

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 395 OF 2019

UDAY CHARL.,

... Petitioner

Versus

THE STATE OF GOA, REP. THR. CHIEF
SECRETARY AND 8 ORS.,

... Respondents

Mr. Vivek Angelo Rodrigues and Mr. V. Naik, Advocates for the
Petitioner.

Mr. D. Lawande, Advocate General with Mr. A. Prabhudessai,
Addl. Government Advocate for the Respondents.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 25th April 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the Petitioner has impugned the order dated 02.05.2018 directing the Respondent Nos.4 and 5 to complete the process of filling up of posts created on deputation basis.

2. In Writ Petition No.345 of 2017 filed by the Petitioner, the Division Bench of this Court has passed an order dated 18th April, 2018. This Court has recorded the statement of the Petitioner made through his learned counsel that the Petitioner is agreeable to work on rotation basis. This Court accordingly directed that the rotation shall be of equal duration distributed

amongst identically situated staff members. Since the Petitioner has already worked for more than one and half year on a working arrangement basis, the Respondent-State shall relieve the Petitioner from the current post and sent other similarly situated staff member on rotation basis to the said post as expeditiously as possible and if it is administratively feasible within a period of two weeks from the date of the said order.

3. Based on the said order dated 18th April, 2018 passed by this Court, the Government of Goa, Institute of Psychiatry and Human Behaviour, Bambolim, issued an order directing the five of the officials to work on rotation basis during different periods.

4. In so far as the Petitioner is concerned, the Petitioner is directed to work on rotation basis during the period from 01.05.2019 to 31.07.2019. It is not in dispute that the Petitioner has not impugned the order dated 18th April, 2018 passed by this Court in Writ Petition No.345 of 2017.

5. In so far as the order dated 02.05.2018 is concerned, four officials above the Petitioner have already undergone the work on rotation basis in compliance with the said order. It is now the turn of the Petitioner to work on rotation basis from 01.05.2019 to 31.07.2019. The petition is filed only in the month of April, 2019.

6. In so far as the submission of Mr. V. Rodrigues, learned counsel for the Petitioner that the Petitioner shall be considered on regular basis on the basis of the documents relied upon by the Petitioner is concerned, the said issue cannot be considered by this Court in this petition. After complying with the order dated 02.05.2018 and working on rotation basis as directed, if the Petitioner choose to file a separate petition, the same would be considered on its own merits. There is no merit in this petition and is accordingly dismissed with no order as to costs.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

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