

(2018) 12 BOM CK 0022

In the Bombay High Court

Case No : Public Interest Litigation No. 146 Of 2018

Bapu Ukha Mali And Another

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 05-12-2018

Acts Referred:

Citation : (2018) 12 BOM CK 0022

Hon'ble Judges : Prasanna B. Varale, J; Mangesh S. Patil, J

Bench : Division Bench

Advocate : N.B.Suryawanshi, S.N.Suryawanshi, S.M.Ganachari

Judgement

Prasanna B.Varale,J

[1] Rule. Rule is made returnable forthwith.

[2] Considering the grievance raised and the cause espoused in the Petition, considering submissions of learned counsel Mr.Suryawanshi, we are of the opinion that the Petition can be disposed of by issuing directions. As such, the Petition is taken up for final hearing with consent of the parties.

[3] The petitioners are residents of village Dahivel, Tq.Sakri, Dist.Dhule and are agriculturists. The learned counsel Mr.N.B.Suryawanshi submitted that there was large scale irregularities in certain Government works, as such, grievance was raised before the local authority and the Extension Officer, Gram Panchayat, Panchayat Samiti, Sakri, called upon the Sarpanch and Gram Sevak, Gram Panchayat, Dahivel to submit their detail explanations on the backdrop of the irregularities viz. mischief in submitting project report and the expenditure for the work without compliance of the necessary formalities and also exceeding the amount over and above the grants for the development activities. A copy of the show cause notice dated 16/8/2017 is placed on record at Exh."A". The Extension Officer in the said notice wants the noticee to submit explanation otherwise to face the action of recovery.

[4] Mr.N.B.Suryawanshi, then invited our attention to a representation submitted to the Chief Executive Officer, Zilla Parishad, Dhule dated 18/8/2017 and the representation dated 23/10/2017. Mr.Suryawanshi then submitted that the petitioners have also approached the authority viz. the Superintendent of Police, Anti Corruption Bureau, Nashik Circle but as the said authority found that the grievance raised by the petitioners is in respect of the irregularities and the allegations are on the administrative aspects of the matter, the office of the Anti Corruption Bureau had no role to play in the matter. The learned counsel then submitted that as the petitioners could not get any response from the authorities, the Hon'ble Minister was requested to consider the grievances of the petitioners and accordingly certain instructions were given. Then Mr.Suryawanshi submitted that on 15/2/2018, a preliminary report was submitted through the Extension Officer to Block Development Officer. Then our attention was invited to a document placed on record at Exh.8 i.e. a notice issued to the then Village Development Officer, Sarpanch and Members of Gram Sabha Kosh Samiti. Mr.Suryawanshi submitted that inspite of these notices issued, there was no further progress in the matter, as such the petitioners again requested the authorities to take necessary steps and on 7/9/2018, the Block Development Officer, Panchayat Samiti, Sakri thought it fit to consider the allegations made by the petitioners and accordingly a committee is constituted.

The perusal of the document dated 7/9/2018 i.e. the order passed by the Block Development Officer shows that a committee is constituted consisting of the Assistant Block Development Officer, Panchayat Samiti, Sakri who is the Chairman of the committee, then the other members of the committee are the Deputy Engineer (Construction) Sakri, Extension Officer (Gram Panchayat) Panchayat Samiti, Sakri and Sectional Engineer (Construction) Panchayat Samiti, Sakri. The Block Development Officer by the said order dated 7/9/2018 directed that the inquiry committee should conduct a detail inquiry and submit its report within 8 days. The order also states that the petitioner no.1 Mr.Bapu Ukha Mali should submit the application to the authority, also to participate in the inquiry process alongwith the inquiry committee. Mr.Suryawanshi then submitted that even though the order states that the committee to submit report expeditiously and stipulation of time is also fixed i.e. the committee to submit the report within 8 days, till filing of the Petition, there was no progress in the matter. The learned counsel submitted that in view of this delay in the matter, the petitioners apprehend that the orders would only remain on paper and the grievance raised by these petitioners would only fall on deaf ears without there being any further positive progress.

[5] Now considering these facts and the submissions of the learned counsel, what emerges is the Block Development Officer was acting promptly enough to pay attention to the grievance raised by the petitioners. Notices were issued by him initially. Directions were also issued by him for conducting preliminary inquiry and now the Block Development Officer by order dated 7/9/2018 constituted a committee and alongwith other members, the petitioner no.1 is

also permitted to participate in the inquiry proceeding, as such the Block Development Officer is adopting a transparent approach. Mr.Suryawanshi submitted that the petitioners approached the Deputy Chief Executive Officer submitting their grievance to him and the Deputy Chief Executive Officer responded promptly to the petitioners and then directed his subordinate officers to take necessary steps in the matter.

[6] Considering these facts and considering the submission of Mr.Suryawanshi, the learned counsel that there is no further progress in the matter and this grievance being justified grievance, we direct the respondent no.7 Block Development Officer to pursue the matter and take immediate steps in furtherance of his order dated 7/9/2018. The respondent no.7 on receipt of the report of inquiry committee, to submit the report with his opinion to the respondent no.5 i.e. Chief Executive Officer, Zilla Parishad, Dhule, and on receipt of the communication i.e. report and opinion of respondent no.7 Block Development Officer, the respondent no.5 Chief Executive Officer, Zilla Parishad, to take further steps expeditiously.

[7] In our opinion, these directions would serve the purpose and also would not cause any prejudice to the respondent authorities. The Petition is accordingly disposed of with the above directions. We direct that the entire exercise viz. the report to be submitted to respondent no.7 Block Development Officer in turn the further course of action to be taken by respondent no.5 Chief Executive Officer be concluded within 12 weeks from the date of this order.