

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 37 OF 2014

Vilas s/o Vitthal Dande

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. R. B. Singare, advocate for petitioner.

Mr. S.S. Tope, GP for the State.

Mr. S.N. Deshmukh with Mr. S.M. Ganachari, advocate for respondents 4 and 12.

Mr. D. K. Rajput, advocate for respondents 5, 7, 8, 9 and 12.

Mr. A G. Godhamgaonkar, advocate for respondents 11 and 13.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 23rd JANUARY, 2015.

PER COURT :

1. This petition can be disposed of in view of statement made in paragraph nos. 3 to 6 of the affidavit-in-reply presented on behalf of respondent no. 1, which is recorded as below :

3. I say and submit that, as per an order of this Hon'ble High Court, the respondent no. 4 directed to constitute the committee consisting six members for the purpose of enquiry of the works mentioned in the present Public Interest Litigation. Accordingly the committee perused the record in respect of work orders, muster books and other relevant documents in the said works. In such inspection and enquiry such committee found that, in the year 2009-2012 Administrative Sanction were granted for 22 works. Out of such 22 works only 15 works were been started. In such 15 works 3 works are in respect of digging wells which are not mentioned in the present petition. Therefore the committee inspected the record of remaining 12 works and paid visit to the sites of all those 12 works. The committee

observed that, the actual place of the work and place recorded in register are different. The survey/gut numbers mentioned in administrative sanction and on the muster book are also different. There is disparity in the valuation of works at the time of administrative sanction and actual amount spent on each such works. The Inquiry Committee also found that, all such works are yet not been completed. Even rules and norms prescribed under the Mahatma Gandhi National Rural Employment Guarantee Scheme have not been observed by the concerned officers. Therefore, separate Joint Enquiry Committee needs to be constituted and measurement of the said works to be taken in the presence of the concerned officers and accordingly responsibility needs to be fixed upon the responsible officers or persons.

The copy of reports dt. 29/09/2014 submitted by the Enquiry Committee is annexed herewith and marked as EXHIBIT-R-1 Collectively to the reply.

4. I say and submit that, accordingly after receiving of the report dt. 29/09/2014 of six members Enquiry Committee, the office of deponent issued Show Cause Notices on dt. 10/12/2014 to the concerned Gram-Shevak, Sarpach, Gram Rojgar Sevaks, Engineers, Block Development Officer calling their explanations about the findings of the above said Enquiry Committee.

The copies the Show Cause Notices dt. 10/12/2014 issued to the Gram-Shevak, Sarpanch, Gram Rojgar Sevaks, Engineers, Block Development Officer are annexed herewith and marked as EXHIBIT-R-2 to the reply.

5. I say and submit that, his office also requested and recommended vide letter dt. 8/10/2014 and 21/10/2014 to the District Collector, Aurangabad to issue necessary direction as per the Circular dt. 17/11/2011 and to constitute a Joint Enquiry Committee for the measurement of works in presence of the responsible officers and concerned Sarpanch, Gram Sevak, Gram Rojgar Sevak etc. in all such works the alleged misappropriation has been committed.

The copies letter dt. 8/10/2014 and 21/10/2014 issued by the office of deponent to District Collector, Aurangabad are annexed herewith and marked as EXHIBIT-R-3 to the reply.

6. I say and submit that, after receiving the report and recommendations of Joint Enquiry Committee constituted as per the Circular dt. 17/11/2011 and after fixing work wise fiscal liability/responsibility of the concerned officers, necessary action would be taken against such responsible officers/persons as per the law.

2. In view of assurance given in paragraph no. 6 of the affidavit-in-reply, public interest petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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