

THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 54 OF 2017**

M/S. AIR INDIA LTD.,
a Company incorporated
and constituted under the
Companies Act, 1956
having its office at 113,
Airlines House,
Gurudwara Rakabganj Road,
New Delhi 110 001, through
Meenakshi Kashyap,
aged 50 years, married,
Indian National,
having office at Old Airport,
Santa Cruz East,
its authorized Dy. General Manager,
Industrial Relations,
Western Region, Mumbai, 29.

..... Petitioner

V e r s u s

1. District Magistrate,
South Goa, Office of the Collector and
District Magistrate, South Goa, District,
Mathany Saldanha
Administrative Complex, Margao, Goa.

2. Shri Suresh Babu R.,
of major age, married,
Resident of “ADITH-AAGNA”,
H. No.178/1(27),
Airway Housing Colony,
Zuari Nagar, Sancoale,
Vasco Goa – 403 726.

..... Respondents

(Registered Addresses)

Shri S. G. Desai, Senior Advocate with Shri V. Parsekar, Advocate for the
Petitioners.

Shri S. R. Rivankar, Public Prosecutor for the Respondent no.1.

Ms. Seeja K. S., Advocate for the Respondent no.2.

**CORAM: F. M. REIS &
NUTAN D. SARDESSAI, JJ.
DATE: 7TH APRIL, 2017.**

ORAL JUDGMENT (Per F.M. Reis, J):

Heard Mr. S. G. Desai, the learned Senior Counsel appearing for the petitioner, Mr. S. R. Rivankar, the learned Public Prosecutor for the Respondent no.1. and Ms. Seeja K.S., the learned counsel appearing for the respondent no.2.

2. Rule. Heard forthwith with the consent of the parties. Learned counsel for the respondents waive service.

3. After hearing the matter for some time it appears that the main grievance of the petitioner is that the impugned order passed by the respondent no.1 dated 7/10/2016 is without jurisdiction and without hearing the petitioner herein. Mr. Rivankar, the learned Public Prosecutor, upon instructions from the respondent no.1 submits that the respondent no.1 shall recall the said order and issue a show cause notice within 15 days and proceed to dispose of the such show cause notice within 60 days thereafter in

accordance with law.

4. The learned counsel appearing for the respondent no.2 however, strongly objects to the said contentions and points out that the order passed by the respondent no.1 is in accordance with law.

5. Without going into the merits of the rival contentions and taking note of the stand taken by the learned Public Prosecutor appearing for the respondent no.1, upon instructions, we find it appropriate to dispose of the above petition by quashing and setting aside the impugned order dated 7/10/2016 and directing the respondent no.1 to issue a show cause notice and take a fresh decision thereon in terms of the said statement of the learned Public Prosecutor. Needless to say that all contentions on merits of both the parties are left open.

6. Rule stands disposed off accordingly.

7. Authenticated copy of this order be issued to the parties.

Ap/ **NUTAN D. SARDESSAI, J**

F. M. REIS, J.

