Panaji, 24th October, 2024 (Kartika 2, 1946)



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are three Extraordinary issues to the Official Gazette, Series II No. 29 dated 17-10-2024 as follows:-

- (1) Extraordinary dated 18-10-2024 from pages 619 to 620 regarding Corrigendum from Department of Finance and Notification from Department of General Administration.
- (2) Extraordinary (No. 2) dated 21-10-2024 from pages 621 to 622 regarding Order from Goa State Election Commission.
- (3) Extraordinary (No. 3) dated 22-10-2024 from pages 623 to 624 regarding Notifications and Notice of Election and Public Notice from Department of Panchayati Raj and Community Development.

GOVERNMENT OF GOA

Directorate of Art & Culture

Order

No. DAC/Accts/Comm.TA/2024-25/2969

In exercise of the powers conferred by Clause 6 (a) of the Constitution of Tiatr Academy, Panaji-Goa, Government is pleased to appoint Shri Anthony Barbosa, r/o. Raia, Salcete, South Goa as President of Tiatr Academy, Panaji-Goa with immediate effect.

By order and in the name of the Governor of Goa

Sagun R. Velip, Director (Art & Culture) & ex officio Jt. Secretary.

Panaji, 9th October, 2024.

Department of Food and Drugs Administration

Directorate of Food and Drugs Administration

Order

No. 147/DFDA/RTI-INF-ACT/Vol. IV/2024-25/3203

In pursuance of Clause 5 of the Right to Information Act, 2005 (hereinafter referred to as "the said Act"), Smt. Sanjyot U. Kudalkar, Designated Officer (South Goa) of this Directorate is hereby appointed as Assistant Public Information Officer; for the Directorate of Food & Drugs Administration, South Goa, sub office with immediate effect; and she will perform the duties as Assistant Public Information Officer; and forward the application received under the said Act to the Public Information Officer; Directorate of Food and Drugs Administration, Bambolim, Goa within the stipulated time.

Shweta S. Dessai, Director, Directorate of Food and Drugs Administration.

Bambolim, 22nd August, 2024.



<u>__</u>

Order

No. 4/2/2024-FOR/202

Read: Memorandum No. 4/2/2024-FOR/156 dated 05-08-2024.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM//I/5/22(1)/2023/131 dated 10-07-2024, the Government of Goa is pleased to appoint Shri Harsh Damodar Phadte, to the post of Assistant Conservator of Forest (Group 'A' Gazetted) in Level 10 of Pay Matrix [Pay

Band-3 Rs. 15600-39100+Grade Pay Rs. 5400/- (pre-revised)] in the Goa Forest Department, on temporary basis, with immediate effect.

Shri Harsh Damodar Phadte shall be on probation for a period of 02 years.

Shri Harsh Damodar Phadte has been declared medically fit by the Medical Board. The character and antecedents in respect of Shri Harsh Damodar Phadte have been verified from the Office of the District Magistrate, South Goa, Margao and there are no adverse remarks against him.

Shri Phadte shall report to the Office of the Principal Chief Conservator of Forests, Altinho, Panaji.

By order and in the name of the Governor of Goa.

Dr. *Pooja M. Madkaikar*, Under Secretary (Forest). Porvorim, 4th September, 2024.

Order

No. 19/1/2024-FOR/223

Read: Order No. 2-2-159(R&U)-2021-22-Vol.I-FD/5432 dated 21-01-2022.

Government is pleased to constitute Research Advisory Committee to promote research activities on the issues related to forest and wildlife in the State of Goa comprising of following, with immediate effect:-

1.	Chief Wildlife Warden, Goa	_	Chairman.
2.	Chief Conservator of Forests	_	Member.
3.	Conservator of Forests (Conservation)	_	Member.
4.	Conservator of Forests (Wildlife & Eco-tourism)	_	Member.
5.	Member Secretary, Goa State Biodiversity Board	_	Member.
6.	Representative from Goa State Research Foundation	_	Member.
7.	Representative from Zoological Survey of India, Western Regional Centre, Pune	_	Member.
8.	Representative from Botanical Survey of India, Western Regional Centre, Pune	_	Member.
9.	Representative from National Institute of Oceanography, Goa	_	Member.
10.	Representative from Institute of Wood Science & Technology, Bengaluru	_	Member.
11.	Dy. Conservator of Forests (Research & Utilization)	_	Member Secretary.

The terms of reference to diversity and the role of Research Advisory Committee (RAC) shall be as under:-

- a. To assess research requirement in forest and protected areas of the State in consultation with field functionaries.
- b. To scrutinize and recommend all research proposals received by the Forest Department including applications addressed to Chief Wildlife Warden for grant of permit under Section 12, 17, and 28 of Wildlife (Protection) Act, 1972 to Chief Wildlife Warden.
- c. To scrutinize and recommend research proposals in consonance with requirement of statutory clearances under National Biodiversity Act, 2002 and Wildlife (Protection) Act, 1972.
- d. To scrutinize and recommend the ongoing project proposals received for revalidation of permits issued earlier by Chief Wildlife Warden upon adherence to compliances stipulated in the permit.
- e. Research Advisory Committee (RAC) may further co-opt/invite any other experts as per requirement.
- f. The Research Advisory Committee shall meet at least once in 6 months (or) as desired by the Chairman.

The earlier Research Advisory Committee constituted vide Order read in preamble, stands withdrawn.

By order and in the name of the Governor of Goa.

Dr. Pooja M. Madkaikar, Under Secretary (Forest).

Porvorim, 27th September, 2024.

