

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 187 OF 2004.

1. Shri Jairam Uttam Gaonkar Dessai,  
aged 37 years, occupation-service,  
residing at H.No.1, Costi Kalay,  
Sanguem, Goa.
2. Shri Kamlakar Dattatray Prabhudessai,  
aged 37 years, occupation-service,  
residing at H.No.257,  
Netravali, Sanguem, Goa.
3. Shri Shivanand Naik Gaonkar,  
aged 35 years, occupation-service,  
residing at H.No.B-15,  
I.D. Complex, Bicholim, Goa.

VERSUS

1. State of Goa,  
Through its Chief Secretary,  
Having his Office at  
Secretariat, Panaji, Goa.
  2. The Goa Command Area  
Development Board,  
Through its Chief Executive Officer  
and Secretary (Irrigation),  
Govt. of Goa,  
Secretariat, Panaji, Goa.
  3. Department of Personnel,  
Govt. of Goa,  
Through its Secretary,  
Having his Office at  
Secretariat, Panaji, Goa.
  4. Department of Finance,  
Govt. of Goa,  
Through its Secretary,  
Having his Office at  
Secretariat, Panaji, Goa.
- ... Respondents.

Shri S.N. Joshi, Advocate for the Petitioners.

Shri A.N.S. Nadkarni, Advocate General with Shri G.  
Shirodkar, Additional Government Advocate for the  
Respondents.

CORAM: S.A. BOBDE  
N.A. BRITTO, JJ.

DATE: 30TH JUNE, 2004.

ORAL JUDGMENT: (PER BOBDE, J.)

The petitioners seek a writ, order or direction to the respondents for regularising the petitioners' services with retrospective effect and grant them salary and all other consequential benefits at par with Assistant Agricultural Officers in the Directorate of Agriculture. The petitioners also seek arrears.

2. The petitioners are working as Agricultural Foremen with the respondent No.2. They are admittedly work charged employees. In our view, therefore, they are not entitled to be treated as at par with the regular employees in view of the law laid down by the Supreme Court in **State of Rajasthan v. Kunji Raman** (A.I.R. 1997 S.C., 693).

3. The learned counsel for the petitioners, however, relied on an Office Memorandum dated 29th October, 1990, issued by the Government of Goa and claimed that the petitioners are entitled to be regularised in accordance with the said Memorandum.

4. We find from the Office Memorandum, vide para 3 which is also made applicable to work charged employees, vide para 4, that the Government has decided to "consider regularization of such employees".

5. The learned Advocate General, appearing on behalf of the State, submits that the State Government will comply with the Circular and in particular paragraph 4 of the Office Memorandum dated 29th October, 1990 in the matter of regularization of the petitioners' services and that this exercise shall be done subject to the conditions in para 3 as and when a vacancy arises.

6. The petition is liable to be disposed of in view of this statement. Rule made absolute in the above terms.

S.A. BOBDE, J.

N.A. BRITTO, J.

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