

Panaji, 30th December, 2010 (Pausa 9, 1932)

SERIES II No. 40

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 39 dated 23-12-2010 namely: Extraordinary dated 27-12-2010 from pages 963 to 964 regarding Notifications from Department of Finance (Revenue and Control Division).

## GOVERNMENT OF GOA

Department of Education, Art &amp; Culture

Directorate of Education

### Order

No. DE/VOC/373/2009-10/Part-III/539

Sanction of the Government is hereby conveyed for the regularization of the services of Full Time Contract Vocational Teachers included in Annexure-I in accordance with Office Memorandum No. DE/VOC/373/2001-2002/434 dated 5-9-2006 and subsequent Corrigendum No. DEV/VOC/373/2001-2002/618 dated 26-10-2006.

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

*Dr. Clesa Pinto*, Director of Education and ex officio Joint Secretary.

Panaji, 23rd December, 2010.

### ANNEXURE-I

Sr. No.	Name of teacher and qualification	Name of Institution	Date of joining	Date of regularisation	Pay scale	Remarks
1.	Ms. Valeriana C. Rodrigues, three years Diploma in Hotel Management & Catering Technology	Guardian Angel Higher Secondary School, Curchorem, Goa	6-6-2005	7-6-2010	9,300-34,800+ +G.P. 4,200	6-6-2010 being Sunday Services has been regularized w.e.f. 7-6-2010.
2.	Miss Shashikala Ganpat Dessai, B.Sc. PG.D.C.A.	Ramacrisna Madeva Salgaonkar Higher Secondary School, Comba, Margao	1-9-2005	1-9-2010	9,300-34,800+ +G.P. 4,200	- do -
3.	Shri Rohidas N. Morajkar, M.Com.	Vividha Vidya Pratisthan's V. R. Gauns Memorial Higher Secondary School, Navelim, Sanquelim, Goa	11-10-2005	11-10-2010	9,300-34,800+ +G.P. 4,600	- do -

**Department of Finance**

Office of Commissioner of Commercial Taxes

**Notification**

No. CCT/FORM C/LOSS/2010-11/3/2347

Whereas, it has been reported to me by Crystal India, 606, Kamat Towers, Patto Plaza, Panaji-Goa, (hereinafter called the applicant) a registered dealer under the Goa VAT Act and Central Sales Act, bearing registration No. 30320102009 & P/CST/4329, that "C" Form Nos. GSG-144348, GRH-80610 & GRH-80611 issued to the dealer are lost.

Whereas, the applicant has observed the procedure for cancellation of the said declaration forms as provided in Rule 12(2) of Central Sales Tax (Registration and Turnover Rules) 1957.

Therefore, the undersigned in exercise of the provisions contained in the Rule 12(2) of the Central Sales Tax Act, 1956, hereby notifies for general information that the above declaration Form "C" are declared to be obsolete and invalid with effect 20-12-2010 with reason given below:

Sr. No.	No. of declaration form declared obsolete and invalid	Reason
1.	GSG-144348, GRH-80610 & GRH-80611	Lost

*Vallabh K. Kamat*, Commissioner of Commercial Taxes.

Panaji, 20th December, 2010.

**Notification**

No. CCT/12-2/10-11/12

In exercise of the powers conferred by the third proviso to sub-section (3) of Section 29 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "said Act") I, Shri Vallabh K. Kamat, Commissioner of Commercial Taxes, Government of Goa, hereby extend the period of assessment for the financial year

2007-2008 by another three months with effect from 1st January, 2011. All assessments for the year 2007-08 shall accordingly be completed on or before 31st March, 2011.

*Vallabh K. Kamat*, Commissioner of Commercial Taxes.

Panaji, 24th December, 2010.

**Department of Home**

Home—General Division

**Order**

No. 2/14/2007-HD(G)

Read: Order No. 02/14/2007-HD(G) dated 06-07-2010.

Government is pleased to extend the ad hoc promotion of the following Public Prosecutors, Group 'A' Gazetted, in the pay scale of Rs. 9,300-34,800+5,400 for a further period up till 31-03-2011, as shown against their names or till the posts are filled on regular basis, whichever is earlier.

Sr. No.	Name of the Officers	Date of Extension
1	2	3
1.	Smt. Asha Arsekar	08-10-2010 to 31-03-2011.
2.	Smt. Sunita Nagvekar	20-10-2010 to 31-03-2011.
3.	Smt. Krishna S. Sanzigiry	20-10-2010 to 31-03-2011.
4.	Smt. Poonam S. Bharne	20-10-2010 to 31-03-2011.

This issues with the concurrence of Goa Public Service Commission, vide their letter No. COM/II/11/58(3)/2004/2196 dated 21-12-2010.

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

*V. P. Dangui*, Under Secretary (Home-II).

Porvorim, 23rd December, 2010.

## Department of Industries

Directorate of Industries, Trade &amp; Commerce

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Notification

No. 3/426/2009/Adm/DITC/4191

Read: Notification No. 10(33)/2010/DoIT/e-Services/Part File 2/7/311 dated 26-11-2010.

In pursuance of Para 5, of the above Notification issued by Department of Information Technology, Government of Goa, it is hereby informed that the following public services which are mentioned below would be delivered to the Citizens through Common Service Centres (CSCs) Lok Seva Kendras (LSKs) and State Portal (SP), with immediate effect through “e-Services/State Portal, SSDG and e-Forms” project.

Sr. No.	Name of service	Type of service	Service transaction charges (In Rs.)	Time frame for document delivery
1	2	3	4	5
1.	On-line	Information Service	5	30 minutes.
	Registration of Entrepreneurs Memorandum-I	Issue of a Certificate or Print-out or filling of the On-line form and submission of the same to the concerned Department with a print-out to the Citizen	15	
		Acceptance of Applications (low complexity services)- -Max Data upload upto 5 MB/upto 4 attachments	20	
		Acceptance of Applications (high complexity services)- -Max Data upload upto 20 MB/between 5-12 attachments	40	
2.	On-line	Information Service	5	14 days.
	Registration of Entrepreneurs Memorandum-II	Issue of a Certificate or Print-out or filling of the On-line form and submission of the same to the concerned Department with a print-out to the Citizen	15	
		Acceptance of Applications (low complexity services)- -Max Data upload upto 5 MB/upto 4 attachments	20	
		Acceptance of Applications (high complexity services)- -Max Data upload upto 20 MB/between 5-12 attachments	40	
3.	On-line	Information Service	5	14 days.
	filing of application for HPCC approval	Issue of a Certificate or Print-out or filling of the On-line form and submission of the same to the concerned Department with a print-out to the Citizen	15	after HPCC meeting.
		Acceptance of Applications (low complexity services)- -Max Data upload upto 5 MB/upto 4 attachments	20	
		Acceptance of Applications (high complexity services)- -Max Data upload upto 20 MB/between 5-12 attachments	40	
4.	On-line	Information Service	5	As per
	filing of application for Schemes	Issue of a Certificate or Print-out or filling of the On-line form and submission of the same to the concerned Department with a print-out to the Citizen	15	respective notification of the
		Acceptance of Applications (low complexity services)- -Max Data upload upto 5 MB/upto 4 attachments	20	Scheme but maximum
		Acceptance of Applications (high complexity services)- -Max Data upload upto 20 MB/between 5-12 attachments	40	upto 3 months.

The service/transaction charges for availing the above services at column 4 above shall be paid to the Common Service Centres/Lok Seva Kendras/State Portal as per para 4 of the Notification No. 10(33)/2010/DoIT/e-Services/7311 dated 26-11-2010 and Addendum No. 10(33)/2010/DoIT/e-Services/Part File/7453 dated 16-12-2010 issued by the Department of Information Technology, Government of Goa, Porvorim, Bardez, Goa. Besides the service charges, applicant shall pay the processing charges as applicable for each of the items at column 2.

This issues with the approval of the Secretary (Industries), Government of Goa.

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

*Sanjit Rodrigues*, Director of Industries, Trade & Commerce.

Panaji, 20th December, 2010.



## Department of Labour

### Order

No. 21/15/86-Lab/PF

- Read: 1) Government Order No. 21/15/86-Lab/PF dated 29-08-2008.  
2) Government Order No. 21/15/86-Lab/PF dated 28-05-2009.

Government of Goa is pleased to extend the ad hoc promotion of Shri Rupesh C. Kothambikar, Assistant Labour Commissioner, for a further period of 6 months w.e.f. 01-09-2010 to 28-02-2011 or till the post is filled on regular basis, whichever is earlier, on the same terms and conditions stipulated in the above referred orders.

This issues with the concurrence of Goa Public Service Commission vide their letter No. COM/II/11/28(1)/2010/2140 dated 14-12-2010.

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

*Smt. Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 21st December, 2010.

### Order

No. 24/32/2008-Lab

- Read: 1) Government Order No. 24/32/2008-Lab dated 29-09-2009.  
2) Government Order No. 24/32/2008-Lab dated 08-04-2010.

