

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 198 OF 2015**

M/s M. R. F. Limited, a company
Registered under the Companies
Act, 1956, having its factory at P.B.
No.1, No.258, Tisk, Usgao, Ponda,
Goa- 403 401
Represented by its Authorised
Representatives Shri T.M. Kurian,
S/o. T. V. Mathew
aged 64 years, Senior Manager. ... Petitioner.

Versus

- 1 State of Goa
through the Chief Secretary
Office of the Advocate General
Government of Goa
Panjim Goa.
- 2 Goa State Election Commission
Next to B.S.N.L. Tower,
Opposite Joggers Park,
Altinho, Panaji – Goa
- 3 Goa M.R.F. Welfare Union
through the President Mr. Cruz
Gracias, major of age, H.No.E/10-
A. Rainginim, Bandora, Ponda, Goa
- 4 Goa MRF Employees Union
through its President Mr. Savio
Furtado, major of age,
H.No. 236/A, Laxcete Varca,
Salcete- Goa-403721
- 5 Goa MRF Union
Through its Secretary
H.No.282, Dr. P.S. Ramani Road,
Wadi, Talaulim, Ponda Goa – 403
401

- 6 MRF Employees Union
through its Secretary
H.No.K-01, Kelas Pondi,
Keri, Ponda, Goa – 403 401 ... Respondents

Goa chamber of Commerce and
Industry,
Narayan Rajaram Bandekar
Bhavan
T.B. Cunha Road, P.O. Box No.59,
Panaji Goa, through its authorised
representative Mr. R. S. Kamat. ... Intervenor

Shri G.K. Sardesai, Advocate for the petitioner.

Shri P. Dangui, Additional Government Advocate for the respondent no.1.

Shri S.N. Joshi, Advocate for the respondent no.2.

Shri Ryan Menezes, Advocate for the respondent no.5.

Shri M. S. Bandodkar, Advocate for the Intervenor.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 22nd August, 2016

ORAL JUDGMENT: (PER F.M.REIS,J)

Heard Shri G.K. Sardesai, learned Counsel appearing for the petitioner, Shri P. Dangui, learned Additional Government Advocate appearing for the respondent no.1, Shri S.N. Joshi, learned Counsel appearing for the respondent no.2 and Shri Ryan Menezes, learned Counsel appearing for the respondent no.5.

2. The above petition takes exception to the Notification dated 09/03/2015 issued by the State Government declaring a public holiday to the private establishments on account of Zilla Panchayat election.

3. When the matter was taken up for hearing on 18/03/2015, we refused ad-interim relief to the petitioner considering that the petitioner had already taken some steps to enable the concerned workmen to exercise their voting rights and observed that any action taken by the petitioner would be at their own risk and subject to the result of the above petition. The matter was thereafter placed for hearing. The Election Commissioner-respondent no.2 as well as Under Secretary of the State Government i.e. Respondent no.1 have filed their affidavit in replies. During the course of the hearing of the above petition, the learned Counsel appearing for the respondents fairly accepted that there was no specific provision in law which could entitle the State Government to declare a public holiday on the occasion of the Zilla Panchayats Election for public establishments though it was pointed out that such holiday was declared to facilitate the workers to exercise their voting rights. The learned Advocate General pointed out that the State Government is in the process of introducing an amendment to the Panchayat Raj Act as well as the Municipality Act

to facilitate declaring such holiday on account of such election. In such circumstances, as the impugned Notification itself has worked out, the question of examining the validity of such Notification would be purely academic. But however, Shri Ryan Menezes, learned Counsel for the respondent no.5 has raised an apprehension that the petitioner may take action against the concerned workers who had not reported to their duties on such date.

4. Shri Sardessai, learned Counsel appearing for the petitioner as well as Shri Bandodkar, learned Counsel appearing for the Goa Chamber of Commerce – intervenor in the above petition upon instructions state that the petitioner as well as the members of the Intervenor do not propose to take any coercive action or any disciplinary proceedings for such absence if any as break in service of the concerned workmen on the said date. In view of the statements of Shri Sardessai, learned Counsel appearing for the petitioner as well as Shri Bandodkar, learned Counsel appearing for the Goa Chamber of Commerce – intervenor upon instructions which are accepted, the apprehension of the concerned workmen would no longer survive. As the issue raised in the above petition and considering the statement of the learned Advocate General that an amendment is proposed to be incorporated in the concerned

legislation, we find that the question raised has become academic.

5. The petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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