Order

No. 4/4/2024-FOR/222

Government is pleased to order transfer and posting of following Officers of Goa Forest Department/ /Goa Forest Development Corporation Ltd., with immediate effect, in public interest:-

Sr.	Name of Officer and current posting	Transferred as/additional charge
No		
1	2	3
1.	Shri Amar Heblekar, General Manager, Goa Forest Development Corporation Ltd. with additional charge of Assistant Conservator of Forest, Legal Cell	General Manager, Goa Forest Development Corporation Ltd.
2.	Shri Damodar Salelkar, Sub Divisional Forest Officer, Canacona with additional charge of ACF, Wildlife & Eco-tourism, South	Assistant Conservator of Forest, Legal Cell with additional charge of ACF, Wildlife & Eco-tourism, South.
3.	Shri Dyaneshwar Kudalkar, Assistant Conservator of Forest, South Goa Division	Assistant Conservator of Forest, South Goa Division with additional charge of Sub Divisional Forest Officer, Canacona.

Shri Damodar Salelkar, shall move first in line of transfer.

By order and in the name of the Governor of Goa.

Dr. Pooja M. Madkaikar, Under Secretary (Forest).

Porvorim, 27th September, 2024.

Order

No. 4/4/2024-FOR/228

Read: Order No. 4/4/2024-FOR/222 dated 27-09-2024.

Government is pleased to order transfer and posting of following Officers of Goa Forest Department/ /Goa Forest Development Corporation Ltd., with immediate effect, in public interest:-

Sr. N	o. Name of Officer and current posting	Transferred as/additional charge
1	2	3
1.	Shri Amar Heblekar, General Manager, Goa Forest Development Corporation Ltd. with additional charge of Assistant Conservator of Forest, Legal Cell	General Manager, Goa Forest Development Corporation Ltd.
2.	Shri Damodar Salelkar, ACF, Wildlife & Eco-tourism, South with additional charge of Sub Divisional Forest Officer, Canacona	Assistant Conservator of Forest, Legal Cell with additional charge of ACF, Wildlife & Eco-tourism, South.
3.	Shri Dyaneshwar Kudalkar, Assistant Conservator of Forest, South Goa Division	Assistant Conservator of Forest, South Goa Division with additional charge of Sub Divisional Forest Officer, Canacona.

Shri Damodar Salelkar, shall move first in line of transfer.

This supersedes earlier Order of even number dated 27-09-2024, read above.

By order and in the name of the Governor of Goa.

Dr. Pooja M. Madkaikar, Under Secretary (Forest).

Porvorim, 8th October, 2024.

Department of General Administration

Notification

No. 37/3/2024-GAD-III/4247

The Government of Goa is pleased to direct that the days specified in the Annexure-I shall be observed as Public Holidays and the days specified in the Annexure-II as Special Holidays in all Government Offices in the State of Goa during the year 2025 (Saka 1946-1947). All Government Offices will be functional on Special Holidays except if the Special Holidays occur on Saturday or Sunday.

- 2. In addition to the Holidays specified in Annexure-I and Annexure-II, employees are permitted to avail of any two holidays from the list of Restricted Holidays specified in Annexure-III for the year 2025.
- 3. The Government is also pleased to declare Commercial and Industrial Holidays for the Commercial and Industrial Workers in Goa, as specified in Annexure-IV for the year 2025.
- 4. Further, in exercise of the powers conferred under explanation to Section 25 of the Negotiable Instrument Act, 1881 (Act 26 of 1881) read with Government of India, Ministry of Home Affairs, New Delhi, vide Notification No. U.11030/2/73-UTL dated 28-6-1973, the Government of Goa is also pleased to declare the days specified in Annexure-V as Bank Holidays in the State of Goa for the year 2025.

By order and in the name of the Governor of Goa.

Shreyas Dsilva, Under Secretary (GA-I).

Porvorim, 22nd October, 2024.

ANNEXURE-I
List of Public Holidays for the Year 2025

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Sunday.
2.	Holi	March, 14	Phalguna, 23	Friday.
3.	Gudi Padava	March, 30	Chaitra, 09	Sunday.
4.	Id-Ul Fitr*	March, 31	Chaitra, 10	Monday.
5.	Ram Navami	April, 06	Chaitra, 16	Sunday.
6.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Monday.
7.	Good Friday	April, 18	Chaitra, 28	Friday.
8.	May Day	May, 01	Vaisakha, 11	Thursday.
9.	Id-Ul-Zuha (Bakri Id)*	June, 07	Jyaishtha, 17	Saturday.
10.	Independence Day	August, 15	Sravana, 24	Friday.
11.	Ganesh Chaturthi (1st Day)	August, 27	Bhadra, 05	Wednesday.
12.	Ganesh Chaturthi (2nd Day)	August, 28	Bhadra, 06	Thursday.
13.	Gandhi Jayanti	October, 02	Asvina, 10	Thursday.
14.	Dussehra (Vijaya Dashmi)	October, 02	Asvina, 10	Thursday.
15.	Diwali (Deepavali)	October, 20	Asvina, 28	Monday.
16	Feast of St. Francis Xavier	December, 03	Agrahayana, 12	Wednesday
17.	Goa Liberation Day	December, 19	Agrahayana, 28	Friday.
18.	Christmas Day	December, 25	Pausha, 04	Thursday.

^{*}The Holiday mentioned at Sr. No. 4 & 9 are subject to appearance of moon.

ANNEXURE-II List of Special Holidays for the Year 2025

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Mahashivratri	February, 26	Phalguna, 07	Wednesday.
2.	Milad-Un-Nabi or Id-e-Milad (Birthday of Prophet Md.)	September, 05	Bhadra, 14	Friday.

N. B.:-

- 1. Special Holidays at Sr. Nos. 1 & 2 applied shall be necessarily sanctioned. In case where employees do not avail of the Special Holidays on the designated days, the holidays may be availed of on any working days during the calendar year 2025 only.
- 2. Special Holiday mentioned at Sr. No. 2 is subject to appearance of moon.
- 3. Special Holidays can be prefixed or suffixed to any kind of leave.

