

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 117 OF 2019

Nagu K. Velip. Petitioner.
V/s.
State of Goa and ors. Respondents.

Mr. Vivek Rodrigues, with Mr. Vithal Naik, Advocate for the
Petitioner.

Mr. Sagar Dhargalkar, Additional Govt. Advocate for Respondents
No.1,2,3 and 5.

Ms. Durga D. Kinlekar, Vigilance Officer present in person.

***Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.***

Date : 29 January 2019.

P.C.:

Heard Mr. Rodrigues, learned Counsel for the Petitioner
and Mr. Dhargalkar, learned Additional Govt. Advocate for
Respondents No.1,2,3 and 5.

2. The main challenge in this Appeal is to the impugned order
dated 16 October 2018, imposing penalty upon the Petitioner under
the CCS (CCA) Rules, 1965.

3. As against the order dated 16 October 2018, there is an

appeal provided to the Appellate Authority under Rules 23 and 24 of the CCS (CCA) Rules, 1965, as applicable to the State of Goa. Since the Petitioner has an alternate and efficacious remedy available under the Rules itself, it is not necessary to entertain the present Petition, rather the Petitioner is required to be relegated to avail the alternate remedy of an appeal.

4. Mr. Rodrigues points out that in terms of the Rules, such an appeal is required to be filed within 45 days and, therefore, there may be some issue of delay. In the facts of the present case, it is apparent that the Petitioner was agitating his grievance before this Court. Accordingly, we are of the opinion that the Petitioner's appeal, if instituted within one week from today, is required to be disposed of on merits.

5. Mr. Rodrigues, learned Counsel for the Petitioner, on the basis of the instructions from the Petitioner, states that an appeal will be filed within a period of one week from today. If, an appeal is so filed within a period of one week from today, the Appellate Authority is directed to dispose of such an appeal, on merits, without adverting to the issue of marginal delay. The Appeal to be decided on its own merits and in accordance with law.

6. We make it clear that we have not adverted to the rival

contentions in relation to the impugned order dated 16 October 2018. All contentions of all the parties are, therefore, left open.

7. The Appellate Authority to endeavour to dispose of the appeal as expeditiously as possible.

8. This Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the basis of an authenticated copy of this order.

(Prithviraj K. Chavan, J.)

(M.S. Sonak, J.)