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HC castigates BJP-led Goa govt for faulty seniority list

Panaji: The high court of Bombay at Goa came down heavily on the BJP-led government for meddling with the seniority list of the Goa civil service.

In its judgement delivered in a case filed by senior officials who aspiring to be promoted to the IAS cadre challenging the seniority list of the service, the court spelt out how rules were bypassed by the decision making authorities, resulting in elevation in ranking of some officials.

The high court verdict on the petitions highlights that settled legal position was not adhered to by authorities in the matter.

In separate petitions, excise commissioner Menino D' Souza, South Goa collector Swapnil Naik, inspector general (prisons) Elvis P Gomes and Melvyn A Vaz, who is under suspension for over eight months for alleged involvement in the assault of jail inmates of central jail, Colvale, had challenged the seniority list prepared by the government in 2015.

D'Souza's petition, filed in 2015, questioned the ranking given to former director of transport Arun L Desai, who has already been inducted in the Indian administrative services (IAS) and is posted at Puducherry, and N D Agrawal (retired), in the seniority list. The petition also challenged the merit list prepared by the Goa public service commission (GPSC), which was finalized by the departmental promotion committee in a meeting held on November 26, 2004.

While directing the government to re-examine and prepare a fresh seniority list, a division bench comprising Justice F M Reis and Justice K L Wadane remarked, "The action of the respondents trying to alter the seniority list without any justification has resulted in a situation where the issue of seniority has burnt the hearts and souls of the members of the state civil service in Goa in their anticipated run-up to the Indian administrative service (IAS)."

On July 22, the court quashed and set aside the seniority list notified by the government on April 30, 2015.

The high court found irregularities committed not only by the GPSC, but also by other government officials.

The committee meeting held on November 26, 2004, by the GPSC, to make recommendations for promotions to senior scale officers, is in gross violation of the settled guidelines to examine the merit of the officers concerned, the high court found.

"The records reveal that as far as the respondent No. 2 Sandip Jacques is concerned, for the period from April 1, 2003 to March 31, 2004, there are no confidential reports available. So also, with regard to respondent No. 3 Arun L Desai, there are no confidential reports for the period from October 1, 2000 to March 31, 2001. As far as respondent No. 4, (N D Agarwal), the confidential reports from April 1, 1999 to September 30, 1999 were also not available," the high court noted.

Further, maintaining that the "outstanding" grading given to Jacques, Desai and Agarwal did not disclose any exceptional qualities found during such evaluation, the HC said that "the relevant proceedings of respondent No.16 (GPSC) stand vitiated as the settled guidelines have not been followed". Adding that, based on such recommendations, the petitioners should not be deprived of their seniority, the HC maintained that "merit to be examined in terms of Rule 21 of the Rules of 1997 have not been duly complied with while making such recommendations".

The court stated that the seniority list prepared by the respondent No. 1 A (R K Srivastava, principal secretary), was not prepared by the chief secretary as directed.

While holding that Srivastava has relied upon the recommendations of "Parimal Rai Committee", which were not accepted by the government, the high court noted that a settled practice of preparing the seniority list of the Goa civil service was being altered without any justifiable reason.

"In the present case, the petitioners were deprived of being treated equally with the other similarly placed officers who were appointed and thereafter promoted to the senior scale on the same day by the same selection process," the court said.

The high court has stayed the operation of the judgement for a period of eight weeks following the prayer of the respondent.

Senior advocate S D Lotlikar, who appeared for the three petitioners, argued that there is no reason to change the seniority list, which was already accepted and finalized by the state government in 2014.