

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-35-2020**

Deep Shikha Sharma ... Petitioner
Versus
State of Goa & Ors. ... Respondents

Mr. Shivan Desai and Mr. A. Sardesai, Advocates for the Petitioner.
Mr. D. Pangam, Advocate General with Mr. D. Shirodkar, Addl.
Government Advocate for Respondent Nos.1 to 5.

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

Date:- 26th June, 2020

P.C.

Heard Mr. Desai, learned counsel for the Petitioner and Mr. D. Pangam, learned Advocate General for Respondent Nos.1 to 5.

2. The learned Advocate General, at the outset has raised the issue of availability of alternate and efficacious remedy before the Central Administrative Tribunal. Mr. Desai has however pointed out the difficulties in approaching the CAT on account of present COVID-19 situation.

3. According to us, one of the principal grievances raised by the

Petitioner is that before issuance of the impugned transfer order she was working in the post of Deputy Conservator of Forest (Work Planning Division) which is a cadre post and by the impugned transfer order has been transferred to the post of Deputy Conservator of Forest (Planning and Statistics) which is a non-cadre post. By the reference to Rules and the Transfer Policy Guidelines, Mr. Desai submitted that the Respondents have exceeded their powers in transferring the Petitioner to a non-cadre post and that too, without complying with necessary safeguards provided under the Rules and Transfer Policy Guidelines.

4. The learned Advocate General has made a statement that one of the Respondents who was transferred to a cadre post is due to retire on 30th June, 2020 and the Petitioner will then be posted to a cadre post soon thereafter. In fact, the learned Advocate General states that posting order of the Petitioner to a cadre post will be issued within one week from 30th June, 2020. We accept this statement as a statement made to this Court.

5. In view of the aforesaid statement, we are of the opinion that one of the main grievances of the Petitioner stands redressed. In any case, the interim relief which the Petitioner seeking was basically her retention in a cadre post.

6. In case, the Petitioner has any subsisting grievance despite

her posting in a cadre post or even otherwise, the Petitioner, is at liberty to agitate such grievance before the CAT in due course of time. Accordingly, by recording the aforesaid statement of the learned Advocate General and directing the concerned Respondents to act accordingly and further, by leaving open all rights and contentions of all parties, we dispose of this petition with liberty to the Petitioner to avail of alternate and efficacious remedy available before the CAT.

7. The petition is disposed of in the aforesaid terms.

8. All concerned to act on the basis of the authenticated copy of this order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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