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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.864 OF 2013

Solapur District Labour Societies
Co-operative Federation Ltd.

..Petitioner.

V/s.

The State of Maharashtra & Ors.

..Respondents.

Mr.Sarang Satish Aradhye for the Petitioner.
Mr.V.S.Gokhale, AGP for the Respondent No.1.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 24TH FEBRUARY, 2015

P.C. :-

1. By this petition, the Petitioner is challenging the corrigendum dated 20th December, 2012 to the Government Resolution dated 5th December, 2012 issued by the Respondent No.2 through the Department of Social Justice and Special Assistance thereby deciding to allot development work in the colonies established for the Backward Class People (Dalit Vasti) through the Gram Panchayats instead of the labour societies. The petitioner is a federation of such societies. The Petitioner also seeks an order directing the Respondent Nos.2 to 4 to allot the development work to the Petitioner's member. The Petitioner relied upon the Government Resolution dated 5th December, 2011 whereby it was resolved that the development work in Dalit Vastis

should be allotted to the labour societies of backward class categories. By the impugned corrigendum, it was decided that the development work in Dalit Vastis would be carried out by the Gram Panchayats. In the interregnum, it appears that the Petitioner addressed letters on 1st December, 2012, 6th December, 2012, 7th December, 2012, 19th December, 2012 and 29th December, 2012 requesting allotment of work to the the federation and its members. These letters were addressed to various authorities including the District Deputy Registrar, Co-operative Societies, Solapur and the Respondent Nos.2 and 3. However, no work came to be allotted. In the meanwhile, the corrigendum came to be issued.

2. On behalf of the State and Special Assistance Department, Mr.Jaysing L. Pawar, Under Secretary to the Government filed affidavit wherein it is stated that initially the Government Resolution dated 5th December, 2011 granted permission to Labour Societies having Scheduled Caste and Nav-Buddha members to carry out the development work of Dalit Vastis in each village. The basic idea behind this was the upliftment of the people living in Dalit Vastis by providing them work. It appears that complaints were received by the Welfare Officers in many Districts that the Labour Societies were not available. Hence, as a matter of policy, the impugned corrigendum came to be issued and the Government decided that the development work should be

carried out in Dalit Vastis through the Gram Panchayat of each village instead of labour societies.

3. It is also clarified in the affidavit that if any Gram Panchayat does not have any machinery to carry out the development work, then, such development work should be carried out by the Gram Panchayat through labour co-operative societies, educated unemployed Engineers, Co-operative Seva Santhas of unemployed persons or local contractors.

4. In the circumstances, we find that the decision taken by the Government is a matter of policy and does not call for any interference. There is nothing arbitrary in the policy. Vide order dated 11th July, 2013 of this Court, the Government was directed to file further affidavit disclosing the reasons as to why the earlier policy came to be abandoned. Although no such affidavit has been filed, having considered the facts, including the fact of the decision taken by the Government is a matter of policy to be applied uniformly, we are of the view that it would not be possible to restrict the application of the policy to certain areas. It is evident that in cases where the Gram Panchayat does not have the machinery for carrying out such development work, they may have to engage labour societies or local contractors. Hence no interference is called for. The petition is dismissed.

(A.K.MENON, J.)

(A.S.OKA, J.)