

IN THE HIGH COURT OF BOMBAY AT GOA

WP No. 39 of 2021

Virendra Shiroadkar,
Son of Gurudas Shiroadkar,
Aged 47 years,
Member of Village Panchayat.
Reis Magos, R/o H. No. S 68,
Sonarbhat, Verem Reis Magos,
Bardez-Goa.

..... Petitioner

V e r s u s

Advino Fernandes,
R/o H. No.S-92,
Near Hanuman Temple,
Sonarbhat, Reis Magos,
Bardez-Goa and 10 others.

..... Respondents

Mr. P. A. Kamat, Advocate for the Petitioner.

Ms. Maria Correia, Addl. Government Advocate for the Respondent no.10 and 11.

CORAM: DAMA SESHADRI NAIDU, J.
Date: 2nd February, 2021.

ORDER:

This Court on 18/12/2021, in LD-VC-369-2020 passed the following direction:

“Let us keep aside, for the time being, the allegations the petitioner faces: that he has tried to mislead the Competent Authority or this Court; or that he has approached this Court belatedly. There is *prima facie* material on record to hold that he has nothing to do with the maladministration the then office bearers have been accused of. Especially, the Lokayukta's

observations in that regard are clear. Therefore, to adjust the equities, I observe that if the Competent Authority passes any order, that shall not be given effect to for three weeks, given the intervening vacation.”

2. Later, the learned Competent Authority, on 18/12/2020, passed an order , the operative part of which reads thus :

“In this background I accept the Recommendation No.1 with respect to Shri Prassanna Nagvekar and Shri Subodh Prabhu. Further, I accept recommendation No.4 with respect to Shri Virendra Shirodkar.

As far as recommendation no.2 and 3 are concerned, the appropriate authorities, at their discretion i.e. the Directorate of Panchayats to take appropriate action with respect to Shri Subodh Prabhu, the Panchayat Secretary and the personnel Department, Government of Goa with respect to Shri Pundalik Khorjuvenkar, the then Dy. Director of Panchayat, being an officer of Goa Civil Service.”

3. Consequently, on 21/12/2020, the Secretary (Panchayat) passed an order implementing the directive as contained in the Competent Authority's order quoted above.
4. Aggrieved, the petitioner has filed this Writ petition.
5. In response to the submissions made by the petitioner's counsel, the learned Advocate General has informed the Court that because of the communication gap, the learned Competent Authority was unaware of the order passed by this Court. According to him, the Competent Authority will withdraw the order, dated 18/12/2020 and hear the parties concerned, as

directed by this Court, and pass appropriate orders in due course. I record the learned Advocate General's submission. With that, any adjudication on the merits stands obviated.

6. As a result, both the Competent Authority's order dated 18/12/2020 and the consequential order dated 21/12/2020 stand set aside. The Writ Petition is accordingly disposed of.

7. At the learned Additional Government Advocate's instance, I also clarify that this arrangement as directed above concerns only the petitioner and none else.

8. At any rate, once the Competent Authority passes an order, it shall not be given effect to for two weeks from the date of communication to the petitioner. It is to enable him to seek further jurisdiction redressal, as he now pleads.

DAMA SESHADRI NAIDU, J.

AP/-

MARIA
AURA
PEREIRA

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