



Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 708 OF 2024.**

VISHRAM YESHWANT KASHALKAR ... PETITIONER.

V e r s u s

**STATE OF GOA, THR. CHIEF SECRETARY
AND 5 ORS. ... RESPONDENTS.**

Mr Abhishek Sawant, Advocate for the petitioner.

Mr Siddharth Samant, Additional Government Advocate for
respondent Nos.1 to 5.

**CORAM: M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATE: 17th February 2025.

P.C

1. Affidavit filed by learned Addl. Govt. Advocate on behalf of State is taken on record.
2. De-tag Writ Petition No.795 of 2024 from the present Writ petition.
3. Learned counsel for the petitioner submitted that the Additional Commissioner for Person with Disabilities had passed an order dated 1.11.2021 which directed the Director of Social Welfare to lift the probation following due procedure and issue confirmation order of the petitioner. It is further directed to fill the post of Head Clerk on

promotion under the PwD category as per the roster and seniority list within 15 days from the order of this authority.

4. The a grievance of the petitioner is that this order has not been complied with.

5. Learned Addl. Govt. Advocate on other hand submitted that the order dated 11.11.2021 is only in the nature of a recommendation and not binding.

6. Be that as it may, learned counsel for the petitioner submits that for the present he is seeking pressing clause (b) which reads thus:-

“b. Alternatively, to grant writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction to Respondents to consider the Representation dated 11.1.2023 and dispose off after complying with principles of natural justice in timebound manner.”

7. Representation dated 11.1.2023 (page 44) makes a reference to the said order. It is represented that the petitioner be considered for promotion of Head Clerk and regularized from retrospective date that is from the year 2016 and consequent relief for salary fixation of the petitioner etc are being prayed.

8. Learned Addl. Govt. Advocate submitted that cause of action has arose as far back in the year 2007. According to him, repeated

representations does not extend the limitation period. The present petition and it suffers from delay and laches.

9. Be that it may, we find it appropriate in the facts and circumstances of the present case that as the petitioner has made representation dated 11.1.2023 seeking direction to Directorate of Social Welfare Goa which has not being responded, the present petition can be disposed of by directing the Directorate of Social Welfare to dispose of the said representation as expeditiously as possible and take the same to its logical conclusion in accordance with law within a period of three months.

10. All contentions including the question of limitation is kept open.

11. We have not expressed any opinion on the merits of the representation. The petition stands disposed of. No costs.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.