

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.459 OF 2015
IN
WRIT PETITION NO.4744 OF 2014

Latur District Heavy Light
Earthmovers Organization,
Office at Vivekanand Chowk,
Sarola Road, Latur,
Through its Secretary & other Members,

- I) Asruba s/o Babruwan Taktode,
Age-32 years, Occu:Business,
- II) Vitthal s/o Annarao Hajgude,
Age-Major, Occu:Business,
- III) Vishwajeet s/o Rajendra Bharti,
Age-Major, Occu:Business,
- IV) Sayyed s/o Nasrulla Aminsab,
Age-Major, Occu:Business,

All are : R/o- Old M.I.D.C.
Latur, Tq. & Dist-Latur.

...PETITIONERS

VERSUS

- 1) The Union of India,
Through its Principal Secretary,
Agricultural Department
Parliament, New Delhi,

- 2) Dineshkumar Jain,
The State of Maharashtra,
Through its Secretary,
Agricultural Department,
Mumbai-2,
- 3) Pratapsinh Kadam,
District Superintendent Agricultural
Officer, Agriculture Office,
Z.P. Administrative Building,
Tq. & Dist-Latur,
- 4) Pandurang Pole,
The Collector, Latur,
Collector Office, Latur,
Dist-Latur,
- 5) S.R. Sardar,
Joint Director, Divisional Agriculture
Office, Division Amrawati,
Z.P. Administrative Building,
Tq. & Dist-Amrawati,
- 6) Suresh Ambulgekar,
The Director of Soil Conservation
& Water Catchment Area Management,
Agro Commissioner Office,
Pune, Dist-Pune.

...RESPONDENTS

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Mr.R.D. Biradar Advocate for Petitioners.
Mr.S.B. Deshpande, A.S.G. for Respondent No.1.
Mr.V.M. Kagne, A.G.P. for Respondent Nos.2 to 6.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 27TH JULY, 2016

ORAL ORDER :

1. The instant Contempt Petition is filed alleging violation of the directions issued by this Court while disposing of Writ Petition No.4744 of 2014. While disposing of the Writ Petition, the statement on behalf of the State made by the A.G.P. has been recorded to the effect that the directions issued under the Government Resolution dated 26th November 2014 would be strictly adhered to and henceforth tender works would be allotted for an amount above Rs.3,00,000/- by adopting e-tender procedure as directed under the Government policy. It is also recorded in the order that appropriate steps shall be taken in respect of the employees who are found involved in disbursing the amount in cash to the contractors in violation of the policy prescribed by the State Government. It was informed to the Court on behalf of the State that suitable directions have been issued for initiation of the

departmental inquiry and departmental inquiry has been actually initiated against erring officers by the State Government.

2. An affidavit in reply has been presented on behalf of Respondent No.6 wherein it has been stated that appropriate steps have been taken against the officials responsible for making cash payment contrary to the policy of the State. It is further recorded that departmental inquiries are initiated against 14 employees and some of the officials are placed under suspension. The grievance of the Petitioners in regard to the violation of the directions and non initiation of the departmental inquiries against erring officers, does not bear any substance.

3. So far as the allotment of tender work beyond the monetary limit of Rs.3,00,000/- is concerned, initially there was a proposal by the Agricultural Department to exempt the works

pertaining to soil and water conservation undertaken by the Agricultural Department, from the purview of the policy of the Government and it was proposed to file review application. However, later on decision was taken to apply the policy uniformly and resolution was issued in pursuance to such decision, making the policy applicable to the Agricultural Department also. It is informed that since June 2015, no works have been allotted without adhering to e-tendering process above monetary value of Rs.3,00,000/- pertaining to soil and water conservation by the Agricultural Department. In view of all these facts, it does not appear that there is any willful disobedience of the directions issued by this Court, by the concerned Department or the officials.

4. The Contempt Petition is devoid of substance and the same is disposed of.

[A.I.S.CHEEMA, J.]

asb/JUL16

[R.M. BORDE, J.]