

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

Writ Petition No.724/2016

**(Tamdeo Maroti Dudhbale .vs. The Chief Executive Officer, Zilla Parishad,
Gadchiroli 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. R.S. Parsodkar, Advocate for Petitioner.
Mr. J. Mokadam, Advocate for Respondent Nos. 1,4 and 5.
Mr. A.S. Kilor, Advocate for Respondent Nos. 2 and 3.
Mrs. B.H. Dangre, Government Pleader for Respondent No.6.

CORAM : B.R. Gavai & P.N. Deshmukh, JJ.

DATED : March 02, 2016.

1. The present petition has been filed by the petitioner making serious allegations that respondent Nos. 2 and 3 had indulged into serious irregularities in again issuing tender for the work in respect of which the work was already completed in the earlier financial year.

2. Since the matter involved the technical aspects and since the Court does not possess expertise in the technical matters, taking into consideration the serious nature of allegations made in the petition, we had directed the Divisional Commissioner vide order dated 23.02.2016 that he should appoint a Committee of two Officers, preferably one from Administration Side and one from Technical Side like Superintending Engineer, Executive Engineer (Quality Control) etc. and get the matter examined so as to *prima facie* find out whether there is substance in the allegations or not.

3. Accordingly the Divisional Commissioner had constituted a Committee of Executive Engineer (EGS) in the office of the Divisional Commissioner, Nagpur and Deputy Commissioner (Establishment) Development Branch in the Office of the Divisional Commissioner, Nagpur. It could thus be seen that the Committee consisted of one expert on technical side and one person who is Deputy Commissioner (Establishment) Development Branch i.e. concerned with the developmental work.

4. The said Committee has submitted its report which is placed on record along with the pursis dated 29.02.2016. The perusal of the report would reveal that the Committee has examined all the material which was available with the Zilla Parishad. Not only that the Committee has also given the hearing to the petitioner.

5. The perusal of the report would reveal that the grievance of the petitioner was basically with regard to eight works. The Committee has found that out of the eight works, in respect of six works though *prima facie* reading the caption of the work would give an impression that the same pertained to the same work which was executed in the earlier financial year, the examination of the detailed aspects would show that the work though pertained to the same village, was of a different nature and at a different place in the same village.

6. The Committee also found that though two

works which were tendered, were for the same work which was completed in the earlier year, the same was noticed by the Public Works Committee of the Zilla Parishad in its meeting dated 23.12.2015 and it was decided to cancel those two works and in their place to include two other works.

7. After the report is submitted by the Committee, the petitioner has again filed his objection which is running into 83 pages, raising an objection to the report of the Committee.

8. As already stated hereinabove, we do not possess expertise in the technical aspects regarding engineering etc. neither we possess expertise in the matters pertaining to administration of the Zilla Parishad.

9. On a pertinent query, Mr. Parsodkar, learned counsel appearing on behalf of the petitioner states that the petitioner is a homeopathic Doctor. We are not aware as to while undergoing training in a homeopathy, the petitioner was also simultaneously taking training in the Engineering as well as the Panchayat Administration.

10. When an independent Committee constituted as per our directions has found no substance in the allegations, we do not find that it will be appropriate to again expand the scope and conduct *de novo* enquiry to examine the 83 pages report submitted by the petitioner.

11. As already stated hereinabove, we do not possess expertise in the matter. At some point of time, some independent Officers will have to be believed.

12. In that view of the matter, we are not inclined to entertain the present writ petition. The petition is found to be without substance. The petition is, therefore, rejected.

JUDGE

JUDGE

halwai