

BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No. 235/2018

Shri Krishnanath Pandurang Harmalkar,
Susheela Sankul, Block-A, G-03,
Orulem, Vasco-da-Gama, Goa ... Complainant

V/s

The Chief Officer,
Mormugao Municipal Council,
Vasco-da-Gama, Goa. ... Respondent

INQUIRY REPORT/ORDER

(24th August, 2021)

The Complaint dated 29/10/2018 was received in this Commission as the Complainant, Shri Krishnanath Pandurang Harmalkar, had not received his pension arrears from January 2016 to August 2017.

2. On perusing the complaint, the Commission by Order dated 08/11/2018 called for the report from the Respondent, i.e. the Chief Officer, Mormugao Municipal Council.

3. The Respondent filed the report dated 07/12/2018 stating that due to paucity of funds, the pension arrears under Seventh Pay could not be disbursed and final calculation is already prepared and approved by the Chief officer and Chairperson and the arrears will be paid in due course of time after generating the funds.

4. The Respondent had prayed for 3 months time to disburse the entire arrears of pension to the Complainant, the ex-employee of the Council.

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5. Thereafter, the Complainant filed his Rejoinder dated 07/03/2019 that he had still not received the pension arrears of Rs.60,000/- for the period from January 2016 to August 2017.

6. The Ld. Advocate Shri V. Pednekar, on behalf of the Respondent had sought time for filing compliance report but no such report was filed.

7. At the stage of hearing, the Complainant was heard and none remained present for the Respondent.

8. On perusing the reply of the Respondent alongwith the documents of both parties, the Commission finds that there is no dispute that the Respondent had not paid the Seventh Pay arrears of Rs.60,000/- of the Complainant, the ex-employee of the Municipality, for the period from January 2016 to August 2017.

9. The Commission has noted that, in the reply dated 07/12/2018 before this Commission, the Respondent had undertaken and requested for 3 months time to disburse the entire arrears of the Complainant, i.e. they had sought time till the end of March 2019. More than 2 years have passed but the arrears have still not been paid to the Complainant.

10. The Commission finds that the delay in payment of the arrears of pension to the Complainant, have caused a serious violation of his human rights.

11. The Commission, accordingly recommends as under:

The Respondent shall forthwith pay the arrears of pension of Rs.60,000/- (Rupees Sixty Thousand only) of the Complainant for the period from January 2016 to August 2017, within 30 days from today alongwith simple interest thereon at 6% per annum from 01/09/2017 till final payment.

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 Respondent and the Respondent shall within a period of one month from today 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

Date : 24/08/2021

Place : Panaji-Goa

Sd/- (Justice U.V. Bakre) Chairperson Goa Human Rights Commission	Sd/- (Desmond D'Costa) Member Goa Human Rights Commission	Sd/- (Pramod V. Kamat) Member Goa Human Rights Commission
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