

**GOA HUMAN RIGHTS COMMISSION**  
**PANAJI – GOA**

**Proceeding No.47/2012**

**INQUIRY REPORT**

By Order No.MMC/Admn/PF/2011-12/612 dated 12/03/2012, the Complainant/Shri Adil Ismail Sheikh was appointed to the vacant post of Watchman by the Chief Officer of Mormugao Municipal Council, Vasco-da-Gama. Accordingly, the Complainant joined as a Watchman from 13/03/2012. Subsequently, Chief Officer, Mormugao Municipal Council issued show cause notice dated 15/05/2012 to the Complainant to show cause as to why action to cancel his appointment to the post of Watchman should not be taken on the ground that the Complainant had produced forged documents at the time of appointment. Thereafter, after conducting an inquiry, the services of the Complainant were terminated.

2. The Complainant has alleged that before his interview for the post of Peon was conducted, Smt. Suchita Shirodkar and Shri Nitin Chopdekar demanded a sum of Rs.4,70,000/- (Rupees four lakhs seventy thousand only) to pay the said amount to the Councillors and other staff of Mormugao Municipal Council. The Complainant has further alleged that the said amount was collected by him by taking loan from VPK Urban Cooperative Credit Society Ltd., Mardol Goa, Muthoot Finance Corporation Ltd., and loan by keeping gold ornaments from United Bank of India and other relatives.

3. Initially, this Commission issued notices to the Chairperson, Mormugao Municipal Council, Vasco-da-Gama – Goa, 2) Chief Officer, Mormugao Municipal Council, Vasco-da-Gama – Goa 3), Superintendent of Police, South Goa, Margao and 4) Police Inspector, Vasco Police Station, Vasco-da-Gama – Goa. Thereafter, by order dated 26/03/2013 recorded in the Rojnama, Smt. Manda Shirodkar alias Suchita Shirodkar and Mr. Nitin Chopdekar were added as Respondent No.5 and 6 respectively and notices were issued to them. Respondent No.1, 2, 5 and 6 have filed their respective replies denying the allegations made against them. The Complainant and Respondent No.6 have filed written arguments. The Respondent No.5 has adopted the written arguments filed by Respondent No.6.

4. We have heard the Parties. We have also gone through the written arguments filed by the Complainant and Respondent No.6. We have also perused

the entire records of this case.

5. The only point for our consideration is whether the Respondent No.5 and 6 had demanded and accepted a sum of Rs.4,70,000/- as illegal gratification from the Complainant to offer him the post of Watchman in the Office of the Mormugao Municipal Council, and thereby violated his basic human rights.

6. The Complainant has examined himself in support of his case as CW1. The Respondents did not examine themselves or did not examine any witness in support of their respective cases. The Complainant has filed his Affidavit-in-Evidence dated Nil and which was sworn in before Notary Adv. Suresh Kumar N. Naik on 06/08/2013. Subsequently, the Complainant filed sworn supplementary Affidavit-in-Evidence dated 16/01/2014. In his Affidavit-in-Evidence the Complainant has stated that before the interview was conducted, Smt. Suchita Shirodkar and Shri Nitin Chopdekar demanded a sum of Rs.4,70,000/- to be paid to the Councillors and other Staff of Mormugao Municipal Council. In this Affidavit-in-Evidence the Complainant has nowhere stated that the said amount of Rs.4,70,000/- was accepted by the said Smt. Suchita Shirodkar and Shri Nitin Chopdekar. The Complainant has also not given any details as to when and where such demand for bribe was made by the said Smt. Suchita Shirodkar and Shri Nitin Chopdekar. In the supplementary Affidavit-in-Evidence the Complainant made improvement and stated that on 10/10/2011 he paid a sum of Rs.4,70,000/- to Smt. Suchita Shirodkar and Shri Nitin Chopdekar in the Office of Chairperson at Mormugao Municipal Council. In the supplementary Affidavit-in-Evidence also the Complainant has not given the time of payment of the said amount. Both the Affidavits-in-Evidence filed by the Complainant are vague in nature in which broad statements are made without specifying the details. The Complainant (CW1) in his cross-examination by Respondent No.6 has stated that as far as he remembers he has stated about the demand and payment of money in the complaint filed before this Commission. As stated above, the Complainant has nowhere stated about the payment of money to the Respondent No.5 and 6 in his complaint filed before this Commission. To a query by this Commission during the course of cross-examination, the Complainant (CW1) has stated that when the demand for money was made by the Respondent No.6 nobody was present. He has further stated that at the time of payment of money his father was present along with him. Thus according to the Complainant, his father was present when the money was paid by the Complainant to the Respondent No.5 and 6. However, it is pertinent to note

