

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

PUBLIC INTEREST LITIGATION No.97 OF 2015

Mr. Gajanan s/o Sanjay Charde

-Vrs.-

State of Mah. Through its Secretary, Department of Public Works, Mumbai & 4 others.

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

Court's or Judge's orders.

Mrs. Smita Singalkar, advocate for petitioner.
 Mr. Rahul Tajne, advocate for respondent no.4.

CORAM : B.R. GAVAI AND V.M. DESHPANDE, JJ.

DATED : 7th JULY, 2016

The petition has been filed with following prayer
 clause 1 & 2.

(1) Direct the Respondent no.1 to initiate
 criminal prosecution against the persons
 involved in the Inquiry Report, dated 13th
 May, 2015 at Annexure D.

(2) Further direct to register FIR as per the
 Inquiry report about the misappropriation of
 funds.

No doubt, there are other prayers also with regard
 to the direction to the respondent nos. 1, 2 & 3 to recover the
 funds from the persons involved in the mis-appropriation.

No doubt that initially FIR was not filed. However,
 an affidavit was filed on behalf of respondent no. 4 stating
 therein that the FIR is registered on 29.6.2016. The
 respondent no.4 has tendered apology for the delay in
 registering the FIR.

Therefore, in so far as the prayer clauses 1 & 2 are concerned, the petition has served its purpose.

In so far as the other reliefs are concerned, the learned counsel for the respondent no. 4 makes a categorical statement that the departmental proceedings are initiated against the officers/employees who are prima facie found to be involved in the misappropriation.

We are sure that if in the departmental proceedings the officers/employees are held to be guilty, the Zilla Parishad would take necessary steps for recovering the amount from the persons who are found to be guilty for mis-appropriation.

The petition is, therefore, disposed of with aforesaid observations. No costs.

Hirekhan

JUDGE

JUDGE