Government of Goa is pleased to extend the ad hoc promotion of *Smt. Asha N. Khaunte*, Deputy Labour Commissioner (Group 'B' Gazetted) in the Office of the Commissioner of Labour and Employment, Panaji-Goa for a further period of one year with effect from 29-09-2010 to 28-09-2011 or

till the post is filled on regular basis, whichever is earlier, on the same terms and conditions stipulated in the above referred orders.

This issues with the concurrence of Goa Public Service Commission vide their letter No. COM/II/11/28(1)/2010/2141 dated 14-12-2010.

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

*Smt. Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 21st December, 2010.

### Order

No. 22/1/2008-Lab

- Read: 1) Government Order No. 22/1/2008-Lab dated 26-09-2008.  
2) Government Order No. 22/1/2008-Lab dated 30-06-2009.  
3) Government Order No. 22/1/2008-Lab dated 02-12-2009.

Government of Goa is pleased to extend the ad hoc promotion of *Shri Arvind G. Shirodkar*, Employment Officer (Group 'B' Gazetted) in the pay scale of Rs. 6,500-200-10,500 revised pay band 2—Rs. 9,300-34,800 with grade pay of Rs. 4,200/- in the Office of the Commissioner of Labour and Employment, Panaji-Goa for a further period of two months and four days with effect from 26-09-2010 to 30-11-2010 as he has retired on 30-11-2010.

This issues with the concurrence of Goa Public Service Commission vide their letter No. COM/II/11/28(1)/2010/2139 dated 14-12-2010.

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

*Smt. Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 22nd December, 2010.

**Order**

No. 22/31/2006-Lab-I

In supersession of the Order No. 22/31/2006-Lab-I dated 26-06-2009, Government of Goa hereby re-constitutes a separate Cell in the Office of the Commissioner of Labour and Employment, Panaji-Goa for effective compliance and implementation of the provisions of the Child Labour (Prohibition & Regulation) Act, 1988 (Central Act, 1986) and also to carry out the directions of the Hon'ble Supreme Court. The Cell shall consist of the following:

1. Shri Milind Govekar — Labour Welfare Officer, Panaji.
2. Shri Girish Naik — Labour Inspector, Panaji.

3. Shri Anil Naik Borkar — Labour Inspector, Panaji.
4. Smt. Manjusha Shirodkar — Jr. Stenographer, Panaji.

Shri Milind Govekar, Labour Welfare Officer, Office of the Commissioner of Labour and Employment, Panaji in addition to his own duties shall function as In-charge of the newly re-constituted Cell and shall look after all the work under the Child Labour and shall submit the monthly compliance report thereon to the Commissioner of Labour and Employment, Panaji-Goa, without fail.

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

*Smt. Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 22nd December, 2010.

**Notification**

No. 24/3/2003-LAB

In exercise of the powers conferred by Section 65 of the Goa, Daman and Diu, Shops & Establishments Act, 1973 (Act 13 of 1974) (hereinafter referred to as the 'said Act'), the Government of Goa hereby suspends the Operation of the provisions of sub-section (1) of Section 4 and sub-section (1) of Section 8 of the said Act in respect of all the Shops & Establishments situated in the area as specified in Column (4) of the Schedule hereto, for the period shown in the corresponding entry in Column (3) of the said Schedule, subject to the following conditions, namely:

- (i) The Shops shall remain closed in any other day in the week;
- (ii) The Employees shall be given Holiday on any other day within the week; and
- (iii) The Employees who are made to work beyond 8 hours on any day or 48 hours in the week shall be paid overtime wages at double the normal rate.

**SCHEDULE**

Sr. No.	Name of the Festival	Period	Area for which exemption is given	Provision from which exemption is given
1	2	3	4	5
1.	Fatorpa Zatra (Shri Shantadurga Fatorpikarin)	05-01-2011 to 08-01-2011	All the Shops and Establishments situated at Fatorpa	Weekly Closed day and opening and closing hours.
2.	Feast of Three Kings	06-01-2011	All the Shops and Establishments situated at Verem-Betim	Weekly Closed day and opening and closing hours.
3.	Feast of Three Kings	06-01-2011	All the Shops and Establishments situated at Cansaulim	Weekly Closed day and opening and closing hours.
4.	Fatorpa Zatra (Shri Shantadurga Fatorpikarin)	09-01-2011 to 14-01-2011	All the Shops and Establishments situated at Fatorpa	Weekly Closed day and opening and closing hours.
5.	Kavalem Zatra	08-02-2011	All the Shops and Establishments situated at Kavalem	Weekly Closed day and opening and closing hours.

1	2	3	4	5
6.	Hanuman Zatra (Mala, Panaji)	14-02-2011	All the Shops and Establishments situated at Panaji	Weekly Closed day and opening and closing hours.
7.	Mangeshi Zatra	18-02-2011	All the Shops and Establishments situated at Mangeshi	Weekly Closed day and opening and closing hours.
8.	Mardol Zatra	21-02-2011	All the Shops and Establishments situated at Mardol	Weekly Closed day and opening and closing hours.
9.	Ramnathi Zatra	02-03-2011	All the Shops and Establishments situated at Ramnathi	Weekly Closed day and opening and closing hours.
10.	Shivnathi Zatra	02-03-2011	All the Shops and Establishments situated at Shiroda	Weekly Closed day and opening and closing hours.
11.	Sanguem Mahashivratri	02-03-2011	All the Shops and Establishments situated at Sanguem	Weekly Closed day and opening and closing hours.
12.	Mahashivratri	02-03-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
13.	Kamakshi Zatra	05-03-2011	All the Shops and Establishments situated at Shiroda	Weekly Closed day and opening and closing hours.
14.	Khandola Zatra	06-03-2011	All the Shops and Establishments situated at Khandola	Weekly Closed day and opening and closing hours.
15.	Holi	20-03-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
16.	Zambaulim Shigmo	29-03-2011	All the Shops and Establishments situated at Quepem	Weekly Closed day and opening and closing hours.
17.	Guddi Padva	04-04-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
18.	Borim Zatra	12-04-2011	All the Shops and Establishments situated at Borim	Weekly Closed day and opening and closing hours.
19.	Chaitri Festival	13-04-2011 to 17-04-2011	All the Shops and Establishments situated at Sanquelim	Weekly Closed day and opening and closing hours.
20.	Nagueshim Zatra	18-04-2011	All the Shops and Establishments situated at Nagueshim	Weekly Closed day and opening and closing hours.
21.	Maruti Gad Zatra	18-04-2011 to 20-4-2011	All the Shops and Establishments situated at Curchorem	Weekly Closed day and opening and closing hours.
22.	Good Friday	22-04-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.

1	2	3	4	5
23.	Tilamol Feast	01-05-2011	All the Shops and Establishments situated at Quepem, Goa	Weekly Closed day and opening and closing hours.
24.	Lairai Zatra	08-05-2011	All the Shops and Establishments situated at Sirigao-Assonora	Weekly Closed day and opening and closing hours.
25.	Milagres Feast	09-05-2011	All the Shops and Establishments situated at Mapusa	Weekly Closed day and opening and closing hours.
26.	Sanguem Feast	14-05-2011	All the Shops and Establishments situated at Sanguem	Weekly Closed day and opening and closing hours.
27.	Quepem Feast	15-05-2011	All the Shops and Establishments situated at Quepem	Weekly Closed day and opening and closing hours.
28.	Veling Zatra	16-05-2011	All the Shops and Establishments situated at Veling	Weekly Closed day and opening and closing hours.
29.	Saptah Vasco	06-08-2011	All the Shops and Establishments situated at Vasco	Weekly Closed day and opening and closing hours.
30.	Id-UI-Fitr	30-08-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
31.	Ganesh Chaturthi	01-09-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
32.	Ganesh Chaturthi	02-09-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
33.	Dussehra (Vijaya Dashmi)	06-10-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
34.	Diwali	26-10-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
35.	Id-UI-Zuha Bakri-Id	07-11-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.
36.	Madgao Dindi	08-11-2011	All the Shops and Establishments situated at Margao	Weekly Closed day and opening and closing hours.
37.	Nageshi Zatra	11-11-2011	All the Shops and Establishments situated at Nagueshim	Weekly Closed day and opening and closing hours.
38.	Madkai Zatra	19-11-2011	All the Shops and Establishments situated at Madkai	Weekly Closed day and opening and closing hours.