ANNEXURE-III List of Restricted Holidays for the Year 2025

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	New Year Day	January, 01	Pausha, 11	Wednesday.
2.	Makarsankranti	January, 14	Pausha, 24	Tuesday.
3.	Feast of St. Joseph Vaz	January, 16	Pausha, 26	Thursday.
4.	Guru Ravi Das Birthday	February, 12	Magha, 23	Wednesday.
5.	Shivaji Jayanti	February, 19	Magha, 30	Wednesday.
6.	Mahavir Jayanti	April, 10	Chaitra, 20	Thursday.
7.	Vaisakhi/Vishu	April, 13	Chaitra, 23	Sunday.
8.	Maundy Thursday	April, 17	Chaitra, 27	Thursday
9.	Budha Pumima	May, 12	Vaisakha, 22	Monday.
10.	Feast of Sacred Heart of Jesus	June, 27	Ashadha, 06	Friday.
11.	Muharam	July, 06	Ashadha, 15	Sunday.
12.	Raksha Bandhan	August, 09	Sravana, 18	Saturday.
13.	Janmashtami	August, 15	Sravana, 24	Friday.
14.	Hartalika	August, 26	Bhadra, 04	Tuesday.
15.	Onam	September, 05	Bhadra, 14	Friday.
16.	Govardhan Puja	October, 22	Asvina, 30	Wednesday.
17.	Bhaubij	October, 23	Kartika, 01	Thursday.
18.	All Souls day	November, 02	Kartika, 11	Sunday.
19.	Guru Nanak's Birthday	November, 05	Kartika, 14	Wednesday.
20.	Guru Teg Bahadur Martydom Day	November, 24	Agrahayana, 03	Monday.
21.	Feast of Immaculate Conception of Mary	December, 08	Agrahayana, 17	' Monday.
22.	Christmas Eve	December, 24	Pausha, 03	Wednesday.
23.	New Year' Eve	December, 31	Pausha, 10	Wednesday.

ANNEXURE-IV

List of Commercial & Industrial Holidays for the Year 2025

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Sunday.
2.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Monday.
3.	May Day	May, 01	Vaisakha, 11	Thursday.
4.	Independence Day	August, 15	Sravana, 24	Friday.
5.	Ganesh Chaturthi (1st Day)	August, 27	Bhadra, 05	Wednesday.
6.	Gandhi Jayanti	October, 02	Asvina, 10	Thursday.
7.	Diwali (Deepavali)	October, 20	Asvina, 28	Monday.
8.	Goa Liberation Day	December, 19	Agrahayana, 28	Friday.
9.	Christmas Day	December, 25	Pausha, 04	Thursday.

According to the decision communicated by Government of India, Ministry of Finance in Memorandum No. F.8 (7) EST (SPI) dated 7th November, 1963 casual employees including daily rated staff will be entitled to paid holidays if they are in service on the preceding and succeeding working days.

ANNEXURE-V

List of Bank Holidays for the Year 2025

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Sunday.
2.	Holi	March, 14	Phalguna, 23	Friday.
3.	Gudi Padava	March, 30	Chaitra, 09	Sunday.
4.	Id-UI Fitr*	March, 31	Chaitra, 10	Monday.
5.	Yearly Closing of Account	April, 01	Chaitra, 11	Tuesday.
6.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Monday.
7.	Good Friday	April, 18	Chaitra, 28	Friday.
8.	May Day	May, 01	Vaisakha, 11	Thursday.
9.	Id-Ul-Zuha (Bakri Id)*	June, 07	Jyaishtha, 17	Saturday.
10.	Independence Day	August, 15	Sravana, 24	Friday.
11.	Ganesh Chaturthi (1st Day)	August, 27	Bhadra, 05	Wednesday.
12.	Ganesh Chaturthi (2nd Day)	August, 28	Bhadra, 06	Thursday.
13.	Gandhi Jayanti	October, 02	Asvina, 10	Thursday.
14.	Dussehra (Vijaya Dashmi)	October, 02	Asvina, 10	Thursday.
15.	Diwali (Deepavali)	October, 20	Asvina, 28	Monday.
16.	Feast of St. Francis Xavier	December, 03	Agrahayana, 12	2 Wednesday.
17.	Goa Liberation Day	December, 19	Agrahayana, 28	8 Friday.
18.	Christmas Day	December, 25	Pausha, 04	Thursday.

^{*}The Holiday mentioned at Sr. Nos. 4 & 9 are subject to appearance of moon.

Department of Information and Publicity

Order

No. DI/FP/IITF-NEW DELHI/2024/Part File/2582

The Government of Goa is pleased to constitute a Committee for the technical and creative presentation and opening of financial bid of tender for concept, design and management of Goa Pavilion at India International Trade Fair (IITF) to be held in New Delhi from November 14 to 27, 2024.

- Secretary (Information and Chairman. Publicity)
- 2. Director, Directorate of Accounts Member.
- 3. Principal Chief Engineer, PWD Member.
- 4. Principal, Goa College of Arts Member.
- 5. Director, Art and Culture Member.
- 6. Jt. Director, Information and —Member.
 Publicity
- 7. Director, Information and Member Publicity Secretary.

The Selection Committee will meet as and when required for finalization of the bids.

This issues with the approval of Government under U.O. No. 3890/F dated 05-09-2024.

By order and in the name of the Governor of Goa.

Dipak M. Bandekar, Director (Information and Publicity) & ex officio Addl. Secretary.

Panaji, 19th September, 2024.



Inspectorate of Factories and Boilers

Order

No. 2/13(Part)/ADM-IFB/2024/2827

On the recommendation of the Departmental Promotion Committee as conveyed by Goa Public Service Commission, Panaji, vide letter No. COM/II//12/19(1)/2024/240/2943 dated 14-10-2024, the Government of Goa is pleased to declare Shri Santosh N. Shinde, Chemist (Group B Gazetted) in the Inspectorate of Factories and Boilers, Altinho, Panaji to have satisfactorily completed his probation period of two years on 25-08-2022 and confirm him

to the post of Chemist (Group B Gazetted) with effect from the date of his completion of probation period.

By order and in the name of the Governor of Goa.

Anant S. Pangam, Chief Inspector of Factories & Boilers and ex officio Joint Secretary.

