

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.1098 OF 2016

Prajit P. Naik,
House No.653,
Near Gomantak Press
St. Inez,
Panaji - Goa.

... Petitioner

Versus

1. State of Goa
Through the Secretary,
Department of Tourism,
With his Office at Secretariat,
Porvorim, Bardez- Goa.

2. Director,
Department of Tourism,
Panaji- Goa.

... Respondents.

Shri C. Padgaonkar, Advocate for the petitioner.

Shri P. Dangui, Additional Public Prosecutor for the respondents

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

DATE : 27th June, 2017.

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

Heard Shri C. Pagaonkar, learned Counsel for the petitioner and Shri P. Dangui, learned Additional Government Advocate for the respondents.

2. At the request of Shri C. Padgaonkar, learned Counsel for the petitioner leave to amend the prayer clause (a). Amendment to be carried out forthwith.

3. Rule heard forthwith with the consent of learned Counsel for the parties. Shri P. Dangui, learned Additional Government Advocate waives service on behalf of the respondents.

4. The above petition inter alia prays for a direction to permit the petitioner to resume duties to the post of Lower Division Clerk in the Department of Tourism, Panaji, in view of their appointment by Order dated 02/01/2012 bearing Order no.1/3(585)/2011-DT/4907.

5. During the course of hearing of the above petition, the learned Counsel for the petitioner has brought to our notice the judgment passed by this Court in Writ Petition No.507/2016 dated 28/09/2016 on identical issue raised in the above petition. In view of the disposal of the Writ Petition No.7/2014, the learned Additional Government Advocate does not dispute that the petitioners were similarly placed in those in the said Writ Petition No.507/2016.

6. As such considering the facts of the present petition as it is not disputed that the grievance of the petitioners are identical to the petitioner in the said Writ Petition, we find there is no reason to refuse the relief as granted to the petitioners in the said Writ Petition. The learned Counsel for the respondents also did not point out any dissimilarities in the factual aspects in both such petitions.

For the reasons stated in the said Judgment dated 28/09/2016 in Writ Petition No.507 of 2016, we dispose of the above Writ Petition by passing the following

O R D E R

1. The respondents are directed to reinstate the services of the petitioner from 1st August,2017 without any back wages in the light of the observations made herein above.
2. Rule is made absolute in the above terms.

NUTAN D. SARDESSAI,J.

F. M. REIS,J.

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