1	2	3	4	5
39.	Curchorem Feast	20-11-2011	All the Shops and Establishments situated at Curchorem	Weekly Closed day and opening and closing hours.
40.	Khandepar Zatra	23-11-2011	All the Shops and Establishments situated at Khandepar	Weekly Closed day and opening and closing hours.
41.	Hadkon Banastari	25-11-2011	All the Shops and Establishments situated at Banastari	Weekly Closed day and opening and closing hours.
42.	Kapileshwari Zatra	26-11-2011	All the Shops and Establishments situated at Kapileshwari	Weekly Closed day and opening and closing hours.
43.	Savoi-Verem Zatra	27-11-2011	All the Shops and Establishments situated at Savoi-Verem	Weekly Closed day and opening and closing hours.
44.	Feast of St. Andrew	30-11-2011	All the Shops and Establishments situated at Vasco	Weekly Closed day and opening and closing hours.
45.	St. Francis Xavier	03-12-2011	All the Shops and Establishments situated at Old Goa	Weekly Closed day and opening and closing hours.
46.	Keri Zatra	04-12-2011	All the Shops and Establishments situated at Keri-Ponda	Weekly Closed day and opening and closing hours.
47.	Kundaim Zatra	08-12-2011	All the Shops and Establishments situated at Kundaim	Weekly Closed day and opening and closing hours.
48.	Mary Immaculate Conception Feast	08-12-2011	All the Shops and Establishments situated at Panaji	Weekly Closed day and opening and closing hours.
49.	Mary Immaculate Conception Feast	08-12-2011	All the Shops and Establishments situated at Margao	Weekly Closed day and opening and closing hours.
50.	Datta Jayanti	10-12-2011	All the Shops and Establishments situated at Dattawadi, Sanquelim	Weekly Closed day and opening and closing hours.
51.	Shiroda Shivnati Zatra	10-12-2011	All the Shops and Establishments situated at Shiroda	Weekly Closed day and opening and closing hours.
52.	Christmas Day	25-12-2011	All the Shops and Establishments situated in the State of Goa	Weekly Closed day and opening and closing hours.

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

*Smt. Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 22nd December, 2010.



**Notification**

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 04-11-2010 in reference No. IT/25/06 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Smt. *Upasana Majgaonkar*, Under Secretary (Labour).

Porvorim, 17th December, 2010.

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IN THE LABOUR COURT-II  
AT PANAJI

(Before **Shri Suresh N. Narulkar**,  
**Hon'ble Presiding Officer**)

Case No. Ref. IT/25/06

Ms. Margareta Martins,  
R/o. H. No. 936,  
Tarche Bhat,  
Siolim, Bardez-Goa.

... Workman/Party I

V/s

1. M/s. Colonia Santa Maria,  
Calangute-Goa. ... Employer/Party II
2. M/s. Angel Resorts,  
Alto-Porvorim, Bardez-Goa.

Party I/Workman is represented by Shri Suhas Naik.

Party II/Employer is represented by Adv. P. Chawdikar.

Panaji dated: 04-11-2010

**AWARD**

In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by order dated 12-06-2006, bearing No. 28/1/2006-LAB/342, referred the following dispute for adjudication to the Labour Court II of Goa.

- “(1) Whether the action of the management of M/s. Colonia Santa Maria, Calangute, Goa & Angels Resorts, Alto-Porvorim, Goa in terminating the services of Margareta Martins, Receptionist/Reservation Assistant with effect from 16-02-2005 is legal and justified?”

- (2) If not, to what relief the workperson is entitled?”

2. Upon receipt of the aforesaid reference, a case was registered under No. IT/25/06 and registered A/D notice was issued to both the parties. In pursuance to the said notice, the parties appeared before me. The Workman/Party I filed her statement of claim on 16-10-2007 at Exhibit-5. The facts of the case as pleaded by the workman/Party I (for short “Workman”) are that she joined her services of the Employer/Party II (For short “Employer”) in the month of October, 2003. She stated that after about two & half months of service at Angels Resorts, she was orally informed by the Managements of Angels Resorts that her services stands transferred to another resort at Calangute by name M/s. Colonia Santa Maria owned by the same Management. She stated that she reported for duty at M/s. Colonia Santa Maria at Calangute, Goa with effect from 15-12-2003 and started working in the reservation section. She stated that her last drawn salary at the time of termination of her services was Rs. 5,000/- per month. She stated that on 15-02-2005, the Management of the Employer Hotel orally informed her that her services stands terminated w. e. f. 16-02-2005 and that she did not have to report for her regular duty w. e. f. 16-02-2005. She stated that at the time of her services the Employer did not offer her any compensation or legal dues or terminal dues of whatsoever nature. She contended that at the time of termination of her services she had put in more than 240 days of continuous services and carried out her assignment and duties sincerely to the fullest satisfaction of the Employer. She stated that she had a clean service record and at no point of time she received any memos, show cause notices etc. She stated that M/s. Angels Resorts is situated at Alto-Porvorim, Goa and M/s. Colonia Santa Maria is situated at Calangute, Goa and both these hotels are fully operational and are running in full swing by employing work force. She submitted that being aggrieved with the attitude of the Employer, she raised an industrial dispute before the Asst. Labour Commissioner, Mapusa-Goa. She stated that during the course of conciliation proceedings, the Employer came out with the defence that she had indulged into serious misconducts while working in the reservation section causing great financial losses to the resort and therefore she was told to leave the job. She stated that she has been punished with termination of her services without giving any opportunity to defend herself or without being heard. She stated that the above said act of the

Employer is totally illegal and this amounts to hire and fire policy at the whims and fancies of the Employer. She stated that she has not committed any misconduct of whatsoever nature and the termination of her services is therefore illegal, unjustified and bad in law. She stated that on many occasions the Employer tried to create an illegal record to justify their illegal action. She stated that she was asked to resume for work, but whenever she went to report at her workplace, she was refused the work and was sent home with great humiliation. She stated that the Employer is bent upon on harassing and victimizing her by filing a case and raising an Industrial Dispute against the Employer. She stated that the Employer had attended the conciliation proceedings, however left the conciliation proceedings without signing the same. She stated that she is constrained to receive the cheque amounting to Rs. 19,088/- under protest due to her unemployment and financial constraints. She therefore prayed that the action of the Employer in orally terminating her services be held as illegal, unjustified and bad in law and she be reinstated back in service with full back wages and continuity in service alongwith other consequential benefits.

3. The Employer controverted the claim of the Workman by filing their written statement on 16-01-2008 at Exhibit-7. The Employer by way of preliminary objection submitted that the Party I is not a "Workman" as defined u/s 2 (s) of the I. D. Act, 1947 and as such the dispute cannot be entertained as the reference itself is not maintainable. The Employer stated that the Party II (1) and Party II (2) are residential resorts situated at Calangute-Goa and Alto-Porvorim, Goa respectively and was owned and managed by Mr. Gill Oswald Rebello, the sole proprietor. The Employer stated that the Party II (1) and Party II (2) establishments are two distinct entities and are registered separately for the purpose of labour, sales tax, provident fund, ESI, accounts, etc. The Employer however admitted that the Party I was employed by the Party II (1) as a Receptionist w.e.f. 23-10-2003 at the establishment at Calangute-Goa on a monthly salary of Rs. 3,000/-. The Employer stated that the Party I was thereafter promoted to "Front Office Executive" in October, 2004 and was drawing a salary of Rs. 5,000/- per month. The Employer stated that on 1st January, 2005 at 11.30 a.m. the Party I handed over her written resignation letter to the Manager, Mr. Sanjay Kalangutkar in the presence of the Financial Controller Mr. Hyson D'Costa and the Receptionist Ms. Melicia Almeida on account of her wedding in

the month of May, 2005. The Employer stated that being the peak tourism season the Party I was requested to continue as the hotel was full. The Employer stated that the Party I unwillingly agreed to stay on till 30th April, 2005. The Employer stated that because her Resignation Letter was not accepted by them, the Party I started behaving strangely and would not concentrate on her executive responsibilities and as a result of which caused overbooking at the hotel. The Employer stated that they had to put guest in other higher category hotels, thus causing immense loss to the hotel. The Employer stated that the behaviour of the Party I was becoming I unbearable and therefore the Manager Mr. Sanjay Kalangutkar told her verbally at 5.30 p.m. on 15th February, 2005 to leave the job and handed over the cheque for service rendered including one month Notice Pay, Retrenchment Compensation, Gratuity, etc. The Employer stated that the Party I however refused to accept the said cheque and walked away. The Employer stated that thereafter they received a notice dated 25-02-2005 alleging therein an industrial dispute between them and the Party I in the matter of alleged illegal termination of her services. The Employer stated that on 08-03-2005 their representative attended the Office of ALC, Mapusa and offered to pay all the dues of the Party I as if retrenched and in the alternative requested the ALC, Mapusa to direct the Party I to report to Mr. Hyson D'Costa, Financial Controller at Angels Resorts, Alto-Porvorim, Goa for her job specifications, however the Party I neither reported for work nor intimated about her inability to attend the work.

4. The Employer stated that since the Party I did not report for work as advised by their letters dated 16-03-2005, 22-03-2005, 30-03-2005 and 13-04-2005, they sent another letter dated 18-04-2005 to the Party I that since she did not report for work as advised it is clear that she is not interested in her duties and as such a cheque of Rs. 19,088/- was sent to her along with her statement of dues in full and final settlement of her dues. The Employer stated that on receipt of the letter dated 18-04-2005 the Party I came forward with a cooked-up story that she had come to report for work but was not allowed to report and made to wait at the Security Entrance at the Angels Resorts, Porvorim to harass and victimize her. The Employer stated that the Party I did not report for work at all and made a false contention in her letter dated 22-04-2005 to create record that she had offered to report, but she was not allowed to report. The Employer stated that the Party I

accepted the amount sent to her in full and final settlement.