Panaji, 18th October, 2024.



Order

No. 28/70/2024-LAB/644

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Bombay Integrated Security (India) Limited, Betim, Porvorim, Goa and it's workman, Ms. Sheetal Rane, in respect of the matter specified in the Schedule hereto;

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under sub-section (1) of Section 7 of the said Act.

SCHEDULE

- "(1) Whether Ms. Sheetal Rane, Dy. Manager-HR, could be construed as "Workman" as defined under Clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947)?
- (2) If the answer to the above is in affirmative, then, whether the action of the management of M/s. Bombay Integrated Security (India) Limited, Betim, Porvorim, Goa in terminating the services of Ms. Sheetal Rane, Dy. Manager-HR, with effect from 22-04-2024, is legal and justified?
- (3) If answer to issue No. (2) above is in negative then what relief the workman is entitled to?."

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour). Porvorim, 14th October, 2024.

Notification

No. 28/02/2024-LAB/Part-III/637

The following Judgement passed by the Labour Court-II, at Panaji-Goa, on 16-09-2024 in Case No. Ref. LC-II/LCC/11/18 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour). Porvorim, 14th October, 2024.

IN THE LABOUR COURT-II GOVERNMENT OF GOA AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble Presiding Officer)

Case No. Ref. LC-II/LCC/11/18

Shri Jose Manuel D'Souza, r/o. H. No. 524, St. Caitano Waddo, Merces-Goa, P. O. St. Cruz

... Applicant.

V/s

M/s. Instakart Services Pvt. Ltd., 7th Main, 80Ft. Road, Koramangala, Bangalore

Opponent.

Workman/Party I represented by Adv. Smt. Harsha Naik. Employer/Party II represented by Adv. Shri A. Salatry.

Panaji, dated: 16-09-2024.

JUDGMENT

- 1. This Judgment and Order shall determine the claim application of the Applicant dated 26-06-2018.
- 2. By the present claim application, the Applicant claimed an amount of Rs. 6,06,268/- (Rupees six lakh six thousand two hundred and sixty eight only) towards his unpaid salary as well as damages and compensation towards illegal termination of his services.
- 3. The Opponent resisted the aforesaid claim application of the Applicant by filing its reply dated 18-08-2018. The Opponent, as and by way of its preliminary objections, submitted that the present petition filed under Section 33 C (2) of the I.D. Act 1947. The Opponent submitted that the Applicant was appointed in the position of a Hub-in-charge-delivery vide appointment letter dated 11-08-2014.

The Opponent submitted that the duties and responsibilities of the Applicant as Hub-in-charge, were accountable for overall Hub operations, accountable for overall Hub Operations as per operational standards, ensuring customers are delighted at all times, promptly and effectively manage customer escalations, ensuring employee engagement initiatives are implemented, comply with 100% ZTP (Zero Tolerance Policy), prepare requisite business dashboard and duly report/ /review with Hub team and Area Manager as required, budgeting and accounting cash and hub imprest/petty cash expenses as appropriate, SOP Adherence at all times and compliance with Service Level Agreement, maintain the cost per shipment (CPS) as per budget, ensure Profitable operations, coordinate with respective departments and adhere to commercial and statutory compliance, conduct team meetings, motive team and control attrition, fill gaps in employee head count within turnaround time, ensure team leaders and other hub team members are trained well, managing environmental bodies, continuously improve in reducing error rate in operations management, ensure safety of people, facility and shipment at all times, maintain high quality facility and people hygiene, grievance handling and conducting open house/meetings with hub teams and identify gaps, follow up and co-ordinate with departments based on open house discussions/findings and take necessary action as appropriate, escalate any information related to the organization to appropriate departments and seniors for taking necessary actions, ensure achievement of key performance indicator for the Hub and set goals for the team accordingly, co-ordination and execution with local vendors, collection of cash, accounting and reconciliation with ERP and deposit as per operation standard, accountable for all recoveries, accountable for stock audit, reconciliation and accuracy at any point of time, monitoring team leader's performance, tracking of undelivered shipment on real time basis and taking proactive action for delivery, Identification of potential Team Leader candidate for internal career progression, Achieving capacity utilization as per target, Has complete knowledge of PIN codes and routes assigned to the Hub.

The Opponent submitted that the duties and responsibilities were primarily were managerial and/or administrative and/or supervisory nature. The Opponent submitted that the application was drawing an annual gross compensation of Rs. 2,77,200/- (Rupees two lakh seventy seven thousand two hundred only) with annual base salary of Rs. 1,22,400/- (Rupees one lakh twenty two

thousand four hundred only). The Opponent submitted that since the role of duties and responsibilities of Applicant are of a managerial and/or administrative and/or supervisory nature. The Applicant claim application is not maintainable as the Applicant is not a "Workman" within the meaning of Section 2 (s) of the I.D. Act, 1947. The Opponent denied the overall case as pleaded by the Applicant and prayed for dismissal.

- 4. Therefore the Applicant filed his re-joinder on 11-2-2019 at Exb. 6. The Applicant, as and by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Opponent in their Written Statement, which are contrary to the statements and averments made by him. He stated that though he was designated as Hub-Incharge-Delivery, his primary duties were of Managerial/Administrative/Supervisory nature.
- 5. Based on the pleadings filed by the parties hereinabove, this Hon'ble Court was pleased to frame the following issues on 19-09-2019 at Exb. 13.
 - Whether the Applicant proves that he is a 'Workman' within the meaning of Section 2(s) of the I. D. Act, 1947?
 - 2. Whether the Applicant proves that he is entitled to receive from the Opponent a sum of Rs. 6,06,268/- (Rupees six lakhs six thousand two hundred sixty eight only) towards his unpaid salaries, damages and compensation etc.?
 - 3. What order?
- 6. My answers to the aforesaid issues are as under:
 - a) Issue No. 1: In the affirmative.
 - b) Issue No. 2: Partly in the affirmative & partly in the negative.
 - c) Issue No. 3: As per final order.

