

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 12 OF 2015
Court on its own motion .vs. The Municipal Council, Karanja & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. S.D. Chande, Advocate (Amicus Curiae) for petitioner,
Mr. M.I. Dhattrak, Advocate for respondent no.1.
Mr. M.K. Pathan, Assistant Government Pleader for
respondent nos. 2 & 3.

CORAM : B.R. GAVAI & PRASANNA B. VARALE, JJ.

DATED : OCTOBER 15, 2015.

The original petition was filed by the petitioners with a grievance that the retired employees of the Municipal Council, Karanja Lad were not being paid their pension in spite of receipt of the grants from the State Government. The Division Bench while disposing of the petition vide order dated 12.12.2014 observed that there was a recent phenomenon in which the Municipal Council mis-utilized the grants of the petitioners for some other purposes. The Division Bench, therefore, directed the Secretary, Urban Development Department, Government of Maharashtra and the Director of Municipal Administration to file an affidavit in respect of the concerned issues and as to what steps were being taken to remedy the wrong.

Accordingly, an affidavit has been filed on 5.8.2015 on behalf of respondent State. In paragraph 6 of the said

affidavit-in-reply, the details have been given as to what measures are to be taken at the State level by the Director of Municipal Administration to strengthen the vigilance and improve monitoring system so that mis-utilization of funds in future is avoided. It will be relevant to refer to paragraph 6 of the said affidavit :-

“6. The answering respondent have formulated various measures which is adopted at State Level by the Directorate of Municipal Administration to strengthen the vigilance administration and improve monitoring system, which would also prevent any mis-utilization of funds in future. The measures are as follows :-

a) Regular review meetings are being held at state level every quarter to improve administrative systems and to ensure better recovery of taxes at council level. Review meetings are also being held at the level of the Regional Director Municipal Administration and Deputy Director Municipal Administration. Performance of Chief Officers are evaluated and ranked on the basis of performance appraisal. Performance ranking of all Chief Officers in Maharashtra for 2014-15 is annexed hereto and marked as **Annexure-R-III** for kind perusal of this Hon'ble High Court.

b) Service Level Benchmarks regarding services

to be provided to citizens such as sanitation, water supply, solid waste management, street lights, good health etc. have been fixed for all municipal councils and communicated vide letter dated 2nd January 2015 which is at **Annexure-R-IV A and Annexure-R-IV B.**

Achievement of councils in all four categories of water supply, solid waste management, waste water management and sanitation is published in the official gazette on 31st March 2015 and is placed at **Annexure-V-A and Annexure-V-B.**

c) A software application titled the Public Financial Management System (obtained from the Government of India), has been installed in the Directorate of Municipal Administration in the month of May 2015 to monitor the spending of government grants by municipal councils. All councils have been provided lodging IDs to the system and now all amounts/ funds are being released only through this system. This system is being used to track all payments made and as a result, current salaries are being paid regularly.

d) Funds have been allocated for capacity building of employees and regular training of administrative personnel has been initiated from the month of June, 2015. A training calendar has been drawn up for 2015-16 and funds allocated to train at least five persons in each municipal councils in

taxation systems, E Governance, Water supply systems and Solid Waste management, in this year. Two hundred and fifty personnel have already been trained in the past two months.

e) Chartered Accountants are being appointed to improve the accounts and financial management of urban local bodies, using funds made available from the Thirteenth Finance Commission. Letters of intent appointing Chartered Accounts have been issued on 24th July 2015 to Chartered Accounts in 124 municipal councils and the remaining councils would also be covered. Some municipal councils are showing resistance to accepting Chartered Accounts appointed by Director of Municipal Administration but are being persuaded to accept the appointments in public interest.

f) For such administrative personal who are found defaulting in their duties, disciplinary action has been initiated in nearly 20 cases against Chief Officer, in the month of June and July, 2015.”

The perusal of the aforesaid statement made on behalf of respondent no.4 would reveal that the State has formulated measures to ensure that mis-utilization of funds is minimized and the Municipal Councils perform to the required level. The perusal of the said reply would also reveal that disciplinary action was initiated against 26 Chief Officers in the months of June and July, 2015 itself.

In that view of the matter, on the concern shown by respondent State, the petition is disposed of by taking the aforesaid statement made on behalf of the State Government on record.

Civil Application (CAO) No. 1075/15 also stands disposed of.

J. **Judge**

Judge