The Employer stated that in the meantime their establishment has been sold to some other party on 18-11-2006. The Employer stated that if the Party I is ready and willing to work, they would accommodate her as a special case and she may join the work with immediate effect without prejudice to the contention raised in the written statement filed by them. The Employer stated that no protest of what so ever nature was made by the Party I while accepting the legal dues sent to her. The Employer stated that the Party I had no intention to report for work as she got married in a well-off family. The Employer stated that the Party I carries out private business as a "Ladies Tailor" in Siolim. The Employer denies the overall case of the Party I and submitted that the reference be rejected with cost.

5. Thereafter, the Party I filed her rejoinder on 08-04-2008 at Exhibit-8. The Party I by way of her rejoinder confirmed and reiterates all her submissions and averments made in her claim Statement to be correct and true and denies all statements and averments made by the Employer in their written statement filed by them which are contrary to the statements and averments made by her. The Party I reiterates that she is a workman. The Party I denies that she was promoted to the post of Front Office Executive in October, 2004 however submitted that she was given an additional job of looking after bookings, allotting of rooms to the guests, checking the availability of rooms, looking after guest arrivals, attending phone calls at the reception counter, etc. and for this additional work she was paid Rs. 5,000/- as a monthly salary besides Rs. 600/- towards Travelling Allowance. The Party I submitted that at no point of time she submitted her resignation and therefore the question of resignation and leaving the job does not arise at all. The Party I stated that she was never given an offer to report back for work on 08-03-2005 before the ALC, Mapusa. However Party II filed their reply on 08-03-2005 only by stating that the Workman has committed serious mistake causing financial losses to them and for these reasons she was asked to leave the job. The Party I submitted that the above act of the Employer is a clear case of harassment and victimization by which the Employer did not allow her to resume back for work. She stated that subsequently she received another letter dated 18-04-2005 on 19-04-2005 by which a cheque amounting to Rs. 19,088/- was enclosed and it

was informed to her that it includes the dues of the Workman. She stated that she never worked as a "Trainee" with the Employer. She however admits that her last month's salary was Rs. 5,000/- per month. She stated that she under constant fear served the Employer and hence no formal complaint was made prior to her termination against the Employer.

6. Based on the pleadings filed by the respective parties, this Court framed the following issues on 04-06-2008 at Exhibit-11:

1. Whether the Party I/Workman proves that she is a "Workman" as defined under Section 2 (s) of Industrial Disputes Act, 1947?
2. Whether the Party I/Workman proves that she had worked for Party II/Employer since October, 2002 continuously without any break in services till her termination of services w.e.f. 16-02-2005?
3. Whether the Party I/Workman proves that the action of Party II/Employer in orally terminating her services is illegal, unjustified and bad in law?
4. Whether the Party II proves that the Party I did not report to her duties and offered to take a break in service with full back wages and continuity in service?
5. Whether the Party I is entitled for any relief?
6. What Award?

7. Thereafter, the Workman led her evidence in support of her case. After closing the evidence of the Workman, the Employer has filed an Affidavit in Evidence of their first witness Mr. Gil Oswald Rebello and also produced on record certain documentary evidence. He was partly cross examined by the Ld. Adv. Shri Suhas Naik for the Party I and case was adjourned to 23-03-2010 for further cross examination of the said Employer's witness. However, on 23-03-2010 the Ld. Adv. Suhas Naik for the Party I as well as the Ld. Adv. P. Chawdikar for the Party II remained present and jointly submitted that the matter is likely to be settled amicably between the Parties and sought time for settlement. Accordingly, the Ld. advocates for the respective parties along with their respective parties could file an application for Award in terms of settlement on 23-03-2010 which is on record at Exhibit-22 and prayed for no dispute award to be passed.

1. It is agreed between the parties to settle the dispute amicably for lumpsum payment of Rs. 40,000/- (Rupees forty thousand only) to Ms. Margareta Martins in full and final settlement of all her legal dues.
2. The Party No. I, Ms. Margareta Martins stated that she is having no claim of whatsoever nature against the Party No. II/Employer including the claim of reinstatement.
3. The Party No. II accordingly deposit the cheque before this Hon'ble Court drawn in favour on Ms. Margareta Martins, of Axis Bank Ltd., Panaji Branch, bearing No. 946301 dated 10-08-2010 amounting to Rs. 40,000/-.
4. The Party No. I, Ms. Margareta Martins agree to acknowledge receipt from Party No. II of the said amounts towards full and final settlement of all the claims.

I have perused the said application dated 13-08-2010 at Exhibit-22 duly signed by both the parties along with their respective Advocates. I am of the opinion that the said terms of settlement arrived between the Parties are beneficial to both the parties. Hence, I have consented for the same.

In view of the above settlement between the parties, the dispute referred to this Labour Court does not survive. Hence, I pass the following Order:

## ORDER

1. It is held that the dispute as to whether the action of the Management of M/s. Colonia Santa Maria, Calangute and M/s. Angels Resorts, Alto-Porvorim-Goa, does not arise.
2. No order as to cost.
3. Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar),  
Presiding Officer,  
Court-II.

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**Notification**

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on 12-11-2010 in reference No. IT/44/02 is hereby published as required by Section 17 of the

Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

*Smt. Upasana Majgaonkar*, Under Secretary  
(Labour).

Porvorim, 17th December, 2010.

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IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT-I AT PANAJI

**(Before B. P. Deshpande, Presiding Officer)**

Ref. No. IT/44/02

Shri Shanu Ram Gaonkar (deceased),  
Now Rep. by Smt. Sopna S. Gaonkar,  
Nane, Paj Gaudongri,  
Canacona, Goa.

... Workman/Party I

V/s

M/s. Goa Bagayatdar,  
Sahakari Kharedi  
Vikri Saunstha Maryadit,  
Ponda, Goa.

... Employer/Party II

Party I/Workman – Adv. Shri P. Gaonkar.

Party II/Employer – Adv. Shri A. V. Nigalye.

## AWARD

(Passed on this 12th day of November, 2010)

In exercise of the powers conferred under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 the Government of Goa referred the dispute vide No. 28/35/2002-LAB dated 9-07-2002, for adjudication of this Tribunal and the Schedule reads as under:

“(1) Whether the action of M/s. Goa Bagayatdar Sahakari Kharedi Vikri Saunstha Maryadit, Ponda, in terminating the services of Shri Shanu Ram Gaonkar Mapari with effect from 28-01-2002 is legal and justified.

(2) If not, to what relief the Workman is entitled?”

2. Notices were issued to the parties and thereafter Party I/Workman appeared and filed his statement of claim vide Exb. 3 whereas Party II/Employer filed written statement at Exb. 4. The Workman filed a rejoinder at Exb. 5.

3. In a nutshell it is disclosed in the statement of claim that the Workman was employed with Party II since 9-07-1984 as a Mapari (weigh man) and he worked for more than 17 years without any

blemish. Vide order dated 28-01-2002 the services of the Workman were terminated with immediate effect. Before that vide order dated 23-06-2001 the Workman was suspended for the alleged incidents which occurred on 26-4-2001 and followed by the charge sheet dated 30-6-01. It is the contention of the Workman that he was victimized by Party II and false charges were levelled against him. The inquiry was conducted against the Workman but not in proper and fair manner and by violating principles of natural justice. The Workman was not allowed fair opportunity to represent and defend himself during the inquiry proceedings. The Workman was victimized since earlier in the month of March, 2001 he was transferred to Valpoi Branch and on his request the said transfer was stayed and therefore there was some ill feeling against the Workman by the Management. The charges levelled against the Workman were not proved and even otherwise the same are not of serious nature and hence not warranting the punishment of termination.

4. In the written statement filed by Party II, several preliminary objections were raised and the claim of the Workman has been seriously objected on merit. Party II claimed that it is a society dealing in sale and purchase of agricultural produce such as arecanuts, coconuts, cashews, spices and other agricultural produce, from the members and other agriculturists. Party II is also engaged in sale of such goods to the consumers on reasonable rates and for that purpose there are shops and other outlets. The aim of the society is to reduce the dependence of the farmers and the general public on the middle men or the private traders. The aim of Party II is also to provide social service and not earning profit. The society is having a head office and also branches at different places in Goa. Party II employed workers in different categories and one such category is that of Mapari on which Party I was working at Curchorem Branch. The said Workman while working at Canacona branch committed misconduct on 26-4-2001 when he alongwith other workers were instructed to load truck No. GA-01-W-5857 with cashew bags and upon loading the truck at around 8.00 p.m. the Workman demanded 'Tip' from the driver and when the driver refused to give such tip, the Workman obstructed the truck by placing the bicycle in front and threatened the driver that unless he gives the tip, he will not allow the truck to leave the yard. At that time the Workman was found under the influence of liquor. At the same

time another Workman by name Mangaldas who was going along with Asstt. Branch Manager, Shri Tukaram were obstructed by Party I and both were abused questioning that why they do not want tip and Party I even raised the bicycle in order to hit them. A departmental inquiry was conducted in fair and proper manner and by following principles of natural justice and the inquiry officer found that the charges of demanding tip, abusing and threatening the co-workers stands proved. Party II found that the said charges are of grave and serious nature and therefore the services of the Workman were terminated.

