

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 464/2023

RE PENSION BENEFITS FOR EMPLOYEES RETD.
FROM HIGH COURT OF BOMBAY AT GOA

Petitioner(s)

VERSUS

STATE OF GOA & ORS.

Respondent(s)

(MR. MAHFOOZ NAZKI, ADVOCATE, COUNSEL WILL APPEAR AS AMICUS CURIAE
AS PER HON'BLE COURT'S ORDER DATED 17.04.2023
IA No. 234832/2023 - CLARIFICATION/DIRECTION
IA No. 234833/2023 - EXEMPTION FROM FILING O.T.
IA No. 234830/2023 - INTERVENTION/IMPLEADMENT)

Date : 22-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

By Courts Motion

Mr. Mahfooz Nazki, Adv. (Amicus Curiae)

For Petitioner(s)

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Mr. Abhay Anil Anturkar, Adv.
Mr. Dhruv Tank, Adv.
Mr. Aniruddha Awalgaonkar, Adv.
Ms. Surbhi Kapoor, AOR
Mr. Sarthak Mehrotra, Adv.
Mr. Bhagwant Deshpande, Adv.
Ms. Subhi Pastor, Adv.

Mr. Atmaram N.S. Nadkarni, Sr. Adv.
Mr. Salvador Santosh Rebello, AOR
Ms. Kritika, Adv.
Ms. Manisha Gupta, Adv.
Ms. Deepti Arya, Adv.
Ms. Arzu Paul, Adv.
Mr. Rishikesh Haridas, Adv.
Ms. Himanshi Nagpal, Adv.

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Patil Avi Vilas, Adv.
Mr. Savadikar Ankur Shirish, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Chief Secretary of the State of Goa Dr.V.Candavelou, IAS is present today in the Court through video conference. He has filed an additional affidavit and has tendered an unconditional apology to the Court. In the affidavit, the Chief Secretary, State of Goa has stated thus:

"5. The answering Respondent submits that the Rules as framed by the Drafting Committee of the Hon'ble High Court of Bombay viz. the High Court of Bombay at Goa Officers and the members of the Staff on the Establishment (Recruitment and Conditions of Service) Rules, 2024 (hereinafter "2024 Rules"] have now been notified vide Notification No.14/06/2018-LD(Estt)/2243 dated 15.11.2024. The preface to the 2024 Rules reads as under:

"In exercise of the powers conferred by Article 229 of the Constitution of India and in supersession to the Government earlier Notification No.14/6/2018-LD(Estt) dated 02-06-2023 published in the Extraordinary Official Gazette, Series I No.9 dated 03-06-2023, Notification No.14/6/2018-LD(Estt) dated 21-06-2023 published in the

Extraordinary Official Gazette, Series I
No.12 dated 22-06-2023 and Notification
No.14/6/2018-LD (Estt) dated 20-05-2024
published in the Extraordinary Official
Gazette, Series I No.7 dated 21-05-2024 the
Hon'ble the Chief Justice of the High Court
of Judicature at Bombay hereby makes the
following Rules to regulate the method of
recruitment and other conditions of service
of the Officers and the members of the staff
serving on the Establishment of the High
Court of Bombay at Goa and all other matters
incidental thereof:-"

Thus, the Rules published vide Notification
dated 03.06.2023 now stand expressly superseded
by the 2024 Rules."

It is stated by the Chief Secretary that the Rules
published on 15th November, 2024 are in terms of the draft
forwarded by the High Court. The statements made in the
affidavit are taken on record.

Our attention is invited to the judgment and order
dated 30th July, 2024 passed by the High Court of Bombay
at Goa in Writ Petition (Civil) Nos.186 and 409 of 2024.
It is obvious that the re-fixation, as directed by the
High Court in terms of paragraph 41 of the judgment, will
be in terms of the Rules dated 15th November, 2024
referred above.

The High Court has already granted time of one year
to the State Government to pay the arrears, as directed
in paragraph 41 of the aforesaid decision. The State

Government shall endeavour to pay the arrears, as expeditiously as possible, and, in any event, within the outer limit fixed by the High Court. No further directions are required to be issued.

Accordingly, the Writ Petition is disposed of.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER