

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 65 OF 2020

Mrs. Noelyn Santos

..... Petitioner

V e r s u s

GTDC and Ors.

..... Respondents

Ms. Gautami Kamat, Advocate U/LAS for the Petitioner.

Mr. Shivan Desai, Advocate for the Respondent nos.1 and 2.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the Respondent-State.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 24th July, 2020

P.C.

1. Heard Ms. Gautami Kamat, the learned Counsel appointed to appear on behalf of the petitioner under the Legal Aid Scheme, Mr. D. Pangam, the learned Advocate General, appearing for the respondent-State and Mr. Shivan Desai, the learned Counsel appearing for the respondent nos.1 and 2 (GTDC).

2. We issue Rule in this matter, however, we are not satisfied that a case has been made out for grant of interim relief at this stage.

3. Ms. Maria Correia, learned Additional Government Advocate, waives service on behalf of the respondent-State and Mr. Shivan Desai, the learned Advocate, waives service on behalf of respondent nos.1 and 2 (GTDC).

4. Ms. Kamat, learned Counsel for the petitioner, did point out to us the difficulties faced by the petitioner's son. She referred to certain medical certificates on record. She explained that the petitioner's son may be a gifted son when it comes to computers and music but is dependent upon his mother for cooking and other such routine functions.

5. In the petition, there were averments made that the petitioner's son is a special child and is in need of constant care by the mother. Later on, the GTDC placed on record material which, *prima facie*, showed that the petitioner's son is a Disc Jockey who participates in musical parties and shows on a fairly regular basis. The perusal of the affidavit in rejoinder filed by the respondent, also lends support to this position atleast, *prima facie*.

All these facts were not candidly disclosed to the Court and rather an impression was sought to be created that the petitioner's son is absolutely helpless and, in such a situation, the transfer may be stayed.

6. Based upon the impression created, we too had requested the GTDC to reconsider its decision. Mr. Shivan Desai, the learned Counsel for the GTDC, stated that on account of exigencies, the GTDC has required all Senior Managers to function in responsible positions at the various residences of the GTDC.

7. Mr. Desai, the learned Counsel, submits that the GTDC has shown utmost concern to the interest of the petitioner, but, exigencies of service require that the petitioner is posted at Calangute Residency which is one of the close positions to which she can be posted. Mr. Desai, had pointed out that the GTDC, on its own, has stated that it will review such posting no sooner the situation improves or some other Officer can be posted at the Calangute Residency.

8. We are informed that the petitioner has already reported to the transferred position and is working from there. For all these reasons, we are not inclined to grant any interim relief for the present. However, we direct the GTDC to periodically review this posting and we also grant the petitioner liberty to apply.

9. In case the petitioner needs to file further pleadings, she may do so within two weeks from today. The respondents are also granted further two weeks time to file their response to the additional pleadings which the petitioner may chose to file.

10. Ms. Kamat, the learned Counsel, states that the petitioner in the peculiar facts and circumstances of the present case, may be provided a transport facility for her to commute between Panaji and Calangute. Atleast, *prima facie*, we are not satisfied that such claim can be made as a matter of right. However, we grant liberty to the petitioner to make a representation to the GTDC, which the GTDC shall consider and dispose

off such representation as expeditiously as possible and, in any event, within a period of two weeks from today.

11. Ms. G. Kamat states that such facility is being provided to the other Senior Manager of the GTDC. If this is so, this aspect also should be considered by the GTDC.

12. As noted earlier, liberty is granted to apply for final disposal of this petition once pleadings are complete.

M. S. JAWALKAR

M. S. SONAK, J.

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