5. By way of rejoinder, the Workman denied all the allegations and reiterated his contentions raised in the claim statement. After considering such rival contentions, issues were framed vide Exb. 6 by my Learned Predecessor and issue Nos. 1, 2, 4 to 7 were treated as preliminary issues and thereafter parties led evidence on the said issues. An order was passed vide Exb. 14 dated 8-10-2008 wherein it was observed that domestic inquiry was conducted in fair and proper manner and the misconduct alleged against the Workman stands proved to the satisfaction of this tribunal. Party II claimed that he is not pressing any findings regarding issue Nos. 4 to 7 and hence the remaining issue Nos. 3, 8 & 9 are considered at present.

6. The issues framed vide Exb. 6 read as under together with the findings against it:

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| 2. Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by acceptable evidence?               | Affirmative<br>(as per order at Exb. 14) |
| 3. Whether the Party I proves that termination of his service by the Party II w.e.f. 28-1-2002 is illegal and unjustified and by way of victimization? | Negative                                 |
| 4. Whether the Party II proves that the reference is not maintainable?   | Negative                                 |
| 5. Whether the Party II proves that it is not an "industry" as defined under I. D. Act, 1947?  | Negative                                 |
| 6. Whether the Party II proves that the Party I is not a "Workman" as defined under I. D. Act, 1947?   | Negative                                 |

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|--|------------------|
| 7. Whether the Party II proves that the dispute referred is not an industrial dispute within the meaning of Section 2(k) of the I. D. Act, 1947? | Negative         |
| 8. Whether the Party I is entitled to any relief?  | Negative         |
| 9. What Award?   | As per the order |

7. Party I filed affidavit at Exb. 15 with regard to issue 3 and claimed that the punishment awarded is harsh and severe in nature. No witness was examined on behalf of Party II with regard to the present issue. I perused the entire record as well as heard Learned Counsel Shri Gaonkar appearing for Party I and the Learned Counsel Shri Nigalye for Party II. The Learned Counsel Shri Gaonkar submitted that the Workman has put 17 years of service without any blemish and he was getting meager amount as salary. The disciplinary authority failed to consider such aspects and imposed harsh punishment which is unwarranted. He claimed that demanding tip from the driver and abusing co-worker is not a major misconduct and the charge regarding consumption of liquor or influence of liquor has not been proved. He then claimed that there was no loss to the employer by such conduct of the Workman. He further claimed that demanding tip does not amount to bribe or gratification and the same is not covered under the service rules. He placed reliance on certain decisions and further claimed that during the pendency of the proceedings the Workman expired on 8-11-2009 and therefore the proper relief could be given to the legal heir.

8. The Learned Counsel Shri Nigalye has invited attention of this Tribunal to the earlier order dated 8-10-2008 and specifically the findings regarding proving of misconduct by the Workman. He claimed that such misconduct of demanding tip amounts to demand of bribe and further the Workman gave threats to the driver when he refused to pay the tip and also obstructed the truck from leaving the yard. Thus such charges are certainly of grievous in nature and the Employer is bound to lose faith and confidence in such Employee. He also placed reliance on certain decisions which will be considered at the relevant stage.

#### FINDINGS ON ISSUES Nos. 3, 8 & 9

9. The charges levelled against the Workman are found in the inquiry papers produced at

Exb. E-1 colly and specifically in the charge sheet. The first charge against the Workman is that of doing any act in the premises of the employer which is subversive of good conduct and discipline. The second charge is demanding tip within the premises of the society for extra personal benefit. The third charge is behaving in an indecent and arrogant manner with co-workers and superiors thereby affecting discipline. The fourth charge is threatening or attempting to assault superior or co-workers. The fifth charge is any act subversive to the interest and name of the society and the sixth charge is attending duty under intoxication of liquor. By way of inquiry report, the charges from 1-5 against the employees were found proved whereas the 6th charge was not proved. While deciding issue Nos. 1 & 2 vide order dated 8-10-08 my Learned Predecessor has observed that the inquiry was conducted in fair and proper manner and by following the principles of natural justice. Similarly it has been observed that there is material brought on record which show that the employee demanded tip from the driver, intercepted the truck and threatened the driver when he refused to pay tip and also abused the co-worker and threatened to assault, stands proved. The said misconduct is found under rule 22(15), (37) & (39) of the service rules of the society which governs the Workman. A perusal of these rules show that rule 22 describes certain examples of misconduct and Cl. 15 is regarding bribe taking/ demanding/accepting including demanding illegal gratification. Cl. 37 is also considered as misconduct thereby provoking the co-workers and threatening the superiors as well as insulting them.

10. It is also required to be noted here that the evidence brought on record before this tribunal as well as recorded by the inquiry officer clearly suggests that Party I has demanded the amount/ money from the driver of the truck after loading cashew bags and when he refused to pay, the driver was threatened and obstructed from taking away the truck from the yard. The Workman in clear terms has admitted that he demanded the tip from the driver but claimed that it was usual practice. If that is so the refusal to pay by the driver could not have provoked the Workman to threaten the driver and even the co-workers from not demanding the tip. It is an admitted fact that there is no such material to show that there was such usual practice of demanding tip from the drivers. The service rules specifically prohibit the workers of the society from demanding/accepting any illegal gratification and therefore the contention of the

Workman that it was usual practice of demanding tip clearly show that he was habitual in demanding such tip from the drivers after loading the truck. This itself shows that the Workman was in the habit of doing the work of loading only after receiving such tip or an assurance to that effect which clearly amounts to accepting illegal gratification/bribe for loading the truck as per the convenience of the drivers, though in the name of tip. The conduct of the Workman immediately after refusal of the driver to give tip is more serious in nature since he became aggressive and blocked the truck by putting his bicycle and also threatened the driver. The Workman did not stop at the said stage but he threatened the co-workers when they refused to demand the tip and even he threatened to assault the co-worker and the superior with the help of bicycle. He also abused them in filthy words and therefore it clearly shows the addiction of the Workman to receive such tips from the drivers and he was considering it as of right, which is certainly more grave in nature as far as misconduct is concerned. Such type of behaviour will certainly spoil the other workers and also the atmosphere at the workplace. Such acts clearly damage the image of the society in general and the reputation in the market in particular. All these aspects were clearly proved and accepted by the inquiry officer as well as this Tribunal while deciding issue Nos. 1 & 2. Apart from inquiry papers, no other evidence was brought on record and therefore the powers of this Tribunal under Section 11-A of the Industrial Disputes Act has to be considered on the basis of material brought on record and not on any extraneous ground or material. The wordings in Section 11-A of the Act are very clear which gives discretion to the Tribunal to interfere with the punishment awarded by the employer only on satisfaction that the order of discharge or dismissal was not justified. There are many decisions on this aspects and it is now well settled that the jurisdiction of the Tribunal is not unlimited and can be exercised only in certain circumstances including (1) punishment being so disproportionate to the gravity of misconduct so as to disturb conscience of the Court (2) existence of any mitigating circumstances which require reduction of the sentence, or (3) past conduct of the Workman which may persuade the Tribunal to reduce punishment. These aspects were considered in the case of *Mahindra & Mahindra Ltd. v/s N. B. Narwade* (2005 III SCC 134). Further in the case of *V. Ramana v/s APSRT and*

*others* (2005 VII SCC 3380), the Apex Court has considered various decisions as well as the powers of the Tribunal under Section 11-A of the I.D. Act and observed that the Court should not interfere with the quantum of punishment in a routine manner and with the decision of the administrator unless it was illogical or suffered from procedural impropriety or was shocking to the conscience to the Court in the sense that it was in defiance of the logic or moral standards. The Court should not go into the correctness of the choice made by the administrator open to him and the Court should not substitute its decision for that of the administrator. The scope of judicial review is limited to the deficiency in decision making process and not the decision. To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the Court/Tribunal, there is no scope for interference. In the case of *Divisional Controller KSRTC v/s A. T. Mane* (2005 III SCC 254) the Apex Court again considered the aspect of Section 11-A with regard to the judicial review and it has been held that once a domestic Tribunal based on evidence comes to a particular conclusion, normally it is not open to the appellate Tribunal and the Courts to substitute their subjective opinion in place of the one arrived at by the domestic Tribunal. It was also observed that when an employee is found misappropriating the funds of the employer, there is nothing wrong in the employer losing confidence or faith in such employee and awarding dismissal from service. In such cases there is no place for generosity or misplaced sympathy on the part of judicial forum thereby interfering with the quantum of punishment.