I have heard the oral argument of Ld. Adv. Mrs. Harsha Naik appearing for the Applicant as well as Ld. Adv. Shri A. Salatry representing the Opponent. I have carefully perused the entire records of the present case. I have also considered the submissions advanced before me and is of the opinion as under:

REASONS

7. Issue No. 1:

The Opponent disputed the claim of the Applicant that he is not a workman as defined u/s 2 (s) of the I.D. Act, 1947. It is therefore necessary to refer to the definition of the workman as defined u/s 2 (s) of the I.D. Act 1947.

- 8. Section 2(s) of the I.D. Act, 1947 defines the term 'workman' and it means "any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has led to that dispute, but does not include any such person.
 - (1) who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or
 - (2) who is employed in the police service or as an Officer or other employee of a prison or
 - (3) who is employed mainly in a managerial or administrative capacity
 - (4) who, being employed in a supervisory capacity draws wages exceeding Rs. 1,600/per month or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."
- 9. In the case of **H. R. Adyanthaya v/s Sandoz** (I) Ltd. reported in 1994 (69) FLR 593 the Hon'ble Supreme Court of India held that a person claiming to be a "workman" under the I. D. Act, 1947 must show that he was employed to do the work of any of the category which of manual, unskilled, skilled, technical, operational, clerical or supervisory and that is not enough that he was not covered by either of the four exceptions to the definition of the Workman.
- 10. In the case of Management of M/s. Sonepate Co-operative Sugar Mills Ltd. v/s Ajit Singh reported in 2005 LAB IC 1315, the Hon'ble Supreme Court of India observed that the question as to whether the Employee has been performing a clerical work or not is required to be determined upon arriving at the findings as regards the dominant nature of duty with a view to give effect to the expression to do "any manual unskilled, skilled, technical, operational, clerical or supervisory work", the job of the concerned employee must fall within one or other category thereof. It would therefore not be correct to contend that merely because the employee had not been performing any managerial or supervisory duties, ipso facto, he would be a Workman".

11. In the case of **Bhatiya General Hospital and** anr. (Supra), the Hon'ble High Court of Bombay in para 16 and 18 observed as under:

"16. The definition of "workman" under Section 2(s) of the Industrial Disputes Act, 1947 is of wide amplitude. Four classes of employees are, however, specifically excluded from the definition of workman. An employee who is employed mainly in a managerial or administrative capacity or the one who is employed in a supervisory capacity, draws wages exceeding Rs. 10,000/- per month or exercises, either by nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature is, inter alia, excluded from the definition of workman. The use of the term, "mainly" underscores the dominant nature of the duty so as to fall outside the protective umbrella of the labour legislation. By its very nature, the question as to whether an employee is a workman or not is rooted in fact".

"18. This being the nature of the definition of workman, the nomenclature of the post held by an employee is not of decisive significance. It is in the nature of the duty and not the nomenclature of the position that matters. Whether the overall consideration of the duty performed by the employee satisfies the description of the duties being either supervisory or mainly managerial nature, is the question to be posed."

The principle laid down by the Hori'ble High Court of Bombay in its aforesaid case is well established and also applicable to the case in hand.

12. In the case of *Gwalior Investment Co. Pvt. Ltd., (Supra) the Hon'ble High Court of Bombay* in para 7 of its judgment held as under:

7......Irrespective of the wages paid, the test to determine whether a person is a workman or not is laid down by the **Supreme Court in A. G. Raj Rao v/s. Ciba Giegy of India Ltd., Bombay,** the Supreme Court has held";

"Whether a particular employee is a workman within the meaning of the expression as defined in Section 2(s) of the Industrial Disputes Act, 1947 or a person employed in a supervisory capacity the test that one must employ is what was the primary, basic or dominant nature of duties for which the person whose status is under enquiry was employed. A few extra duties would hardly be relevant to determine his status. The words like managerial or supervisory have to be understood in their proper connotation and their mere use should not detract from the truth. The definition of the expression workman clearly shows that the person concerned would not cease to

be a workman if the performs some supervisory duties but he must be a person who must be engaged in a supervisory capacity."

13. Thus, in order to prove that the Party-I was a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, the Party-I has to prove that he was performing the duties of manual, unskilled, skilled, technical, operational, clerical or supervisory work. It is well settled law that whether a person is a 'workman' or not as defined u/s 2 (s) of the I. D. Act, 1947 has to be decided on the basis of the predominant nature of duties performed by concerned person at the relevant time, it cannot lay down any straight jacket formula.

14. In the case of Karnataka Bank Ltd. v/s. Sunita B. Vatsaraj (SMT), reported in 2007 II CLR 650 the Division Bench of the Hon'ble High Court of Bombay held that "mere designation or nomenclature of the post not determinative of the duties performed by the Employer. The Hon'ble High Court further held that the term supervision means direction and control. The concerned employee must have a power to supervise, direct and control the work of another employee or employees working under him."

15. In the case of Vinayak Baburao Shinde v/s S.R. Shinde and Ors., reported in 1985 I CLR 318, the Division Bench of Hon'ble High Court of Bombay observed as under:

The word "supervisor" means to oversee, that is to look after the work done by other persons. The word 'supervision' occurring in Section 2 (s) of the Industrial Disputes Act means supervision in relation to work or in relation to persons. The essence of supervision consists in overseeing by one person over the work of others. This also involves a power in the person overseeing to direct and control the work done by the persons over whom he is supervising. In an industrial establishment normally there are three layers of work. One is the clerical or the manual work which is done by the workmen, the second is the supervisory work done by a supervisor, and at a higher level is the work of a manager. The last mentioned officer is normally in a position to give orders and to see that the work is done. He has got powers to lay down the norms and to direct that the work shall be done in accordance with those norms. He has also, naturally, the power to take disciplinary action and in case where applications for leave are made it is within his power to sanction or reject those applications.

