

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 531 OF 2016

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

... Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF
SECRETARY.,

... Respondent

Shri Shashikant Narayan Joshi, Advocate for the petitioner.
Mr. P.Dangui, AGA for the respondent nos.1 to 3.
Mr. Suhas Naik, Advocate for the respondent no.4.

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

Date:- 6th June, 2016

P.C.

Heard Mr.Joshi, learned counsel appearing for the petitioner, Mr. P. Dangui, learned Additional Government Advocate appearing for the respondent nos.1 to 3 and Mr. Naik, learned counsel appearing for the respondent no.4.

2. The above petition filed by the petitioner seeks for the following reliefs:-

"a. Issue appropriate directions to the State Government, Department of Tourism and Labour Commissioner to initiate necessary action either under ESMA or under any other provisions of law to prevent the proposed illegal strike and maintain law and order as well as to maintain peace and tranquility in the State;

b. Direct that no activity in the nature of strike, dharna or demonstration or gherao at, or in, or around 100 meters from the beach lifeguard towards, lifeguard centers and lifeguard duty points at the beaches and inland waters of Dudhsagar and Mayem lake is carried out;"

3. During the course of the hearing, it was pointed out by the learned counsel appearing for the petitioner that an interim relief was passed on 20th May, 2016. It was also not disputed during the course of the hearing that the period of the notice of strike has already elapsed and no longer subsists. In such circumstances, the question of considering the above petition on such issues at this stage would be only academic.

4. But however, Shri S.N. Joshi, learned counsel appearing for the petitioner points out that the subject services has been declared as essential services and it is incumbent upon the State Government to take action in case of any illegal strike by the workmen of the petitioner. The learned Additional Government Advocate, however, submits that though a complaint on that count has been lodged by the petitioner, no further steps could be taken as no information was furnished by the petitioner about the names of such workmen. Mr. Joshi, however, submitted that the names shall be furnished within one week from today. The learned Additional Government Advocate submits that after the requisite information is received, the Concerned

Authorities shall consider whether any action or otherwise needs to be taken on the complaint lodged by the petitioner in accordance with law.

5. As the authorities are intending to consider the matter in accordance with law, we find that the question of entertaining the above petition would not arise at this stage. Needless to say that any action propose to be taken by the Concerned Authorities shall be in accordance with law without being influenced by any observations herein. All the contentions of the respondent no.4 with that regard are left open to be considered on its own merits.

6. In view of the above, we find that the question of examining the above petition based on the said issues raised in the petition would not arise at all at this stage. The petition stands accordingly disposed off. Needless to say as stated that all the contentions of the parties on merits are left open.

NUTAN D. SARDESSAI, J.
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F. M. REIS, J.