11. Considering the above observations of the Apex Court in various decisions, the message is clear and loud and there should not be any difficulty in accepting such propositions irrespective of the fact that the amount claimed by the employee as bribe/illegal gratification was meager. It is not the quantum of the amount claimed by the employee, which affect the employer but the confidence in the employee diminishes completely. In the present matter the Workman has deposed that it was a routine practice of receiving or demanding tip from the truck drivers and when one driver refused to pay such tip, Party I become aggressive and started threatening/abusing the driver and co-workers which has to be considered as a serious misconduct. Though it was called a tip, it amounts to illegal gratification or receiving or demanding

bribe for loading the truck beyond the working hours and thus the amount in question will not affect the gravity of the misconduct at all. The practice adopted by the employee show that he was habitual in receiving such tip and therefore he was considering it as of right which is more serious in nature. The worker went to the extent of abusing, threatening and even trying to assault the driver/co-workers which cannot be considered as a trivial act or a minor misconduct. All these aspect were satisfactorily proved and accepted by the inquiry officer as well as by the disciplinary authority the maximum punishment. Such misconduct has to be considered as serious and grave in nature and therefore the aspects such as putting up long service, financial condition of the worker has no place in consideration. One major misconduct is sufficient enough for losing faith and confidence in such employee and the employer cannot be forced to retain such employee in service. Therefore the decisions cited by the Learned Counsels of the other High Courts need not be looked into in view of the above discussed decisions of the Apex Courts. Further the facts of such decisions referred by Shri Gaonkar are totally different and it was found that one incident of abuse against a co-worker without any further act is not sufficient enough to throw out the worker, which is not the case in the present matter. As far as the past conduct of the Party I is concerned, he himself has disclosed that it was a usual practice to demand and accept tip from the drivers clearly prove that he was habitual, though not caught or reprimanded by the employer on earlier occasions. Hence the material brought on record nowhere shows that the termination of Party I is in any way illegal or by way of victimization and thus I answer issue No. 3 in negative.

12. Considering the above discussions and the facts of the present matter, it is clear that Party I/Workman expired during the pendency of the proceedings and therefore the legal heir was brought on record however the said Party I is not entitled for any relief as claimed in the present reference and thus I answer issue No. 8 also in the negative. Hence the order.

## ORDER

The action of M/s. Goa Bagayatdar Sahakari Kharedi Vikri Saunstha Maryadit, Ponda in teminating the services of Shri Shanu Ram

Gaonkar Mapari, w.e.f. 28-1-2002 is found legal and justified.

No orders as to costs. Inform the Government accordingly.

Sd/-  
(B. P. Deshpande),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court-I.

## Notification

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa on 28-10-2010 in reference No. IT/53/01 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

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

Smt. Upasana Majgaonkar, Under Secretary (Labour).

Porvorim, 17th December, 2010.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT PANAJI

(Before Shri B. P. Deshpande, Hon'ble Presiding Officer)

Ref. No. IT/53/01

Shri Rajendra Gurav,  
Near Damodar Temple,  
Zambaulim-Goa.

... Workman/Party I

V/s

M/s. Bombay Paints Ltd.,  
B. D. Patil Marg,  
Chembur, Mumbai.

... Employer/Party II

Party I/Workman – Adv. Shri S. J. Samant.

Party II/Employer – Adv. Shri G. K. Sardessai.

ORDER ON PRELIMINARY ISSUES/AWARD

(Passed on this 28th day of October, 2010)

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 the Government of Goa referred the following dispute for adjudication vide IRM/ /CON/SG/(65)/99/3804 dated 24-08-2001, and the Schedule reads as under:



“(1) Whether the action of the Management of M/s. Bombay Paints Ltd., with Head Office at Mumbai in terminating the services of Shri Rajendra Gurav, Malpar, with effect from 10-07-1999, is legal and justified?

(2) If not, to what relief the Workman is entitled?”

2. Notices were issued to both parties upon which the Party I/Workman appeared and filed statement of claim at Exb. 3, the Party II filed written statement at Exb. 7 and thereafter rejoinder was filed by Party I at Exb. 8.

3. In a nutshell the contention of the Party I that he was appointed as a helper in the depot situated at Borda, Margao of the Party II since January, 1988. His services were confirmed by order dated 1-12-1990 and he carried out the work efficiently and to the satisfaction of the employer. Somewhere in December, 1998 when Mr. Chandrakant Pai was appointed as Dy. General Manager in Goa Depot the trouble started. The said Mr. Pai was interested in appointing his own person in place of the Party I and therefore he started harassing Party I by one way or the other. His leave application was not sanctioned and he was not paid Leave Travel Allowance for the year 1998. Suddenly in the month of February he received the transfer order dated 1-02-1999 thereby transferring him to Bombay Office. The Party I reluctantly joined Bombay Office w.e.f. 15-2-1999 though such transfer was illegal. No accommodation was provided at Bombay. Similarly he was not provided with canteen facility and punching card and when he demanded such facilities, he was told that he will be transferred to Hyderabad. At the same time the grandmother of Party I became serious and as such after informing his superior officer at Bombay, Party I came to Goa. The grandmother of Party I subsequently expired on 4-3-1999. The Party I applied for leave telegraphically. No salary is paid till date from December, 1998 and Party I was unable to proceed to Bombay. On 30-3-1999 he received a letter dated 22-3-1999 from the Dy. Personnel Manager requiring him to show cause as to why disciplinary proceedings would not be initiated. He replied to such show cause notice vide reply dated 31-3-1999. The said reply was not considered and vide letter dated 5-4-1999 he was informed that the employer has decided to hold departmental enquiry and Mr. A. W. Paranjape is appointed as Inquiry Officer to conduct the inquiry. The Party I did not receive any charge sheet containing imputation and other annexures after

the said show cause notice. The Inquiry Officer failed to issue any notice of hearing or fixing date for reply or preliminary inquiry. No opportunity was given to the Party I in the said inquiry proceedings either to submit his reply or to be represented and therefore the said inquiry is conducted by violating the principles of natural justice and fair play. Therefore the findings of the Inquiry Officer dated 24-6-1999 and the punishment of dismissal dated 12-7-1999 is bad in law and illegal. The Party I claimed that he is entitled for continuity of services and full back wages by declaring the inquiry and order of dismissal as illegal.

4. In the written statement filed by the Party II vide Exb. 7, it has been claimed that the Party I was transferred from Goa to Head Office of the Company at Mumbai vide letter dated 1-2-1999 and accordingly the Party I joined Mumbai Office on 15-2-1999 and worked there till 1-3-1999. Thereafter he left Mumbai without any intimation or permission of his superiors and remained absent from 3-3-1999 onwards which is unauthorized. The charge sheet for remaining absent unauthorisedly was issued and thereafter an inquiry was conducted but the Workman remained absent during the inquiry without any proper justification. The Party II has produced all the material before the Inquiry Officer and accordingly report was submitted disclosing that the charges levelled against Party I are proved. The copy of the report and findings of the Inquiry Officer were forwarded to Party I but there was no explanation or reply from the Workman. Thus the services of Party I were dismissed w.e.f. 10-07-1999 by following all legal provisions. Party II took a specific defence that since Party I was transferred from Goa to Mumbai and he joined Mumbai Office and there after committed misconduct by remaining absent unauthorisedly, the entire cause of action had arisen in Mumbai and thus the territorial jurisdiction is that of the Government of Maharashtra to make reference or filing of the proceedings by the Workman in the Labour Court at Mumbai. The Labour Commissioner at Panaji has no jurisdiction to entertain any conciliation proceedings regarding cause of action of the dispute arising and concluding at Mumbai. Further the Government of Goa had no jurisdiction to refer the so called dispute which had not arisen within the territorial jurisdiction and thus the reference itself is bad in law.

5. Issues were framed vide Exb. 9 and thereafter additional issues were framed at

Exb. 14. Subsequently the issues were recasted at Exb. 18 and the order was passed by my Learned predecessor dated 7-09-2007 that issue No. 1 of the recasted issues is to be treated as Preliminary Issue. The said issue No. 1 recasted vide Exb. 18 reads as under:

*“Whether this Industrial Tribunal-cum-Labour Court I has territorial jurisdiction to entertain the reference?”*

6. Since the said issue No. 1 is an issue of law based on the admitted facts, arguments were advanced by both sides to support their contention, and on that basis I propose to discuss the said issue No. 1 as under:

#### FINDINGS ON ISSUE No. 1

7. The above issue is treated as Preliminary issue since it goes to the root of the above matter i.e. territorial jurisdiction to entertain the reference. It is well settled that powers of Section 10 of Industrial Disputes Act gives jurisdiction to the Government as well as to the Tribunal and the wordings are very clear wherein it has been disclosed that whether the appropriate Government is of the opinion that any industrial dispute exists or is apprehended, may at any time by order in writing referred the dispute to the Tribunal for adjudication. Thus the definition of Section 2(A) of appropriate Government is very much important and it refers to clause 2 i.e. in relation to any other industrial dispute, not covered under clause 1 of Section 2(A). Thus the plain meaning of it is that the industry should be within the territorial jurisdiction of the said Government or part of such industry and also the worker working therein.

8. In the present matter the reference forwarded to this Tribunal is whether the action of the Management of M/s. Bombay Paints Ltd., with head office at Mumbai in terminating the services of Shri Rajendra Gurav, helper w.e.f. 10-7-1999 is legal and justified. It is an admitted fact that Party I was transferred to Mumbai office vide letter dated 1-02-1999 and accordingly he Joined the Mumbai office on 15-02-1999. Such joining at Mumbai Office is only after relieving from Goa Office and therefore the services of Party I were attached to Mumbai Office from the date of joining i.e. 15-02-1999. The alleged misconduct committed by Party I was at Mumbai i.e. from 1-03-1999, Party I remained absent without intimating or sanctioning leave and therefore a chargesheet was issued for such misconduct for remaining absent which amounts to misconduct under Section 24(A)(H)(M) of the Modern

Standing Orders. The joining report is produced at Exb. W12 by the Party I himself whereby he reported at Bombay Office for duty. The subsequent events of alleged misconduct, issuing of chargesheet, conducting an inquiry and then passing of order of punishment, took place at Mumbai. No cause of action arose at Goa or within territorial jurisdiction of this Tribunal. Once the employee is transferred and joins at different place which is beyond the jurisdiction, any misconduct or unfair labour practice alleged to have been committed at such place cannot be adjudicated before the Tribunal having territorial jurisdiction of the place from where the employee was transferred. In this case even the Labour Commissioner at Goa had no territorial jurisdiction to entertain any conciliation proceedings as the cause of action arose beyond such jurisdiction.

