.01.2014, cannot be sustained, both the impugned decisions are quashed and set aside.

As a consequence thereof, the monetary benefits available to the Petitioners shall be conferred w.e.f. 01.01.2001 and accordingly the adjustments shall be made in the further benefits which are conferred on them from 22.01.2014.

We expect the exercise to be carried out from the date on which they entered into the cadre of Head Constables and the benefits due to them shall be computed within a period of twelve weeks and the amount of arrears, if any, to which they are entitled, shall be released in their favour within a period of six weeks thereafter.

The Petition is made absolute in terms of prayer clauses (A) and (B).

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.