

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 : 14-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. Mahfooz Nazki, Adv. (Amicus Curiae)

For Petitioner(s)

By Courts Motion, AOR

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. 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.

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.

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

We have carefully perused the order passed by this Court on 24th July, 2024. The order specifically records that the notification dated 3rd June, 2023 notifying the High Court of Bombay at Goa Officers and the Members of the Staff on the Establishment (Recruitment and Conditions of Service) Rules, 2023 is *prima facie* contrary to law. In fact, this Court in the order expressed that the situation will be rectified and therefore, the Chief Secretary of the State of Goa was directed to file his personal affidavit.

Accordingly, a personal affidavit of the Chief Secretary dated 31st July, 2024 is filed on record. The impression which one gets is that the Chief Secretary has justified the act of framing the rules.

It is necessary for us to reproduce the recital of the rules published on 3rd June, 2023.

"In exercise of the powers conferred by Article 229 of the Constitution of India, the Hon'ble 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."

Knowing fully well that the said rules are not in terms of the

draft rules submitted by the High Court of Judicature at Bombay, the rules have been published with the recital that the same have been made by Hon'ble the Chief Justice of High Court of judicature at Bombay. We are really shocked to know that instead of withdrawing the rules, the Chief Secretary of the State has made an attempt to justify the same. We, therefore, direct the Chief Secretary of the State of Goa to personally remain present in this Court through video conference on next Friday i.e. 22nd November, 2024.

We direct him to explain how the recital which we have quoted above has been incorporated in the body of the rules. In the meanwhile, it will be also open for the Chief Secretary to file an additional affidavit.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

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 : 14-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

By Courts Motion, AOR

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. 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.

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.

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

We have carefully perused the order passed by this Court on 24th July, 2024. The order specifically records that the notification dated 3rd June, 2023 notifying the High Court of Bombay at Goa Officers and the Members of the Staff on the Establishment (Recruitment and Conditions of Service) Rules, 2023 is *prima facie* contrary to law. In fact, this Court in the order expressed that the situation will be rectified and therefore, the Chief Secretary of the State of Goa was directed to file his personal affidavit.

Accordingly, a personal affidavit of the Chief Secretary dated 31st July, 2024 is filed on record. The impression which one gets is that the Chief Secretary has justified the act of framing the rules.

It is necessary for us to reproduce the recital of the rules published on 3rd June, 2023.

“In exercise of the powers conferred by Article 229 of the Constitution of India, the Hon’ble 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.”

Knowing fully well that the said rules are not in terms of the draft rules submitted by the High Court of Judicature at Bombay,

the rules have been published with the recital that the same have been made by Hon'ble the Chief Justice of High Court of judicature at Bombay. We are really shocked to know that instead of withdrawing the rules, the Chief Secretary of the State has made an attempt to justify the same. We, therefore, direct the Chief Secretary of the State of Goa to personally remain present in this Court through video conference on next Friday i.e. 22nd November, 2024.

We direct him to explain how the recital which we have quoted above has been incorporated in the body of the rules. In the meanwhile, it will be also open for the Chief Secretary to file an additional affidavit.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)