9. It is required to be observed that there is no term as cause of action referred under the Industrial Disputes Act which would invoke jurisdiction of a particular Court or Tribunal however in the case of *Lalbai Tricumlal Mills, Ltd., v/s D.M. Vin and others (AIR 1955 Bom 463)*. It was observed as under: “but what we are concerned with to decide is where did the dispute substantially arise. Now the Act does not deal with the cause of action nor does it indicate what factors will confer jurisdiction, upon the Labour Court. But applying the well-known tests of jurisdiction a Court or Tribunal would have jurisdiction if the parties reside within jurisdiction or if the subject matter of the dispute substantially arises within jurisdiction.” This observation of the Hon’ble Bombay High Court were quoted with approval in the case of *Workmen of Sri Ranga Vilas Motors v/s Sri Ranga Vilas Motors (AIR 1967 SC 40)*. In that case the Workmen working at Bangalore Branch office of the Company having its head office at Krishnagiri, in Madras State was transferred by the orders of the head office. He did not obey the orders of transfer. Subsequently he was removed from services for disobeying order of transfer. Mysore State referred the dispute relating to transfer for adjudication. The Labour Court found the transfer was unjustified and directed the reinstatement of the Workmen at Bangalore with back wages. In such scenario the Apex Court held, by conforming the observation of the Bombay High Court in the case of *Lalbai Tricumlal Mills Ltd., v/s D. M. Vin and others (cited supra)* that though the order of transfer and the order of dismissal originated from the head office at Krishnagiri in Madras State, the dispute subsequent thereto arose within

the jurisdiction of Mysore Government and therefore the reference made by the State of Mysore was proper.

10. In the case of *FACT Employees Association v/s FACT Ltd.*, (1992 II LLN 277). The Hon'ble Kerala High Court has discussed similar aspect wherein the question of making reference by the appropriate Government was considered. In that case the concerned employee was working in regional office at Hyderabad though having the head office at Kerala. The alleged misconduct was committed at Hyderabad, inquiry was held at Hyderabad and order dismissal was also issued from Hyderabad and therefore the appropriate Government to refer the dispute for adjudication is held to be that of Andhra Pradesh. In another case of *Siemens Limited v/s Presiding Officer, Additional Industrial Tribunal-cum-Labour Court, Hyderabad and another* (2003 LLR, 116), the Hon'ble Andhra Pradesh High Court has held that the situs of employment would become paramount in raising an industrial dispute. Since the situs of the employment of the Workman was at Manipal w.e.f. 3-10-1994 as indicated in the order of transfer, not joining the place of transfer was treated as misconduct by office at Hyderabad. By virtue of such transfer order, the situs of employment becomes the office at Manipal and therefore only because the Workman stayed illegally at Hyderabad without proceeding to Manipal or just because he was pursuing legal remedies at Hyderabad it cannot validate the illegal stay at Hyderabad and confer the jurisdiction on the Courts at Andhra Pradesh. Therefore once the employee is transferred from one State to another, of the same company but having different establishment, the employee ceases to be the Workman of the earlier establishment and upon joining becomes the employee of another establishment. If he commits misconduct at the new place where he is transferred, the State within which such establishment exists is considered as appropriate Government under Section 2(A) of Industrial Disputes Act and such State or appropriate Government is proper authority to refer the dispute to the Court or Tribunal within whose jurisdiction such misconduct was committed.

11. Coming back to the present matter, it is an admitted fact that Party I joined Bombay Office on transfer w.e.f. 15-02-1999 and he submitted the joint report which is already produced on record at Exb. W-12. Thereafter he worked at Bombay Office upto 2-03-1999 and then remained absent

w.e.f. 3-3-1999 without any intimation to the higher authorities. Vide letter dated 5-4-1999 the Bombay Office decided to conduct departmental inquiry and even appointed Shri A. W. Paranjape as an inquiry officer. The chargesheet dated 22-3-1999 was also issued and thereafter the dates were fixed for conducting necessary inquiry and even though Party I was intimated about the dates of inquiry, he failed to attend such inquiry proceedings at Mumbai.

12. Learned Counsel for Party I tried to canvass that he raised the dispute regarding his illegal transfer but the schedule of the reference received from the Government speaks only about the termination w.e.f. 10-07-1999 and there is no whisper in the schedule about transfer of the Workman from Goa to Mumbai as the dispute between the parties. Thus this Tribunal cannot look into the aspects which the Learned Counsel tried to raise regarding so called illegal transfer. Considering the above decision as well as facts of the matter in hand, it is to be concluded that the Government of Goa is not considered as the appropriate Government under Section 2(A) of the Industrial Disputes Act with regard to the dispute shown in the schedule which arose at Mumbai. Similarly this Tribunal cannot entertain such dispute which arose beyond its territorial jurisdiction. The Government of Maharashtra is the appropriate Government and accordingly the Industrial Tribunal/Labour Court at Mumbai would be the proper forum for adjudication of such dispute. In sum and substance this Tribunal is having no territorial jurisdiction to entertain and decide the present reference. Hence the issue No. 1 is answered in the negative.

13. Considering the above discussion and fact that this Tribunal has no territorial jurisdiction and the Government of Goa cannot be considered as an appropriate Government to refer the present dispute, the reference is bad in law and therefore the same cannot be entertained and decided by this Tribunal. In the circumstances I pass the following order.

#### ORDER

Issue No. 1 is answered in the negative. The reference is bad in Law and therefore same is answered accordingly. No orders as to costs.

Sd/-  
(B. P. Deshpande),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court-I.

## Department of Law and Judiciary

Law (Establishment) Division  
District & Sessions Court, South Goa

—  
No. DSC/MAR/HOL-69/2010/12552

**List of Holidays and Vacations for the year  
2011 approved by the Hon'ble High Court,  
Bombay for the District & Subordinate Courts  
in South Goa District**

Sr. No.	Holidays	Date	Days of the week
1.	New Year Day	01-01-2011	Saturday
2.	Republic Day	26-01-2011	Wednesday
3.	Id-e-Milad(*)	16-02-2011	Wednesday
4.	Chhatrapati Shivaji Maharaj Jayanti	19-02-2011	Saturday
5.	Mahashivratri	02-03-2011	Wednesday
6.	Gudi Padwa	04-04-2011	Monday
7.	Ram Navami	12-04-2011	Tuesday
8.	Dr. Babasaheb Ambedkar Jayanti	14-04-2011	Thursday
9.	Maundy Thursday	21-04-2011	Thursday
10.	Good Friday	22-04-2011	Friday
11.	Independence Day	15-08-2011	Monday
12.	Gopal Kala	22-08-2011	Monday
13.	Ramzan-Id/ /Id-UI-Fitr(*)	30-08-2011	Tuesday
14.	Hartalika Pujan	31-08-2011	Wednesday
15.	Ganesh Chaturthi (First Day)	01-09-2011	Thursday
16.	Ganesh Chaturthi (Second Day)	02-09-2011	Friday
17.	Dassehra	06-10-2011	Thursday
18.	Diwali (additional day for Diwali)	25-10-2011	Tuesday
19.	Diwali	26-10-2011	Wednesday
20.	Govardhan Puja	27-10-2011	Thursday
21.	Bhau Bij	28-10-2011	Friday
22.	Bakari-Id (Id-UI-Zuha) (*)	07-11-2011	Monday
23.	Feast of St. Francis Xavier	03-12-2011	Saturday
24.	Moharrum(*)	07-12-2011	Wednesday
25.	Goa Liberatoron Day	19-12-2011	Monday

**No Days have been declared as Holidays on  
Account of**

1.	Dhuli Vandan	20-03-2011	Sunday
2.	Maharashtra Day/ /May Day	01-05-2011	Sunday
3.	Mahatma Gandhi Jayanti	02-10-2011	Sunday

**Summer Vacation**

From 09-05-2011 to 05-06-2011  
(Both days inclusive).

**Winter Vacation**

From 26-12-2011 to 31-12-2011  
(Both days inclusive).

Note:

- (\*) The holidays at Sr. Nos. 03, 13, 22 and 24 will be observed on the days the Government of Goa declares public holidays.
- Please note that the Hon'ble High Court has clarified that these notified holidays and vacations are likely to be modified in near future as per the recommendations of Shetty Commission and directions issued by the Hon'ble Supreme Court of India in Writ No. 1022/89 (All India Judges' Association Vs Union of India and others).

*U. V. Bakre*, Principal District & Sessions Judge.