A supervisor is distinguished from a manager in as much as he has no powers to command others to do a particular work. His junction is to see that the work is done in accordance with the norms laid down by the management. If the work is done, he has to assist the workmen to do it correctly in accordance with the norms. If, however, a workman does not to do the work correctly or properly, the supervisor has no power to take any disciplinary action. In the case of leave applications, a supervisor can only recommend them and not sanction or reject them, the latter being within the jurisdiction of a manager."

16. In the case of **John Joseph Khokar v/s R.S. Bhadange & Ors, reported in 1997 II CLR 921,** the Hon'ble High Court of Bombay held as under:

"The position that emerges from the aforesaid discussion is that in determining the question whether a person employed by the employer is workman under Section 2 (s) of the I.D. Act or not, the court has principally to see main or substantial work for which the employee has been employed and engaged to do. Neither the designation of the employee is decisive nor any incidental work that may be done or required to be done by such employee shall get him outside the purview of workman, if the principal job and the nature of employment of such employee is manual, technical or clerical. In hierarchy of employees, some sort of supervision by the employee over the employees of the lower ladder without any control may not be itself be sufficient to bring that employee in the category of supervisor, yet if the principal job of that employee is to oversee the work of employees who are on the lower cadre of the hierarchy and he has some sort of independent discretion and judgment, obviously such employee would fall within the category of supervisor. Each case would depend on the nature of duties predominantly or primarily performed by such employee and whether such junction was supervisory or not would have to be decided on facts keeping in mind correct principles where the employee possess power of assigning duties and distribution of work such authority of the employee may be indicative of his being supervisor doing supervision. In a broad sense supervisor is one who has authority of the employee may be indicative of his being supervisor doing supervision. In a broad sense supervisor is one who has authority over others. Someone who superintends and direct others. An employee who in the interest of the employer has

responsibility to direct control the work done by the other workers and if the work is not done correct to guide them to do it correctly in accordance with norms shall certainly be a supervisor. A supervisory work may be contradistinguished from managerial and administrative work and, so also a supervisor from manger and administrative work. Supervisor's pre-dominant function is to see that work is done by the workers under him in accordance with the norms laid down by the management, he has no power to take any disciplinary action".

17. In the case of **Tanojkumar B. Chatterji** v/s **Solapur Municipal Corporation, Solapur, reported in 2004 (2) L.L.N. 566,** the Hon'ble High Court of Bombay in para 5 of its judgment held as under:

"5. Now it is well-settled in this branch of law, as in many others, that designations are not dispositive. The court has to have due regard to the real nature of duties and functions. In so far as a supervisor is concerned, he or she is one who can bind the employer by taking some kind of decision on his behalf.

18. National Engineering Industries Ltd. v/s Sri Kishan Bhageria (1988 (1) L.L.N. 675). A supervisor is one who has authority over others to superintend and direct. A supervisor may possess the authority to hire, transfer, suspend. lay-off, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them or to adjust their grievances or effectively to recommend such action. The work of a supervisor is distinguished from work which is of a clerical nature by the exercise of independent judgment. The decisions of the Supreme Court as well as of this court have been considered in a judgment of Shri Justice Rebello, speaking for this court, in Union Carbide (India) Ltd v/s. D. Samuel and others [1999 (2) L.L.N. 165]. The Bombay Dyeing and Manufacturing Company Ltd. v/s. R.A. Bidoo and Others [1989 (2) L.L.N. 483J Division Bench of this court held that "a supervisor is an overseer. A person can be said to be a supervisor if there are persons working under him over whose work he has to keep a watch. A supervisor is empowered to take corrective steps if a subordinate errs in work assigned to him.

19. In the case of Anaud Regional Co-op. Oil Seeds Growers Union Ltd. v/s. Shailesh Kumar Harshadbhai Shah, reported in (2006) 6 SCC 548, the Hon'ble Apex Court in para 15 explained the term 'supervision' as under:

"15. Supervision contemplates direction and control. While determining the nature of the work

performed by an employee, the essence of the matter should call for consideration. An undue importance need not be given for the designation of an employee, or the name assigned to, the class to which he belongs. What is needed to be asked is as to what are the primary duties he performs. For the said purpose, it is necessary to prove that there were some persons working under him whose work is required to be supervised. Being in charge of the section alone and that too it being a small one and relating to quality control would not answer the test."

20. In the case in hand the Applicant was designated as In-charge-delivery Hub at Merces, Goa w.e.f. 11-8-2014. The oral evidence of record indicates that the primarily duties and responsibilities of the Applicant were to take the order and delivered it to the customer through his delivery team, to deliver shipment to the customer, to deliver the shipment by his own vehicle, doing sorting as well as driving etc. He used to report Area Manager of the Employer Mr. Casmiro Fernandes as well as Mahindra Bhargava. He depose that he used to report for grievances to the Regional Manager, Shri Devanand Navale. His gross salary was Rs. 2,52,000/- p.a. (Rupees two lakh fifty two thousand only). The aforesaid duties performed by the Applicant are manual in nature.

21. On the contrary, the Opponent examined Shri Praveen Kejirwal, alleged Authorized Representative of the Opponent. However, he could not depose about the duties and responsibilities of the Opponent. The said witness of the Opponent also could not produce his authorization to depose in the present matter. Thus, the Opponent failed to plead as well as led cogent evidence that Applicant was performing the duties and supervisory administrative and/or managerial in nature and as such he is not a Workman as defined u/s 2 (s) of the I. D. Act, 1947. Hence, it is held that the Applicant proves that he is a workman as defined u/s 2 (s) of the I.D. Act, 1947. The Issue No.1 is therefore answered in the Affirmative.

Issue No. 2:

22. The Applicant claimed an amount of Rs. 1,12,000/- towards his unpaid salary for the month of April, 2017 to July, 2017 and some of Rs. 6,06,268/- towards damages and compensation for illegal termination of his services and reinstatement of services.

