

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 229 OF 2021

GOVIND VASANT PARAB AND 2

ORS

...PETITIONERS

Versus

STATE OF GOA, THR. ITS CHIEF

SECRETARY AND 13 ORS

...RESPONDENTS

Mr. Hanumant D. Naik, Advocate *for the Petitioners.*

Mr. Shubham Priolkar, Additional Government Advocate
for Respondent Nos. 1 and 2.

Ms. Kalpa Govenkar, Advocate *for Respondent Nos. 3 to 9
and 12 to 14.*

**CORAM: MANISH PITALE &
M. S. JAWALKAR, JJ.**

DATED: 8th OCTOBER 2021

P.C:

1. By this Writ Petition, the petitioners have challenged memorandum dated 30.08.2018, issuing a seniority list, which is stated to be a provisional seniority list, awaiting Government decision.

2. It is the grievance of the petitioners that although the seniority list is termed to be a provisional seniority list, promotions are being made by the Government to the post of Agriculture Officer on regular basis. Hence, they have sought for quashing of the said memorandum pertaining to the seniority list

and also for quashing orders granting regular promotions to the said post of Agriculture Officer on the basis of the said provisional seniority list.

3. This Court issued notice in the present Writ Petition. Mr. Priolkar, the learned Additional Government Advocate appears for respondent nos. 1 and 2 and Ms. Govenkar appears for respondent nos. 3 to 9 and 12 to 14. An affidavit of service is handed over on behalf of the petitioners, which is taken on record. It is stated therein that respondent no. 10 has resigned from the services of Agriculture Department and has joined service as Junior Scale Officer (Class-I), Government of Goa. On this basis, the learned Counsel for the petitioners, on instructions, seeks deletion of respondent no. 10. Accordingly, respondent no. 10 is deleted from the array of respondents. As noticed, respondent nos. 1 to 9 and 12 to 14 are represented through their Counsel. The other respondents have been served, but they have chosen not to appear before the Court.

4. The learned Counsel for the petitioners submits that this Writ Petition could be disposed of by giving a direction to respondent no. 1 to take a decision in a time bound manner in the matter of finalizing the seniority list of the Agriculture Officers. This is in terms with the impugned memorandum dated 30.08.2018, which specifically states that the tentative

seniority list has been finalized and is awaiting Government decision. Subsequently, in the very document, it is stated that the provisional seniority list, pending Government decision, is being issued. On this basis, it is submitted that if the decision is taken by respondent no. 1 in a time bound manner, for the present, it would satisfy the grievance of the petitioners. It is further submitted that the issues sought to be raised in the present Petition may be kept open to be agitated after respondent no. 1 takes a decision in the matter.

5. Mr. Priolkar, the learned Additional Government Advocate appearing for respondent nos. 1 and 2 submits that such a decision can be taken by respondent no. 1 within three months from today.

6. We are of the opinion that the direction sought by the petitioners can be granted in the facts and circumstances of the present case and a decision by the Government would be in furtherance of finalizing of the seniority list, which in turn would facilitate promotion to the post of Agriculture Officer in terms of the seniority list pertaining to Assistant Agriculture Officers. In view of the above, the present Petition is disposed of by directing the respondent no. 1 to take a decision of finalizing the provisional seniority list issued as per the impugned memorandum dated 30.08.2018, within a period of three months

from today. It is made clear that all contentions raised on behalf of the rival parties are kept open and the Writ Petition is disposed of.

M. S. JAWALKAR, J.

MANISH PITALE, J.

VAIGANKAR
ESHA SAINATH

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