Margao, 23rd December, 2010.



## Department of Personnel

**Order**

No. 7/1/95-PER

Read: 1. Order No. 7/1/95-PER(A) dated 02-01-2008.

2. Order No. 7/1/95-PER dated 07-06-2010.

The ex-post facto sanction of the Government is accordance for extension of the ad hoc appointment of Shri J. N. Chimulkar, Chief Engineer, Public Works Department from 01-07-2010 to 18-10-2010.

This issues with the concurrence of the Goa Public Service Commission, conveyed vide their letter No. COM/II/11/56(1)/92/2162 dated 17-12-2010.

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

*Umeshchandra L. Joshi*, Under Secretary  
(Personnel-I).

Porvorim, 24th December, 2010.

## Department of Public Health

## Notification

No. 13/41/87-I/PHD (Pt. file)

In exercise of the powers conferred by sub-section (1) of Section 36AB of the Drugs and Cosmetics Act, 1940 (Act No. 23 of 1940) (hereinafter called the "said Act"), the Government of Goa, in consultation with the Chief Justice of the High Court of Bombay, hereby designates,—

- 1) the Court of District Judge-1 and Additional Sessions Judge, North Goa and
- 2) the Court of District Judge-1 and Additional Sessions Judge, South Goa, as Special Courts for the purpose of said sub-section (1) of Section 36AB of the said Act, for the areas coming under their respective jurisdiction.

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

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 21st December, 2010.

## Order

No. 48/34/2008-I/PHD

Read: 1) Order No. 48/34/2008-I/PHD dated 22-10-2008.

- 2) Order No. 48/34/2008-I/PHD dated 07-01-2010.

Sanction of the Government is hereby conveyed to extend the deputation of Dr. Sarmiento A. Gomes, Medical Officer under Directorate of Health Services in Central Jail, Aguada for a further period of one year from 01-12-2010 to 30-11-2011.

The deputation of Dr. Sarmiento A. Gomes, Medical Officer shall be governed by the standard terms of deputation as contained in O. M. No. 13/4/74-PER dated 12-02-1999 and as amended from time to time.

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

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 23rd December, 2010.

## Department of Revenue

## Order

No. 23/56/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/56/2008-RD dated 02-12-2008, issued under sub-section (1) of Section 4 and sub-section (4) of Section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 37 dated 11-12-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Sanquelim distributory from ch. 4.60 km. to ch. 7.36 km. in Sarvona Village of Bicholim Taluka (addl. area) (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector, under sub-section (1) Section 17 of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/56/2008-RD dated 26-08-2009, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 24 dated 10-09-2009 declared that the said land is required for the said public purpose and 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

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

*Pandharinath N. Naik*, Under Secretary (Rev-I).

Porvorim, 24th December, 2010.

## Order

No. 23/19/2007-RD

Whereas, the Government of Goa, vide Notification No. 23/19/2007-RD dated 07-09-2007, issued under sub-section (1) of Section 4 of Section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 24 pages 793 to 794 dated 13-09-2007, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely

to be needed for public purpose viz. Land Acquisition for construction of DWC-4-R takes off at ch. 2980 M of Vadaival Distributory L.B.M.C. of T.I.P., at Latambarcem and Sal Village of Bicholim taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector, under sub-section (1) Section 17 of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/19/2007-RD dated 29-07-2008, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 20, pages 608 to 609 dated 14-08-2008 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

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

*Pandharinath N. Naik*, Under Secretary (Rev-I).  
Porvorim, 24th December, 2010.

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**Order**

No. 23/34/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/34/2008-RD dated 01-08-2008, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 20 dated 14-08-2008, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for 17,500 sq. mts. of land at Survey No. 2/0,(2/1) of Guleli Village, Satari Taluka for the Reservoir of open type Bandhara at Ganjem (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector, under sub-section (2) of Section 5-A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/34/2008-RD dated 31-08-2009, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 24, dated 10-09-2009 declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

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

*Pandharinath N. Naik*, Under Secretary (Rev-I).  
Porvorim, 24th December, 2010.

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**Order**

No. 23/22/2009-RD

Whereas, the Government of Goa, vide Notification No. 23/22/2009-RD dated 30-07-2009, issued under sub-section (1) of Section 4 and sub-section (4) of Section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act") and published in the Official Gazette, Series II No. 20 dated 13-08-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. addl. L.A. for const. of B/6 distributory of R.B.M.C. of T.I.P. from ch. 5.820 km. to 15.900 km in Torcem, Mopa villages of Pernem Taluka (hereinafter referred to as the 'said public purpose');

And whereas, the Government of Goa, considered the report made by the Collector, under sub-section (1) of Section 17 of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/22/2009-RD dated 05-08-2010, issued under Section 6 of the said Act and published in the Official Gazette, Series II No. 20, dated 12-08-2010 declared that the said land is required for the said public purpose and whereas 5-A report does not apply to this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

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

*Pandharinath N. Naik*, Under Secretary (Rev-I).  
Porvorim, 24th December, 2010.

**Notification**

No. 23/44/2009-RD

Whereas by Government Notification No. 23/44/2009-RD dated 16-12-2009 published on Government Official Gazette, Series II No. 40 dated 31-12-2009 and in two newspapers (1) "Goa Doot" dated 20-12-2009 and (2) "Herald" dated 20-12-2009 it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for public purpose, viz. L.A. for const. of road under existing available land including Retaining wall at Toleabandh in V. P. Chinchinim in Velim Constituency (addl. area).

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Dy. Collector/S.D.O., Salcete, Margao-Goa to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Dy. Collector/S.D.O. Salcete, Margao-Goa till the award is made under Section 11.

**SCHEDULE**

(Description of the said land)

*Taluka:* Salcete *Village:* Deussua

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3

59/2	O: 1. Maria Viegas. 2. Caetano E. Viegas. 3. Andre S. Viegas. 4. Felix N. Viegas. 5. Eru Vasudevan. 6. The Executive Engineer W.D.VI(R-S), PWD Fatorda, Margao-Goa.	102
	O.R.: 1. Diogo Fernandes. 2. Simao Barretto.	

*Boundaries :*

North: S. No. 59/2.

South: S. No. 59/2.

East : S. No. 57/3.

West : S. No. 59/3.

Total: 102

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

*Pandharinath N. Naik*, Under Secretary  
(Revenue-I).

Porvorim, 27th December, 2010.

◆◆◆◆◆

**Department of Water Resources**  
Office of the Chief Engineer

**Order**

No. 14-6-02/CE-WR/Adm.II/1076

Government approval is accorded/conveyed to carve out following posts alongwith staff from Office of the Superintending Engineer, Central Planning Organisation, Water Resources Department, Panaji and transfer to the Office of the Addl. Chief Engineer (Mandovi Basin), Porvorim, with immediate effect.

Sl. No.	Name of post	Pay scale	Office to which the posts belongs	No. of posts	Incumbent holding the post transferred to ACE(MB)
1	2	3	4	5	6
1.	Surveyor of Works	15,600-39,100-GP-6,600	C.P.O., WRD, Panaji	1 No.	Vacant.

1	2	3	4	5	6
2.	Asstt. Surveyor of Works	9,300-34,800-GP-4,600	– do–	1 No.	Vacant.
3.	Junior Engineer	5,200-20,200-GP-2,800	– do–	1 No.	Smt. Sulekha Raikar.

The expenditure on salaries and other allowances on the above posts/staff posted to Mandovi Basin shall be debitabale to the Budget Head of Account No. "2701—Major & Medium Irrigation, 80—General, 005—Survey and Investigation 01—Survey and Investigation of I. P. (Water Development) (Non-Plan), 01—Salaries.

The concerned Head of Office should relieve above official posted in the Office of the Addl. Chief Engineer (Mondovi Basin) and send one copy of relieving order to this office.

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

*S. T. Nadkarni*, Chief Engineer, WR and ex officio Addl. Secretary.

Panaji, 21st December, 2010.



**Department of Women & Child  
Development**

Directorate of Women & Child Development

—  
**Order**

No. 1-229-2003-DWCD/4121

Read: Order No. 1-229-2003-DWCD/860 dated 12-3-2010.

Order No. 1-229-2003-DWCD/2947 dated 21-9-2010.

The ad hoc appointment of Smt. Bharati Verenkar, Programme Officer (Group 'B' Gazetted) of Directorate of Women and Child Development is hereby extended w.e.f. 14-12-2010 for a further period of six months or till the post is filled on regular basis whichever is earlier.

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

*Sanjiv M. Gadkar*, Director and ex officio Joint Secretary (WCD).

Panaji, 22nd December, 2010.

**Corrigendum**

No. 4/19/96/SWD/WCD/4196

Read: Notification No. 4/19/96/SWD/WCD/270 dated 25-1-2010.

In the Notification referred above the Name at Sr. No. 9 may be read as "Shri M. B. Kumthekar, Member Secretary, State Commission for Women" instead of "Ms. Margaret Fernandes."

The remaining contents and conditions remain the same.

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

*Sanjiv M. Gadkar*, Director and ex officio Joint Secretary (WCD).

Panaji, 28th December, 2010.

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