The Applicant claimed unpaid salary for the month of April, 2017 to July, 2017 for an amount of Rs. 1,12,000/- (Rupees one lakh twelve thousand only). The Opponent did not deny the said amount

in its written statement filed in the present proceeding. Hence it is held that the Applicant proves that he is entitled towards his unpaid salary for the month of April, 2017 to July, 2017 for an amount of Rs. 1,12,000/-

As regards the damages of compensation for illegal termination of services and reinstatement in service is out of jurisdiction of this court u/s 33 c (2) of the I.D. Act, 1947. More so ever none of the court/authority held that the termination of services of the Applicant is illegal and that is entitled for damages for the same.

23. The Applicant has filed a present petition somewhere on 26-06-2018. The evidence on record indicates that the Applicant made several representation to the Opponent. Hence, the Applicant also entitled for an amount of Rs. 25,000/-(Rupees twenty five thousand only) towards cost of the present proceedings besides interest on the assured sum. It is therefore held that the Applicant partly proved that he is entitled for his unpaid salary for the period from April, 2017 to July, 2017 for an amount of Rs. 1,12,000/- and failed to prove that he is entitled for damages and compensation of Rs. 4,94,268/- towards illegal termination of his services. The Issue No. 2 is therefore partly proved and partly negative.

In view of above, I pass the following order:

ORDER

The claim application of the Applicant dated 26-06-2018 is hereby partly allowed. The Opponent M/s. Instakart Services Pvt. Ltd. is hereby directed to pay to the Applicant Mr. Jose Manuel D'Souza a sum of Rs. 1,37,000/- along with simple interest @ 9% p.a. from the date of passing the present order till its actual realization.

Pronounced in the Open Court.

Sd/-(Suresh N. Narulkar), Presiding Officer, Labour Court-II.

Notification

No. 24/13/2023/LAB/650

Whereas M/s. Goa Carbon Ltd. bearing code No. GOA/9962 in Goa Region has applied for surrender of exemption granted by the State of Government under Clause (a) of sub-section (1) of Section 17 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

- 2. Whereas a Notification bearing No. 25/21/29-IID dated 10-05-1982 granting exemption to the said establishment under Clause (a) of sub-section (1) of Section 17 of the said Act w.e.f. 10-05-1982 was published in the Gazette of Goa, Daman & Diu, subject to the condition specified in this regard from time to time.
- 3. And whereas now it has come to the notice to the State Government that the establishment has desired to surrender its exemption w.e.f. 01-12-2015 as it is facing practical difficulty to operate PF Trust.
- 4. Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 17 of the said Act, the State Government hereby cancels the exemption granted to the said establishment with effect from 01-12-2015.

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour). Porvorim, 21st October, 2024.



Department of Public Health

Order

No. 44/81/2018-I/PHD/1471

Read: Order No. 44/81/2018-I/PHD/1267 dated 05-09-2024.

The Government is pleased to accept the voluntary retirement tendered by Smt. Vinda S. Cuncolienkar, Senior Scientific Assistant, Environment & Pollution Control Wing under Directorate of Health Services and to relieve her from the post of Senior Scientific Assistant under Directorate of Health Services with effect from 31-08-2024 (a.n.) under Rule 48-A of CCS (Pension) Rules, 1972.

This supersedes the Order dated 05-09-2024 read in preamble.

By order and in the name of the Governor of Goa.

Dr. *Pooja Madkaikar,* Under Secretary (Health-II). Porvorim, 18th October, 2024.

Order

No. 44/81/2018-I/PHD/1267

Read: Order No. 44/81/2018-I/PHD/1255 dated 03-09-2024.

Government is pleased to accept the voluntary retirement tendered by Smt. Vinda S. Cuncolienkar, Senior Scientific Assistant, under Directorate of Health Services and to relieve her from the post of Senior Scientific Assistant under Directorate of Health Services with effect from 01-08-2024 (a.n.)

This supersedes the Order dated 03-09-2024 read in preamble.

By order and in the name of the Governor of Goa.

Dr. *Pooja Madkaikar*, Under Secretary (Health-II). Porvorim, 5th September, 2024.

Order

No. 2/8/2022-II/PHD/3156

Government is pleased to accept the resignation dated 02-07-2024 submitted by Dr. Ritvij R. Patankar, Assistant Professor, Department of Urology, Goa Medical College and he stands relieved from the said post w.e.f. 02-08-2024 (a.n.).

By order and in the name of the Governor of Goa.

Gautami S. Parmekar, Under Secretary (Health-I). Porvorim, 21st October, 2024.

Addendum

No. 27/09/2024-I/PHD/1425

Read: Order No. 27/09/2024-I/PHD/1005 dated 15-07-2024.

In the Government Order read at preamble, following member shall be added at Sr. No. 11, as under:-

Sr. No.	Sr. No. Members	
11.	Secretary, Goa Private	Member.
	Dental Practitioners Association	

Rest of the contents remain unchanged.

By order and in the name of the Governor of Goa.

Dr. *Pooja M. Madkaikar*, Under Secretary (Health-II). Porvorim, 11th October, 2024.

Department of Town & Country Planning

Office of the Chief Town Planner (Admn.)

Order

No. 21/22/RTI-GEN/TCP-HQ/2020-21/1930

In supersession of all earlier orders pertaining to appointment of Public Information Officers and Appellate Authority in the Headquarters, Office of Town and Country Planning Department, Panaji and in pursuance to Section 5(1) and 19(1) of the Right to Information Act, 2005, the following officers are hereby appointed as Public Information Officers as specified in the column No. 2 and Appellate Authority as specified in column No. 4, with immediate effect until further orders:

