



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.572 OF 2024

Shri Rajaram Devsing Sawant
@ Adon Rajaram Devsing,
42 years of age, Indian National,
Electrician, Engineering and
Technical Division,
Goa University, Taleigao-Plateau,
Panaji Goa.

... Petitioner

Versus

1 Government of Goa,
Through Chief Secretary, Secretariat,
Porvorim Goa.

2 The Registrar of Goa University,
Taleigao Plateau,
Panaji Goa.

3 The Director,
Directorate of Higher Education,
Government of Goa,
Secretariat Building, Alto, Porvorim Goa.

4 Directorate of Accounts,
Government of Goa,
Near old Secretariat building,
Panaji Goa.

... Respondents

Mr Joaquim Godinho, Advocate for the petitioner.

Mr S. Samant, Additional Government Advocate for respondent Nos.1,
3 and 4.

Ms A. Agni, Senior Advocate with Ms A. Harihar, Advocate for respondent No.2.

**CORAM: ALOK ARADHE, CJ. &
 M. S. SONAK, J.**

DATED : 12th MARCH 2025

ORAL JUDGMENT (Per Chief Justice)

1. Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the writ petition is heard finally.

2. In this writ petition, the petitioner inter alia seeks a writ of Certiorari to quash and set aside the resolution dated 13.01.2023 passed by the Executive Council of Goa University by which the post of Electrician (Pay Level -2) held by the petitioner has been re-designated as Assistant Electrician. The petitioner also seeks a direction to the respondents to upgrade the Matrix Pay Level of the petitioner from Level-2 to Level-4 as per the rules.

FACTS:

3. The facts leading to file this petition are briefly stated that the Registrar of Goa University by an advertisement dated 16.08.2018 invited online applications for the post of Electrician. The petitioner applied for the post of Electrician. The petitioner on 28.01.2019 was selected and appointed to the post of Electrician in the

Engineering/Technical Division, Goa in Pay Matrix Level-2 and other allowances admissible as per rules purely on probation period of two years. The period of probation of two years of the petitioner was successfully completed and on 28.01.2021 the services of the petitioner were confirmed.

4. The Goa University on 13.11.2018 adopted the recruitment rules of the State Government. In the recruitment rules of the State Government, the post of Electrician in Matrix Pay Level-4 was prescribed which carries a higher pay scale. The petitioner on 16.12.2022 sent a communication to the Goa University requesting to upgrade the Matrix Pay Level to the post of Electrician from Level-2 to Level-4.

5. The Executive Council of the Goa University thereupon on 13.01.2023 passed resolution to rename the existing post of Electrician (Pay Level-2) as Assistant Electrician, without change in the salary and pay level of the incumbent employee so as to create one post of Electrician in Pay Matrix Level -4 as per the recruitment rules of the State Government. The aforesaid resolution was forwarded to the State Government for approval.

6. In the aforesaid factual backgrounds, the instant petition has been filed.

7. Learned counsel for the petitioner submitted that the action of Goa University in renaming the post of Electrician (Pay Level-2) as Assistant Electrician is arbitrary. It is however fairly admitted that the Goa University has sent the resolution dated 13.01.2023 for approval to the State Government. It is alternatively contended that the State Government be directed to take a decision on the resolution dated 13.01.2023 forwarded by the University and on creation of one post, the case of the petitioner be considered for promotion/appointment to the post of Electrician (Pay Level-4) amongst the employees who are already serving in the University.

8. On the other hand, Ms Agni, learned Senior Advocate for respondent No.2-University submitted that since the creation of post has financial implications, therefore, the University has forwarded the proposal to the State Government. It is submitted that in case the approval is granted by the State Government, the University shall consider the case of the petitioner along with other eligible employees for appointment/promotion to the post of Electrician in Pay Matrix Level-4.

9. We have considered the rival submissions made on behalf of both the parties and perused the record.

10. It is pertinent to note that the petitioner was recruited on the post of Electrician in Pay Matrix Level -2. The University on 13.11.2018 adopted the recruitment rules of the State Government which provide for recruitment to the post of Electrician in Pay Matrix Level-4. It is not in dispute that the post of Electrician in Pay Matrix Level – 4 carries higher pay scale. Therefore, the post held by the petitioner as Electrician in Pay Matrix Level -2 was considered to be the post belonging to feeder cadre. So as to fill the post of Electrician in Pay Matrix Level -4, the University therefore has decided to re-designate the post of Electrician in Pay Level-2 held by the petitioner as Assistant Electrician.

11. Admittedly, neither the pay scale nor any emoluments which were payable to the petitioner were reduced. Therefore, no fault can be found in the action of the University in re-designation of the post of the petitioner.

12. Admittedly, the proposal sent by the University is pending consideration before the State Government since 13.03.2023. Therefore, in the facts and circumstances of the case, the State Government is directed to take a decision on the proposal forwarded by the University within a period of two months from today. In case the proposal submitted by respondent No.2-University is approved,

needless to state, the case of the petitioner along with other eligible employees of the University shall be considered for appointment/promotion to the post of Electrician in Pay Matrix Level-4. Accordingly, the petition is disposed of. Ad-interim order, if any, stands vacated.

M. S. SONAK, J.

CHIEF JUSTICE