

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1110 OF 2016

SANKHALI MUNICIPAL COUNCIL, THR.
ITS CHAIRPERSON, SHRI. DHARMESH
SAGLANI.,

... Petitioner

Versus

THE STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Mr. Nitin Sardessai, Senior Advocate with Mr. Gaurang D.
Panandiker, Advocate for the petitioner.
Mr. S. D. Lotlikar, Advocate General with Mr. Sagar Gurudas
Dhargalkar, Additional Govt. Advocate for respondents No.1 &
2.

Coram:- SMT. R. P. SONDURBALDOTA &
C. V. BHADANG, JJ.

Date:- 21st December, 2016

P.C.:

Pursuant to the Order dated 15th December, 2016 the petitioner appeared before respondent No.2/respondent No.5 when respondent No.4 was also present. Mr. S.D. Lotlikar, the learned Advocate General tenders Minutes of the Meeting held on 20/12/2016 before respondent No.2/respondent No.5 in connection with the grievances raised in the present petition.

2. As regards the pending development works, the Minutes record that after having detailed discussion, it was found that 10 out of 27 development works have been carried out by the Public Works Department and approval is required only in

respect of 17 proposals. The Chief Officer, respondent No.4 has assured that he would resubmit the remaining proposals by 23rd December, 2016 to respondent No.2/respondent No.5 for obtaining approval of the Government. This statement in the Minutes is accepted. Respondent No.2/respondent No.5 is expected to take action on the proposals within a period of six weeks from the date of receipt of the proposals from respondent no.4. It is clarified that the Code of Conduct likely to be enforced for the ensuing elections to the State Legislature will not come in the way of respondent No.2/respondent No.5 considering the proposals.

3. As regards non-execution of the Council Resolutions, the Minutes record that the Chief Officer who had taken charge on 18th September, 2016 would need time of two months to go through all the pending Resolutions and if feasible execute the same. The statement made in the Minutes is accepted.

4. The third grievance of the petitioner was of availability of Chief Officer/Jr. Engineer/Accountant for the petitioner. The Minutes record that for the last 3 and half years, 10 Chief Officers, 4 Junior Engineers and 4 Accountants have been transferred, thereby hampering the functioning of the Council. It further records that the present Chief Officer who is appointed as the Joint Mamaltdar III, Bicholim holds the additional charge of

the Chief Officer of the petitioner since 18th September, 2016 and has been attending the Office of the Petitioner twice a week i.e. Tuesday and Thursday. The Municipal Engineer has been appointed on regular basis at the Office of the petitioner, with additional charge of Bicholim Municipal Council. There is an internal arrangement made whereunder he is directed to attend Bicholim Municipal Council twice a week i.e. on Wednesday and Friday. This would mean that he would be available for the work of the petitioner on the remaining working days. As far as the Accountant is concerned, he is holding full time charge of the Petitioner since July, 2016. The statement as regards appointments and working of the three Officers is also accepted.

5. Thus, the Minutes of the meeting show that all the grievances of the petitioner, except appointment of full time Chief Officer exclusively for the petitioner, stand redressed. Mr. Lotlikar, the learned Advocate General submits that the last grievance would, in fact, be covered by Writ Petition No.305/2001 which raises issue of non-implementation of the Constitution (74th Amendment) Act, 1992 for the State of Goa. That petition is pending in this Court for final hearing. Mr. Sardesai, in that circumstances, states the petitioner will file an application for impleading itself as party respondent to the petition.

6. The petition is disposed off in the above terms.

C. V. BHADANG, J. SMT. R. P. SONDURBALDOTA, J.
ssm.