Sr. No.	Name/Designation of Public Information Officer	Unit/Section/Subjects	Appellate Authority
1	2	3	4
1.	Smt. Tecla Fernandes, Superintendent, Public Information Officer-1	Administration	Senior Town Planner (HQs).
2.	Smt. Anushka Hadkonkar, Statistical Assistant, Public Information Officer-2	Statistics/Revenue/Budget	Town Planner (HQs)/D.D.O.
3.	Kum. Saloni Naik, Accountant, Public Information Officer-3	Accounts matters	Town Planner (HQs)/D.D.O.
4.	Shri M.K.C. Srikanth, Town Planner, Public Information Officer-4	Legislation/TCP Act/GLDBCR/ /Regulations/Registration of professionals	Senior Town Planner (HQs).
5.	Shri Anand Deshpande, Town Planner, Public Information Officer-5	Conservation/20% FAR for Hotels and Educational Institutions//Land Acquisition/Compensation issues etc., Consumer Protection Court matters	Senior Town Planner (HQs).
6.	Shri Prakash P. Bandodkar, Dy. Town Planner, Public Information Officer-6	Section 17 (2) matters/Regional Plan matters and matter related to Section 39 (A)	Town Planner (HQs).
7.	Shri Manguirish N. Verenkar, Dy. Town Planner, Public Information Officer-7	TCP Board/Mopa/Airport related matters/PDA related matters/ /Petroleum Rules/Garbage Management Site issue/16-A Committee (Public Projects), Notary Architect/Engineer	Senior Town Planner (HQs).
8.	Smt. Nadia Terence Fernandes, Dy. Town Planner, Public Information Officer-8	Zoning Plans/Complaints/ /Miscellaneous (Technical)/Website/ /BPAMS/matters related to IGBC	Senior Town Planner (HQs).
9.	Shri Rajesh Tirodkar, Planning Assistant, Public Information Officer-9	Matters related to Section 17-A	Chief Town Planner (Land Use).
		Matters related to Committee for regulation 6.1.1 and 25000 m2 & above	Town Planner (HQs).

This is issued with the approval of the Chief Secretary/Secretary (TCP).

Vertika Dagur, Chief Town Planner (Administration).

Panaji, 22nd October, 2024.

Notification

No. 36/18/17(2)/Notification(11)/TCP-2024/1460

Whereas, the Town and Country Planning Department is in receipt of applications under sub-section (2) of Section 17 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for correction of inconsistent/incoherent zoning in the Regional Plan for Goa-2021 (RPG-2021) in respect of the plots of land as specified in detail in columns (2) to (5) of the Table below;

And whereas, the rectifications/corrections as requested in the said applications were scrutinized and Report of the Town and Country Planning Department alongwith the reports from registered professionals were submitted to the Government for decision;

And whereas, the Government has considered the Reports and it is of the opinion that alterations/modifications as specified in column (6) of the Table below corresponding to respective survey number as specified in column (2) of said Table are necessary to be carried out to the RPG-2021 for the purpose of rectifying inadvertent errors that have occurred, and for correction of inconsistent/incoherent zoning proposals in the RPG-2021 and it has directed the Chief Town Planner (Planning) to carry out alterations/modifications as specified in column (6) of the Table below to the RPG-2021;

Now, therefore, as directed by the Government and in pursuance of sub-section (2) of Section 17 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the alterations/modifications as specified in column (6) of the Table below corresponding to respective survey number as stated in column (2) of said Table are hereby carried out to the RPG-2021.

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village	Name of Taluka	Name of District	Alteration/ /modification carried out to the RPG-2021
1	2	3	4	5	6
1.	10/1-E (Part)	Chopdem	Pernem	North	Settlement Zone.
2.	127/3 (Part)	Colva	Salcete	South	Settlement Zone.
3.	211/2-A	Sao Jose De Areal	Salcete	South	Settlement Zone.
4.	30/3-J	Sao Jose De Areal	Salcete	South	Settlement Zone.
5.	391/6-A	Socorro	Bardez	North	Deletion of proposed road proposed from Chogm road to National Highway running North-South paralleled to National Highway.

Rajesh J. Naik, Chief Town Planner (Planning).

Panaji, 22nd October, 2024.

Department of Transport

Directorate of Transport

Order

No. D.Tpt./EST/285-V/2024/2522

On the recommendation of the Goa Public Service Commission, Panaji conveyed vide their letter No. COM/II/11/49(1)/2022/232 dated 09-10-2024, the Government is pleased to promote Shri Oswin E. Carvalho, Motor Vehicles Inspector to the post of Assistant Director of Transport (Group 'B' Gazetted) in Pay Matrix Level 7 of the 7th Pay Commission on regular basis with immediate effect and post him as Assistant Director of Transport, North, Panaji-Goa.

The said Officer shall be on probation for a period of two years.

Consequently, Shri Francisco Antonio Vaz, Assistant Director of Transport (HQ), Panaji who vide Order No. 5/2/93-Tpt/P.F./2024/2027 dated 30-08-2024 was directed to hold additional charge as Assistant Director of Transport, North, Panaji, stands relieved of the said additional charge.

By order and in the name of the Governor of Goa

P. Pravimal Abhishek, IAS, Director of Transport & ex officio Addl. Secretary (Tpt.).

Panaji, 22nd October, 2024.

Department of Urban Development

(Municipal Administration)

Notification

No. 1/RERA/Chairman & Members/2023/Pt.file/ /2140

Read: 1. Notification No. 1/RERA/Chairman & Members/2018/2200 dated 16th October, 2019

- 2. Notification No. 1/RERA/Chairman & Members/2018/4345 dated 08th December, 2020
- 3. Notification No. 1/RERA/Chairman & Members/ /2023/2187 dated 06th October, 2023.
- Notification No. 1/RERA/Chairman & Members/2023/Pt.file/1053 dated 11th July, 2024.

In partial modification to the Notification referred above, Shri Vincent M. D'Silva, Retired District Judge-I & Additional Sessions Judge, Panaji-Goa is hereby appointed as Member of the Goa Real Estate Regulatory Authority, Panaji-Goa in place of Shri Cholu M. Gauns, Member as per the directions of the Hon'ble High Court of Bombay at Goa in Writ Petition No. 2013 of 2024 (F).

By order and in the name of the Governor of Goa.

Brijesh Manerkar, Director (Urban Development)/ /ex officio Additional Secretary.

Panaji, 16th October, 2024.

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