

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

P.I.L. No.28/2010

**(Nagpur Contractors Association, Nagpur .vs. The State of Maharashtra
and others)**

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

Court's or Judge's orders.

Mr. Sunil Manohar, Senior Advocate with Mr. Rohit Joshi, Advocate
for Petitioner.

Mrs. B.H. Dangre, Government Pleader for Respondent Nos. 1 to 4
Mr. A.M. Gordey, Senior Advocate with Mr. R.S. Charpe, Advocate for
Respondent No.5.

Mr. S.J. Khandalkar, Advocate for Applicant/Intervenor.

Mr. F.T. Mirza, Advocate for Applicant/Intervenor.

Mr. R.R. Dawda, Advocate for Applicant/Intervenor.

CORAM : B.R. Gavai & Indira K. Jain, JJ.

DATED : July 22, 2015.

The present public interest litigation was filed by the petitioner for bringing to the notice of the Court large scale malpractices and irregularities committed in Nagpur Division No.1 of Public Works Department of the State of Maharashtra. Various orders have been passed by this Court from time to time.

The various important buildings like the High Court, the Secretariat, Ravi Bhavan, various Government residential bungalows come within the jurisdiction of this Division. It was also noticed by the Court that large scale illegalities were committed mainly on the repairs and renovation of the buildings in the Ravi Bhavan. It was noticed that the works which were already done earlier, were shown to have been done every year.

It is on account of the various orders passed by this Court, inquiries were conducted. Along with the affidavit dated 15.07.2015 of Mr. Ajit Arvind Sagane,

presently working as Chief Engineer, P.W. Region Nagpur, the list of the Officers against whom the departmental inquiries were held and who have been found to be guilty and the penalties imposed on them, has been filed.

We make it clear that we are satisfied with the steps taken by the State Government in holding inquiries and taking them to logical end. However, we make it clear that we have not gone into the question regarding the correctness of the departmental proceedings initiated against the said Officers or the sufficiency or insufficiency of the penalties imposed on them. Any observation in that regard would seriously prejudice the rights of such of the employees to which they are otherwise entitled in law.

We, therefore, make it clear that if any of the orders passed in the departmental proceedings are challenged before the competent Forum by any of the Officers who have been held to be guilty, such Forum would not be prejudiced by the fact that the said proceedings were initiated against such Officers in view of the orders passed by this Court. If such a challenge is raised, the competent Forum would decide the same on its own merits in accordance with the law.

We had also requested learned Senior Counsel appearing for the petitioner to give certain suggestions so that large scale illegalities in the works carried out by the P.W.D. of the State Government and the high costs in the works are avoided. The Government had appointed a Study Group consisting of Senior Officers and Experts in the field along with a representative of

the petitioner. The learned Senior Counsel appearing on behalf of the petitioner states that to a large extent the recommendations accepted by the Government of the said Study Group take care of the concern of the petitioner. We hope that the State would ensure that the large scale corruption in the Department and various irregularities are avoided and the works are allotted and executed in the transparent manner.

Since the main purpose of the petition is served, we do not find that any purpose would be served by keeping the petition pending. As and when any eventuality occurs, the parties can always bring the same to the notice of the Court and the Court would take cognizance of such issues and pass appropriate orders.

However, before disposing of the petition, we would place on record our appreciation to the petitioner Association. May be on account of infighting between the various Associations, they have brought such large scale irregularities to the notice of the Court. It is only on account of the petitioner approaching this Court, large scale irregularities committed by various contractors and the Officers of the Department have been unearthed and the State could take action against the erring Officers and contractors.

The public interest litigation is, therefore, disposed of.

In view of disposal of main petition, all civil applications are disposed of.

JUDGE

JUDGE