

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPUR**WRIT PETITION NO. 4148/2016**(Maharashtra Engineers Association , Bhandara vs. The State of Maharashtra & others)

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

Court's or Judge's order

Shri Sarang Kotwal, Advocate for the petitioner
Miss Ritu Kalia, Assistant Government Pleader
for respondent nos.1 to 3.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATED : 3rd August, 2016

Heard.

By this Writ Petition, the petitioner-Association seeks a direction to the respondents to allot the construction work to the unemployed Engineers by covering the deficit of the work allotted in the year 2015-16, between the Labour Cooperative Societies and unemployed Engineers.

The petitioner is an association of the unemployed Engineers. As per the Government Resolution dated 24th April 2015, allotment of construction work is to be made to the registered contractors, Labour Cooperative Societies and unemployed Engineers, in the proportion of 34: 33: 33 respectively. It is the case of the petitioner-Association of the unemployed Engineers, that during the last year i.e. 2015-16 the respondents had not maintained the ratio, as provided in the policy laid down in the Government Resolution

dated 24.4.2015. It is stated that it would be necessary for the respondents to allot the work in equal proportion to the unemployed Engineers and Labour Cooperative Societies, by filling up the backlog for the year 2015-16, as far as the unemployed Engineers are concerned.

We are afraid, the relief sought by the petitioner cannot be granted in its entirety. If the Government did not maintain the ratio in the proportion of 34: 33: 33 for the three categories during the last financial year, the petitioner-Association ought to have approached this Court during the said financial year, seeking a direction against the respondents to implement the policy after ensuring that the same was not being effectively implemented in respect of the category of unemployed Engineers. The petitioners cannot, by filing a Writ Petition during the midst of the next financial year i.e. 2016-17, ask the Government to fill up the backlog while maintaining the proportion as per the Government policy. It would, however, be necessary to direct the respondents to follow the policy in the Government Resolution dated 24.4.2015, for this year i.e. 2016-17.

Learned Assistant Government Pleader, Miss Ritu Kalia, on instructions from the respondents states that during the current year i.e. 2016-17, the ratio, as provided by the Government Resolution,

would be maintained and the unemployed Engineers would be granted contracts to the extent of 33% of the work.

By accepting the statements made on behalf of the respondents, that would be binding on the respondents, we dispose of the Writ Petition with no order as to costs.

JUDGE

JUDGE

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C E R T I F I C A T E

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