



REGISTRAR
ADMINISTRATIVE TRIBUNAL OF GOA
AT PANAJI

**COLLEGE TRIBUNAL, GOA
PANAJI-GOA**

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COLLEGE APPEAL NO. 04/2023

Dr. Satyavan D. Naik,
55 years of age,
Son of Dattaram Naik,
Former Principal of
Shree Kamaxidevi Homeopathic
Medical College and Hospital,
Shivshail, Shiroda - Goa,
r/o H. No.458, Pequeno, Neura,
Neura, Tiswadi - Goa.

..... Appellant

Versus

1. Shree Kamaxidevi Homeopathic
Medical College and Hospital
Through its Managing Committee,
Represented by its Chairman/Secretary
Having Office at Shivshail,
Shiroda, Goa - 403103.
2. Shivgram Education Society
Through its Chairman
Having Office at Shivshail,
Shiroda, Goa - 403103.
3. The Goa University
Through its Registrar,
Having Office at Taleigao Plateau,
Goa 403206.
4. The Director,
Directorate of Higher Education,
Government of Goa, SCERT Building,
Alto Porvorim Goa.
5. The State of Goa
Through its Chief Secretary,
Secretariat, Porvorim, Goa.

..... Respondents



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ORDER

10th January, 2025

1. This Appeal under Goa University Statute SC-6 and SC-7 impugns the Memorandum dated 31.07.2023 issued by the Respondent No.1 whereby the services of the Appellant have been terminated.

2. This matter was heard at length. At the stage of arguments in rejoinder, the Appellant amended the Appeal Memo. Thereupon, Ld. Sr. Advocate Shri S. Lotlikar for the Respondent No. 1 submitted that decision has been taken by the management of Shree Kamaxidevi Homeopathic Medical College to withdraw the termination order dated 31.07.2023. The said communication dated 27.11.2024 under the signature of the Chairman of the Respondent No. 1 has been placed on record vide memo dated 27.11.2024. The communication states that the Committee wishes to withdraw the order of termination dated 31.07.2023 and the authority shall give a copy of the inquiry report to the Appellant and take decision in accordance with law. The Respondent No. 1 and the Appellant have filed their written submissions in the matter.

3. Ld. Sr. Advocate for the Respondent No. 1 has further submitted that :



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(1) That the present appeal has been filed challenging the Impugned Memorandum (Order of Termination) dated 31/07/2023 issued by the Respondent No. 1.

(2) That the Committee of Respondent No. 1 wishes to withdraw the order of termination dated 31/07/2023. A letter dated 27/11/2024 has already been placed on record bearing reference no. SKHMC/SES'23/2024/3136 wherein it is stated that the committee wishes to withdraw the Order of termination dated 31/07/2023.

(3) The copy of the Inquiry Report dated 1/7/2022 has been admittedly provided to the Appellant along with the Impugned Memorandum (Order of Termination) dated 31/7/2023, and as such, he shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within 15 days from the date of disposal of this Appeal.

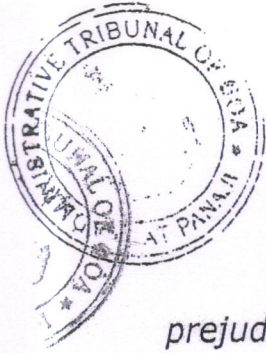
(4) As the Appellant was on suspension before the issuance of Termination order/Memorandum dated 31.07.2023, the Appellant shall continue to be under suspension until the decision of the Disciplinary Authority.

(5) That the subsistence allowance, in accordance with law will be paid to the Appellant. The subsistence allowance shall be paid to the Appellant from the date of his termination i.e. 31/07/2023 till the date on which the final decision is taken.

(6) The grant of Subsistence Allowance is made on the assurance and undertaking of the Appellant that he would return the subsistence allowance, which will be paid to him from 31/07/2023, if the Order of termination shall follow in view of the fact that the Appellant had belatedly sought amendment to amend his pleadings to plead that he was



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prejudice by the non-furnishing of the inquiry report, long after the appeal period was over.

(7) It is therefore humbly prayed before this Hon'ble Court may dispose of the matter in the above terms and on the undertaking of the Appellant.

4. Ld. Advocate Shri S. Coutinho for the Appellant made his submissions. The Appellant in his written submissions has stated that:

(1) That the present Appeal has been filed challenging the Impugned Memorandum dated 31/7/2023 issued by the Respondent No. 1.

(2) That on 27/11/2024, the Counsel appearing on behalf of the Respondent No. 1 filed a memo to place on record letter dated 27/11/2024 bearing reference no. SKHMC/SES'23/2024/3136 stating that the committee wishes to withdraw the Order of Termination dated 31/07/2023.

(3) That the Counsel appearing on behalf of the Respondent No. 1 also made oral submissions with regards to the subsistence allowance payable to the Appellant.

(4) The Appellant herein most respectfully states that the Respondent No. 1 ought to pay him the arrears of subsistence allowance from the time the Impugned Memorandum dated 31/7/2023 was issued, till date i.e., from August 2023 to November 2024. The same ought to be paid within a period of 15 days from the date of disposal of this present Appeal.

(5) Further, it was submitted by the Counsel of the Respondent No. 1 that the Appellant shall file his reply before the Committee within 10 days from the date of furnishing the letter dated 27/11/2024 bearing reference no.



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SKHMC/SES'23/2024/3136 by which the Committee decided to withdraw the Termination Order and that the Appellant shall continue to be placed under suspension until the decision of the committee.

(6) The Appellant herein most respectfully states that the said period of 10 days will be complied with however it is most respectfully prayed herein that the Disciplinary Authority i.e. the Respondent No. 1 be directed to hear the Appellant and furnish its decision within a period of 2 months from the date of disposal of the present Appeal.

5. In view of the above submissions and the intention of the Managing Committee to withdraw the termination order dated 31.07.2023, I pass the following:-

ORDER

(a) The Respondent No. 1 shall comply with its statement that the Committee shall withdraw the termination order.

(b) Upon such withdrawal of the termination order, the Appellant shall be given an opportunity to file his written representation or reply within 10 (ten) days from the date of withdrawal of the termination.

(c) Since the Appellant was under suspension before the issuance of the termination order and pending inquiry, the Appellant shall continue to be under suspension until the decision of the disciplinary authority.



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(d) The Respondent No.1 shall pay subsistence allowance and arrears, if any, to the Appellant in accordance with the law.

(e) The Respondent No. 1 shall hear the Appellant and decide the matter within a period of two months from the date of filing of the reply by the Appellant.

(f) The Appeal is disposed off in the above terms.

Pronounced in the Open.

Anilathar 10/01/2025
(DVIJPLE V. PATKAR)
PRESIDING OFFICER

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ADMINISTRATIVE TRIBUNAL
PANAJI-GOIA

of Order dated 10/01/2022 -
in College Appeal no. 04/2023,
applied by Appellant for
Legal purpose.

appreciated for on 13.01.2025 -
state given to the party for taking delivery of
copy 15.01.2025 -
copy ready for delivery on 15.01.2025 -
copy delivered on 15.01.2025 -
typed by *photocopy*
compared by *S* Checked by *AP*
copying fee Rs. 60/- *Twenty six*
only -
order receipt No. 41335 dated 15/01/2025 -

Dated 7 - 15th day of January, 2025 -

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