

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.307 OF 2019**

Mrs. Kunda Santosh Kerkar
alias Kunda Narayan Kerkar,
presently holding the post of
Assistant, in the Goa Legislature
Secretariat, Assembly Complex,
Porvorim, Goa,
r/o. GPB -3-3, Govt. Quarters,
Porvorim, Goa.

.... Petitioner.

V/s.

1. Goa Legislature Board Assembly
Complex, Porvorim, Bardez-Goa.
2. The Secretary,
Goa Legislative Secretariat,
Assembly Complex,
Porvorim, Bardez Taluka Goa.
3. Shri. Ramchandra Palekar,
presently holding the post of Assistant,
in the Goa Legislative Secretariat,
Assembly Complex,
Porvorim, Bardez Taluka Goa.
4. Smt. Anita Naik,
presently holding the post of
Senior Assistant, in the
Goa Legislative Secretariat,

Assembly Complex,
Porvorim, Bardez Taluka Goa.

5. State of Goa,
Through Chief Secretary,
Porvorim, Goa.

.... Respondents

Mr. S.D. Lotlikar, the Senior Counsel with Mr. S.R. Kenny, Advocate for the petitioner.

Mr. R.G. Ramani, Advocate for the respondent no.4.

Mr. D.P. Pangam, the Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for the respondents no.1, 2 and 5.

**Coram : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.**

Date : 3rd January, 2020.

Oral Order: (Per M.S. Sonak, J.) :

Heard Mr. S.D. Lotlikar, the learned Senior Counsel along with Mr. S.R. Kenny, the learned Counsel for the petitioner, Mr. R.G. Ramani, the learned Counsel for the respondent no.4 and Mr. D.P. Pangam, the Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for the respondents no.1, 2 and 5. The respondent no.3 though served neither present nor represented by any Advocate.

2. After this matter was argued for sometime, the learned Advocate General makes a statement that the Order dated 23/03/2018 stands withdrawn and this time, the Goa State Legislature Board (Board) comprising of the Hon'ble Speaker and the Legislature Secretary will hear the petitioner and pass afresh reasoned order into the grievances of the petitioner. The learned Advocate General states that in the peculiar circumstances of this case, even the petitioner will be permitted to be represented by an Advocate at the time of the hearing. He states that this exercise will be completed within three months from today.

3. Mr. S.D. Lotlikar, the learned Senior Counsel states that even the petitioner and her Advocate will cooperate and will not ask for adjournments of the hearing as on this occasion hearing is to be afforded by the Board.

4. In our Order dated 22/07/2016 in Writ Petition No.379/2012 instituted by the present petitioner, it is true that we had directed the Secretary to issue the Show Cause Notice to the petitioner and thereafter, to dispose of the said Show Cause Notice by afford of hearing to the petitioner. However, we are now informed that the appropriate authority in this matter is in fact the Board. Therefore, we deem it appropriate to accept the statement of the

learned Advocate General that on this occasion, it will be the Board which will afford an opportunity of hearing to the petitioner and thereafter, take a decision on the Show Cause Notice dated 19/10/2016 issued to the petitioner. This Show Cause Notice shall also be deemed to be have been issued by the Board itself.

5. In case the petitioner desires to file an additional reply to the Show Cause Notice, she is at liberty to do so within a period of one week from today.

6. The learned Advocate General states that until the Show Cause Notice is disposed of by the Board, the status quo prevailing as on date will be maintained.

7. Since the main relief of the petitioner was against the Order dated 23/03/2018, which now stands withdrawn, according to us, the grievances of the petitioner stands substantially redressed for the present. Therefore, by accepting the aforesaid statements of the learned Advocate General and modifying the form of our earlier Order dated 22/07/2016 in Writ Petition no.379/2012, with the consent of the learned Counsel for the parties, we dispose of this petition.

8. We clarify that we have not examined the merits of the respective contentions and it will therefore be left to the Board to dispose of the Show Cause Notice dated 19/10/2016 on its own merits and in accordance with law.

9. This petition is disposed of in the aforesaid terms.

10. There shall be no order as to costs.

SMT. M.S. JAWALKAR, J. *M. S. SONAK, J.*
*af**