

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 192 OF 2015

M/S DRISHTI LIFESAVING PVT. LTD.
THROUGH ITS DIRECTOR MR. ANTONIO
MOISES MENEZES.

... Petitioner

Versus

STATE OF GOA, THROUGH ITS CHIEF
SECRETARY AND 4 ORS.,

... Respondents

Shri Shashikant Narayan Joshi, Advocate for the petitioners.
Shri V. Rodrigues, Additional Govt. Advocate for respondents No.1
to 3 and 5.
Shri Suhas S. Naik, Advocate for respondent No.4.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 18th March, 2015

P.C.:

Heard Shri S. N. Joshi, learned Counsel appearing for the petitioners, Shri V. Rodrigues, learned Additional Govt. Advocate appearing for the respondents No.1, 2, 3 and 5 and Shri Suhas S. Naik, learned Counsel appearing for the respondent No. 4.

2. We have heard the learned Counsel appearing for the respective parties. It was pointed out by the learned Counsel appearing for the respondent No.4 on the last occasion that the petitioners were not appearing before the Conciliation Officer and that the matter was fixed before the Conciliation Officer yesterday. The matter was, thereafter, fixed today.

3. Shri V. Rodrigues, learned Additional Govt. Advocate appearing for the respondents No.1,2,3 and 5 has pointed out that the Under Secretary (Home), Govt. of Goa has issued a notification dated 19th November, 2014, declaring inter alia lifeguarding and water safety services on the beaches and inland water bodies under the aegis of the Department of Tourism in the State of Goa as essential services, in public interest, under the Goa Essential Services Maintenance Act, 1988.

4. Shri Joshi, learned Counsel appearing for the petitioners has, however, pointed out that despite of the said notification he apprehends that the members of the respondent No.4 may proceed with the strike and there may be a law and order problem. The learned Counsel, as such, points out that the respondents No.1, 2, 3 and 5 may make a statement that they will provide enough protection to ensure that the members of the respondent No.4 do not proceed on strike.

5. On the other hand, learned Counsel appearing for the respondent No.4 points out that the respondent No.4 have a right, if they so desire, to go on strike and that the notification issued by the State Government is not applicable to the respondent No.4. The learned Counsel also points out that there is no bar for the Government, if they so desire, to proceed with any settlement in

respect of the alleged dispute.

6. We are not inclined to go into the merits of the rival contentions, at this stage. The only grievance of the petitioners appears to be the apprehension of the petitioners that the State Government may not enforce the Notification dated 19th November, 2014. This question would not arise at this stage as the consequences in law would follow in case of any breach of such notification. In such circumstances, on mere apprehension of the petitioners, the question of entertaining the petition on behalf of the petitioners would not arise.

7. Leaving all contentions of both the parties open on merits, we dismiss the writ petition. Needless to say, the petitioners are at liberty to file a fresh petition, if so advised, in accordance with law.

K. L. WADANE, J.

F. M. REIS, J.

ssm.