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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 81 OF 2014

WITH

WRIT PETITION NO. 82 OF 2014

Shri. Vallabh Bhobe

... Petitioner

VERSUS

State of Goa & 4 ors.

... Respondents

Mr. Sudesh Usgaonkar, Senior Advocate with Ms. Marie Rosette Pereira, Advocate for the Petitioner.

Ms. Susan Linhares, Additional Government Advocate for Respondent Nos. 1 to 3 and 5.

CORAM:- VALMIKI MENEZES, J.

DATED :- 7th MAY, 2026

P.C.:

1. For the reasons stated in the application for speaking to the minutes of Judgment dated 27.02.2026, which is filed today, the following factual corrections shall be incorporated in the aforesaid order:

Substitute paragraph No.5 in the original Judgment by the following paragraph No. 5

“5. FACTS IN WRIT PETITION NO. 81/2014

It is the case of the Petitioner that the Respondent No.4 was working in an establishment, which is a shop known as "M/s Dukle Bhobe & Co." That the Respondent No.4 was appointed as Sales Assistant with effect from 01/02/1966. The letter of appointment was signed on 26/08/1976 by Partner, Shri Gurudas Pai. At the relevant time the Petitioner was not a Partner in the said Firm. The Respondent No.4 tendered his resignation on 31/12/1996 to the said Firm. He resigned from the service of the said Firm for better prospects. He requested settlement of all dues payable to him for his previous years of service. The resignation of Respondent No.4 was accepted by the said Firm which is clear from the endorsement made on the said letter of resignation of Respondent No.4. The allegation of Respondent No. 4 before the Court below that he has worked with the said Firm till the year 2008 is patently false and untrue to the knowledge of the Respondent No. 4. Consequently, the statement about his last salary being Rs. 3000/- is also a false statement. That after his resignation from the said Firm, the Respondent No.4 was gainfully employed in another Firm, Sani-Ply Centre in which he has in fact been working till 2006. The Respondent No.4 filed an application dated 05.01.2010 under section 33-C (2) of the ID Act for computation of the amount due to him i.e Rs. 1,13,250/-.”

FACTS IN WRIT PETITION NO.82/2014

It is the case of the Petitioner that the Respondent No.4 was working in an establishment, which is a shop known as "M/s Dukle Bhobe & Co." of which the Petitioner was one of the partners since 18.10.1979 as an Assistant Salesman, and retired on 01.09.2008. That his last drawn salary is Rs.2800/- which was paid to him on 31/08/2008. The Respondent No.4 vide his letter dated 12.01.2009, requested the Commissioner of Labour and Employment, to look into the issue of payment of their retirement benefits, gratuity and other payments due. Since no action was taken by the said Commissioner, the Respondent No.4 filed an application dated 05.01.2010 under section 33-C (2) of the ID Act for computation of the amount due to him i.e Rs.85575/-."

2. Substitute paragraph No.21 in the original Judgment by the following paragraph No. 21:

"21. For all the aforementioned reasons, the impugned Judgments and Orders dated 02.09.2010 passed by the Presiding Officer, Labour Court-II under the Industrial Disputes Act, 1947 are quashed and set aside. Consequently, the Recovery Certificate dated 14.01.2014 issued by Respondent No. 2 and Notice of Demand dated 23.01.2014 issued by

Respondent No. 3 are also quashed and set aside.”

3. Necessary corrections to be carried out and the corrected copy of the Judgment to be uploaded on the Website.

VALMIKI MENEZES, J.