that the Complainant has not examined his father before this Commission to establish the fact that the money was paid by the Complainant to the Respondent No.5 and 6. The Complainant has not given any explanation for not examining his father to corroborate his evidence on the aspect of the Complainant paying the amount to the Respondent No.5 and 6. Needless to say, that the father of the Complainant would have been most appropriate and proper witness to prove that the money was accepted by the Respondent No.5 and 6. The non-examination of the father of the Complainant is fatal to the case of the Complainant and we do not hesitate to draw an adverse inference against the case of the Complainant for non-examination of his father. The Complainant in his cross-examination by Respondent No.6 has admitted that he did not file any complaint before the Police or Anti-Corruption Department regarding the alleged bribe paid by him prior to the notice dated 15/05/2012 issued by the Municipality. In his cross-examination he has further stated that he did not give any notice to Respondent No.5 and 6 requesting them to pay back the bribe amount paid by him to them. In case the Complainant was aggrieved by the demand made by the Respondent No.5 and 6 for bribe, nothing should have prevented the Complainant from approaching the Police or other Competent Authorities for redressal of his grievance. The Complainant has not spelt out any reasons for not approaching the Competent Authorities against the Respondent No.5 and 6 for allegedly demanding and accepting the bribe amount. In any event, there is no satisfactory evidence on record to establish the fact that the bribe amount was demanded and accepted by the Respondent No.5 and 6.

7. The Complainant has also stated that he had collected the amount by taking loan from VPK Urban Co-operative Credit Society Ltd., Mardol Goa, Muthoot Finance Corporation Ltd., and loan by keeping gold ornaments from United Bank of India and other relatives. The Complainant has not produced any documentary evidence to show that he had obtained the loan from the above VPK Urban Co-operative Credit Society Ltd., Mardol Goa, Muthoot Finance Corporation Ltd., and loan by keeping gold ornaments from United Bank of India and other relatives. The Complainant has neither examined any such relatives nor has furnished the names of such relatives in support of his case. In the facts and the circumstances of this case, we are not inclined to place implicit reliance on the testimony of the Complainant (CW1) which is not at all convincing and trustworthy.

8. The records indicate that the Complainant had allegedly produced a forged

School Leaving Certificate at the time of applying for the post of Watchman. This is clear from the letter dated 24/05/2012 received from the Principal, Government School Baina stating therein that the registration number 3940 was not of Adil Ismail Sheikh i.e. the Complainant but it was of one Padma Mahableshwar Raikar and that the School Leaving Certificate was issued to Padma Mahableshwar Raikar and not to Adil Ismail Sheikh. Admittedly, the Complainant has filed the present complaint before this Commission after his services were terminated by Mormugao Municipal Council. The Complainant in his cross-examination has admitted that the police complaint was filed against him for allegedly producing false School Leaving Certificate. The allegations made by the Complainant against the Respondent No.5 and 6, prima facie appears to be a case of afterthought and the complaint does not appear to be a genuine complaint.

In view of the above discussions, we do not find any substance in the allegations made by the Complainant against the Respondent No.5 and 6. The complaint is accordingly rejected.

Date: 15/09/2016

Place: Panaji – Goa.

Sd/-  
(A. D. Salkar)  
Chairperson  
Goa Human Rights Commission

Sd/-  
(J. A. Keny)  
Member  
Goa Human Rights Commission