

**BEFORE THE GOA HUMAN RIGHTS COMMISSION**  
**PANAJI – GOA**

**Proceeding No. 104/2020**

Suo Motu

V/S

- 1) The Director,  
Directorate of Skill Development and  
Entrepreneurship,  
Government of Goa,  
Patto, Panaji-Goa.
- 2) Shri Naresh Talatkar,  
ITI Instructor,  
Mapusa, Bardez-Goa

**INQUIRY REPORT/ORDER**

(06<sup>th</sup> October 2021)

On going through the Newspaper Report which appeared in the local daily “Gomantak Times” dated 25/05/2020 under the caption “ITI Instructor cry for revised pay scales”, the Commission, by Order dated 26/05/2020 took Suo Motu cognizance of the Newspaper Report and called for the detailed report from the Respondent No.1.

2. The Respondent No.1 filed their detailed reply on 28/07/2020. They stated that in the year 2016, the Vocational Instructors, who were drawing Rs.4200 Grade Pay and working in various Government ITIs, represented to the office to grant them Rs.4600/- Grade Pay as per the MSD&E guidelines. The proposal was moved to the Finance Department on 26/10/2016 but was turned down by the Finance Minister/C.M.

3. The Respondent No.1 also stated that they received the representation from one Vocational Instructor on 26/04/2017 and the file remained pending in the cupboard of Office Superintendent but the file has now been traced out.

4. The Respondent No.1 stated that the Department made all the efforts to give justice to the Vocational Instructors in granting them Rs.4600/- Grade Pay as per MSD&E guidelines but the proposal was not approved by the Higher Authorities as there was no financial assistance from the Central Government and the implementation cannot be carried out.

5. On considering the reply, this Commission passed the Order on 06/08/2020, which is recorded in the Proceeding Sheet and which is as under :

*“In this case, newspaper report reveals that Naresh Talkatkar, a vocational instructor had made a representation to the Principal of Government ITI regarding revision of pay band i.e. 9300-34800+4600 to all instructors as per the notification of Ministry of Labour and Employment (DGET), New Delhi and that Government has not implemented the pay scales and pay grade of all the vocational instructors since the issue of notification dated November 27, 2014.*

*In this regard, the Finance Department opined as under:-*

*That similar case of vocational instructors of Directorate of Skill Development and Entrepreneurship were drawing grade pay of Rs.4200 and submitted their representation for grant of grade pay of Rs.4600 as per MSD&E guidelines. The same was referred to the Government for consideration. However, Finance Department returned the proposal stating that “at present, it is not admissible to upgrade any pay scales, specially when there is no financial assistance from Govt. of India” (Pg. 5/N) and therefore, representation of Shri Zambaulikar for grade pay of Rs.4600 to*

*vocational instructors was rejected on the ground that specially there is no financial assistance from the Central Government and that circumstances based on the observation have not been changed.*

*That being the policy of the Government, no human rights issue is involved.*

*However, it is seen that the order of the Finance Department is of the year 2016/2017 (pg. 4/N and 7/N) and however, records do not show what has happened to the representation of Shri Naresh Talkatkar stated to have made to the Principal of Government ITI, Panaji, seeking implementation of notification dated 27/11/2014 (see newspaper report).*

*Records show that no steps have been taken by Directorate of Skill Development and Entrepreneurship to the representation of Shri Naresh Talkatkar.*

*The file re-submitted to the Hon'ble Chief Minister on 06/09/2017, which in turn forwarded by the Secretary (SD&E) on 07/09/2017, to Personnel Department for their views, was returned back to the Department (Skill Development and Entrepreneurship) with the remark to refer the proposal to Finance Department (R&C) to seek their views for up-gradation of grade pay.*

*According to Department, the report prepared on 23/11/2017 was placed on 27/11/2017 before the Director with a remark, 'please speak' and that Office Superintendent did not pursue and that subsequently, Office Superintendent expired and file has been traced now.*

*The net result is that representation of Naresh Talkatkar is not acted upon. Apart from that, Department did not pursue the proposal prepared on 23/11/2017.*

