

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.493 OF 2023
IN
WRIT PETITION NO.935 OF 2019

RAGHUVIR KENI

... APPLICANT

Versus

THE STATE OF GOA, THR.
CHIEF SECRETARY AND 3
ORS.

... RESPONDENTS

Mr Vibhav Amonkar, Advocate for the Applicant.

Ms Maria Correia, Additional Government Advocate for
Respondent Nos.1 and 2.

Mr Dattaprasad Lawande and Mr A.K. Kuncoliencar, Advocate
for Respondent No.4.

Mr Ryan Menezes, Advocate for the original Petitioner.

CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.

DATE: 5th MARCH 2024

P.C. :

1. Heard Mr Vibhav Amonkar for the applicant, Ms Maria Correia, learned Additional Government Advocate for respondent nos.1 and 2, Mr D. Lawande for respondent no.4 - GPSC and Mr Ryan Menezes for the original petitioner – Mr Sanjay D. Dhumaskar.

2. Mr Amonkar states that he attempted to serve the copy of this civil application on Ms Rosette Pereira because she used to earlier appear

on behalf of Mr Samir Juwarkar (respondent no.3 in the main petition). However, he submitted that Ms Pereira reported no instructions.

3. This civil application is taken out by Mr Raghuvir Keni, who was appointed as Chief Electrical Engineer on 29.11.2019. By this civil application, Mr Keni seeks a modification of our judgment and order dated 17.03.2022, disposing of Writ Petition No.935 of 2019.

4. Mr Amonkar refers to the observations in paragraph 11 of our judgment and order dated 17.03.2022 (now emboldened):

*“11. Based on the aforesaid, the CEE proceeded to issue the impugned seniority list dated 13.05.2019 placing Sanjay junior to Samir and thereby changing the seniority position that had prevailed for almost about 20 years. **Mr Raghuvir Keni, the CEE who changed the seniority after 20 years and hurriedly issued the impugned promotion order has, in his return, taken a bold but misconceived stand that Samir was not aware of his position in the seniority list. There is no material on record to support such a stand. Samir himself has not taken such a stand. Therefore it is quite unfortunate that the CEE should, on affidavit take such a false and far-fetched stand in a poor attempt to explain the delay of 20 years. This is certainly not expected of a high-ranking officer like CEE.**”*

5. Mr Amonkar submits that since Mr Keni was not the CEE when the seniority list was finalised on 13.05.2019 or when Samir S. Juwarkar was promoted on 15.11.2019, the above observations, to the extent they

suggest that it was Mr Raghuvir Keni, who changed the seniority after 20 years and hurriedly issued promotion order, should be modified.

6. Ms Maria Correia, the learned Additional Government Advocate, also confirms that Mr Keni was not the Chief Electrical Engineer as of 13.05.2019 and 15.11.2019. She points out that the impugned seniority list and promotion orders were issued by Reshma Mathew, the then Chief Electrical Engineer and Ex-officio Addl. Secretary to Government of Goa.

7. Accordingly, we modify the emboldened portion of paragraph 11 of our judgment and order dated 17.03.2022 by substituting the 4th line of the said paragraph as follows:

“Ms Reshma Mathew, who was the then CEE, changed the seniority after 20 years and hurriedly issued the impugned promotion order. Mr Raghuvir Keni, who assumed the charge of CEE on 29.11.2019 in his return has taken a bold but misconceived stand that Samir was unaware of his position in the seniority list.”

8. The learned Counsel for the parties agreed that the above modification will have no effect whatsoever on the final order made in the Writ Petition. Mr Amonkar submitted that the applicant only wanted the record to be put straight and, therefore, this application was made.

9. Accordingly, the above modification should be carried out in the original order and the order be uploaded on the website.

10. Misc. Civil Application No.493 of 2023 is disposed of.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

NITI KISHOR
HALDANKAR

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