

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

PUBLIC INTEREST LITIGATION NO.99 OF 2013

[Mr. Prashant s/o Narayanrao Kimmatkar and one .vs. State of Maharashtra and one]

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

Court's or Judge's orders

 Shri R.R. Vyas, counsel for the petitioners,
 Shri D.P. Thakare, Additional Government Pleader for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 10, 2015.

By this petition, the petitioners seek a direction to the State of Maharashtra to take action on the basis of report submitted by the respondent no.2 on a complaint made against Shri Prashant N. Pagrut.

It is the case of the petitioners, who claim to have filed this petition in Public Interest, that Shri Prashant Pagrut had committed serious illegalities while discharging his duties as Executive Engineer of the Public Works Department. It is stated that though the said person had caused great loss to the public exchequer and had misappropriated a sum of rupees more than Rs.46 Lacs, the State has not initiated any action against him.

The respondent nos.1 and 2 have filed the affidavit-in-reply on 25.3.2015. It is stated therein that the departmental inquiry is conducted against Shri Prashant Pagrut and after a few charges against him were proved, penalty of stoppage of one increment for two years has been passed. It is stated that in view of the imposition of the punishment on Shri Prashant Pagrut on 12.3.2015, in furtherance of the departmental inquiry, nothing would survive in the Public Interest Litigation specially when it is held that due to the misconduct of Shri Prashant Pagrut, no loss was caused to the State Government.

On a reading of the affidavit-in-reply and on hearing the learned counsel for the parties, it appears that it would not be proper to permit the petitioner to prosecute the litigation any further. The petitioner has sought a direction to the respondents-State to take action against Shri Prashant Pagrut on the basis of the report. The petitioner had not joined Shri Prashant Pagrut as a party respondent. It appears that a departmental inquiry is conducted against Shri Prashant Pagrut and the penalty is imposed on him under the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. It would not be proper for this Court to consider in a Public Interest Litigation, whether the penalty imposed upon Shri Prashant Pagrut is proportionate to the act of misconduct proved against him, specially when Shri Prashant Pagrut is not a party to this litigation.

In view of the aforesaid, we dispose of the Public Interest Litigation, with no order as to costs.

JUDGE

JUDGE

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