

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.3154 OF 2015

Shri. Jalindar Ganpati Jadhav

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

**Shri. Balwant V. Salunkhe i/by Shri. Pravinkumar P. More, for the
Petitioner.**

Shri. S. D. Rayrikar, AGP for the Respondent Nos.1 to 3.

CORAM : R.M. SAVANT, J.

DATE : 3rd JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 13.01.2015 passed by the Additional Commissioner, Pune Division, Pune, by which order the Appeal filed by the Petitioner against the order dated 24.03.2014 passed by the Additional Collector, Sangli came to be dismissed. The Petitioner was elected as a member of the Gram Panchayat Malewadi in the elections which were held in the year 2012. The Petitioner was elected from the seat meant for the open category. The Petitioner's son is a contractor carrying out civil works. In the monthly meeting dated 30.04.2013 a resolution was passed being resolution No.6 awarding the work of cross gutters in the scheme of the Zilla Parishad,

Sangli to the son of the Petitioner one Shri. Pramod Jalindar Jadhav. It is significant to note that the Petitioner was the seconder to the said resolution. The son of the Petitioner it seems had also supplied Tractor with Trolley for the work to be carried out relating to the construction of road abutting a School undertaken by the Gram Panchayat. The Respondent No.5 herein sought the disqualification of the Petitioner under Section 14(1)(g) of the Maharashtra Village Panchayat Act on the aforesaid two grounds. The said provision reads thus :-

“14. Disqualifications – [(1) No person shall be a member of a *Panchayat* continue as who ----

- (a) -----
- (b) -----
- (c) -----
- (d) -----
- (e) -----
- (f) -----
- (g) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Panchayat, or in any contract with, by or on behalf of, or employment with or under, the Panchayat, or
- (h) -----
- (i) -----
- (j) -----
- (k) -----”

The application filed by the Respondent No.5 was replied to on behalf of

the Petitioner and the stand taken was that the Tractor was not of the ownership of the Petitioner and that the son of the Petitioner stays apart from the Petitioner and therefore, there was no impediment in awarding him the contract. The disqualification application filed by the Respondent No.5 being No.74 of 2013 came to be allowed by the Additional Collector, Sangli by his order dated 24.03.2014. The Additional Collector took into consideration the defence taken by the Petitioner and rejected the said defence on the ground that the Petitioner was the seconder to the resolution passed in the meeting dated 30.04.2013 and that the case of the Petitioner that his son Pramod is staying apart from him could not be accepted as the house numbers mentioned by the Petitioner as belonging to his son in fact belong to one Balasaheb Shinde; and perusal of village Form No.8 discloses that the entry in respect of property No.1104 is in the name of the Petitioner. The Additional Collector also took into consideration the fact that after obtaining the certificate from the Sectional Engineer Panchayat Samiti that the work has been completed, the Petitioner had accepted the cheque for the work carried out by his son. The Additional Collector was of the view that in awarding the contract to his own son, to which Resolution the Petitioner was the seconder the provisions of Section 14(1)(g) were attracted. As indicated above, the Additional Collector by his order dated 24.03.2014 allowed the said

application.

2. The Petitioner aggrieved by the said order dated 24.03.2014 filed an Appeal before the State Government which was heard by the Additional Commissioner, Pune Division, Pune. The Additional Commissioner confirmed the findings recorded by the Additional Collector and in view of the fact that the contract was awarded to the son of the Petitioner and in respect of which resolution the Petitioner was the seconder found no reason to interfere with the order passed by the Additional Collector. In my view, having regard to the facts as aforesaid wherein it is ex facie clear that the Petitioner was instrumental in awarding the contract to his own son and thereby has indirectly an interest in the contract awarded by the Gram Panchayat the orders passed by the Authorities below cannot be found fault with. No case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]