*Hence, issue notice to the Respondent and to Shri Naresh Talkatkar, for hearing.*

*A copy of the reply filed by the Respondent be forwarded to Shri Naresh Talkatkar”.*

6. Thereafter, the present Respondent No.2 was added and he filed his reply along with the documents on 10/09/2020. Subsequently, on 25/03/2021, the Respondent No.1 filed his additional Affidavit-in-Reply, along with the annexures. In the said Affidavit-in-Reply, the Respondent No.1 stated that the file regarding pay scale of the Instructors was placed before him on 23/06/2020 and the Finance Department returned the said file with the remarks of the Under Secretary(Finance) as under :

“ Decision at 5/N & 8/N refers. There are no fresh grounds for considering the proposal. We may maintain the same.”

It is seen from page 27/N that the said remark was dated 15/10/2020.

7. The Commission heard Adv. Ms. Harsha Naik for the Respondent No.1 and also heard Shri Naresh Talatkar, ITI Instructor, i.e. the Respondent No.2.

8. As per the Order dated 06/08/2020 of this Commission, the Commission had noted that the representation of Respondent No.2 was not acted upon.

9. It is seen that Order of the Finance Department is of the year 2016-2017 dated 17/11/2016 and 23/05/2017 respectively, turning down the proposal by the Finance Minister (Chief Minister). It is admitted position that thereafter

on 26/04/2017, one more representation was made to the Chief Minister, Government of Goa, by Shri Naresh Talkatkar seeking implementation of the notification dated 27/11/2014. Records show that file re-submitted to the Hon'ble Chief Minister on 06/09/2017, which in turn forwarded by the Secretary (SD&E) on 07/09/2017 to Personnel Department for their views, was returned back to the Department of Skill Development and Entrepreneurship with the remark to refer the proposal to Finance Department (R & C) to seek their views for up-gradation of grade pay.

10. The point for determination is as to whether representation dated 06/09/2017 of which the report was prepared on 23/11/2017, was placed on 27/11/2017, before the Director with a remark, 'Please speak' was acted on diligently.

The averments made by Shri Dipak S. Desai, Director of Directorate of Skill Development and Entrepreneurship, Panaji-Goa are not satisfactory and are untenable. Office Superintendent Late Smt. Mahima Binghekar expired on 15/03/2019. There is considerable delay of more than one and a half year in just forwarding the file to the Finance Department, of which report was already prepared.

11. The Department cannot take shelter of death of Office Superintendent on 15/03/2019, in respect of forwarding representation dated 06/09/2017, very belatedly.

12. Even thereafter representation dated 06/09/2017, was not forwarded to the Finance Department within reasonable time and the same was filed on 16/07/2020, after this Commission has taken cognizance of the issue. There is considerable delay in forwarding the representation to the Finance Department. The reasons cited for delay cannot be countenanced. The Department did not provide for delivery of

public services within the stipulated time limit and this resulted in administrative inefficiency. Maximum time limit provided by The Goa (Right of Citizens to Time-Bound Delivery of Public Services) Act, 2013, is ranging from 03 days to 15 days relating to such services. There is gross delay of almost three years. The death of Office Superintendent on 15/03/2019 cannot be the reason for not forwarding the representation earlier and thereafter after her death.

13 The gross and considerable delay has affected the human rights of the applicant in raising his grievances. Hence, this Commission recommends that the Respondent No.1 hold an inquiry for fixing the accountability of long and considerable delay and to initiate action against the erring officer as deemed fit.

14. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the Respondents and the Respondents shall within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon to the Commission.

15. Copy of the Inquiry Report be sent to the Respondent No. 1 i.e. The Director, Directorate of Skill Development and Entrepreneurship, Government of Goa, Patto, Panaji-Goa, calling for their comments, including the action taken or proposed to be taken within a period of two months or on or before 07/12/2021, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 06/10/2021

Place : Panaji-Goa.

Sd/-  
(Justice U.V. Bakre)  
Chairperson  
Goa Human Rights Commission

Sd/-  
(Desmond D'Costa)  
Member  
Goa Human Rights Commission

