

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.36 OF 2014

Gautam S/o Tatyrao Shejul

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.B.S. Shinde h/f Mr. R.B. Singare advocate for the petitioner
Mr.V.M. Kagne, AGP for Respondent State
Mr. V.R. Dhorde advocate for respondents No.1 and 2
Mr. D.K. Rajput advocate for respondents No.4, 5, 9 and 11.

CORAM : R.M. BORDE &

K.L. WADANE, JJ

(Date : 30th March, 2017.)

PER COURT :-

1 This Court by order dated 9.3.2016 recorded that the Chief Executive Officer has conducted a preliminary enquiry and found substance in respect of some of the allegations leveled by the petitioner in the petition, however, further progress in the matter was not disclosed to this Court. As such, direction was issued to the Chief Executive Officer to inform as regards further course of action.

2 An affidavit has been presented by the Chief Executive Officer on 8.6.2016 wherein, it has been stated that an enquiry committee headed by the Chief Engineer, Zilha Parishad was

constituted to inquire into the allegations of commission of irregularities during execution of work under the Employment Guaranty Scheme and Mahatma Gandhi National Rural Employment Guarantee Act, 2005. A detailed report dated 21.2.2015 has been received disclosing certain irregularities. It is stated in the reply that, the District Collector, and the Divisional Commissioner are competent authorities to direct conduct of joint enquiry into the irregularities and illegalities in respect of work conducted under Rural Employment Scheme and to take appropriate action against those erring officers.

3 An affidavit in reply has also been presented on behalf of the Collector on 21.7.2016 and in paragraph Nos.10 to 15 it has been stated thus:

“ 10. I further say and submit that, after the receipt of the enquiry report submitted by the inspection squad, the said enquiry report has been forwarded to the Chief Executive Officer, Zilla Parishad, Aurangabad by the Dy. Collector (EGS) for initiating the necessary action as per the enquiry report. The copy of the letter dtd. 4.7.2016 and 11.7.2016 is annexed herewith and is marked at **EXHIBIT-R-6**.

11. I further say and submit that, the Chief Executive Officer, zilla Parishad, Aurangabad by letter dated 13.7.2016 has directed the Block Development Officer, Panchayat Samiti Gangapur to terminate the services of the concerned Gram Rozgar Sevak serving under the Gram Panchayat

Zodegaon namely Bhagwan Kanshiram Tatu. The copy of the letter dated 13.7.2016 issued by the Chief Executive Officer, Zilla Parishad Aurangabad is annexed herewith and is marked at **EXHIBIT-R-7**.

12. I further say and submit that, in the like manner the Chief Executive Officer by orders dated 13.7.2016 has directed the Dy. CEO (Panchayat) to initiate the necessary action against the Sarpanch of village Zodegaon for having committed the irregularities and misappropriation of the amount. The copy of the order dtd. 13.7.2016 is annexed herewith and is marked as **EXHIBIT-R-8**.

13. I say and submit that, the deponent by letter dtd 18.7.2016 has also directed the Chief Executive Officer, ZP Aurangabad to initiate the Departmental enquiry against the responsible officers in the matter and also to initiate necessary criminal action against them. The copy of the letter dtd 18.7.2016 issued by the deponent is annexed herewith and is marked as **EXHIBIT-R-9**.

14. I further say and submit that, the Chief Executive Officer, ZP Aurangabad has submitted a report dtd 13.7.2016 in the office of the deponent thereby stating that the Departmental Enquiry has been initiated against the concerned responsible officers. The concerned Gram Rozgar Sevak has been terminated from service. It is also reported that necessary action for the dismissal of the concerned Sarpanch has been initiated by the Zilla Parishad authorities and also necessary action has been initiated for the recovery of the difference amount from the responsible person. The copy of the report dtd 13.7.2016 submitted by the Chief Executive Officer, Zilla Parishad Aurangabad is annexed herewith and is marked at **EXHIBIT-R-10**.

15. I further say and submit that, the deponent by letter dtd 19.7.2016 has directed the Chief Executive Officer, Zilla Parishad Aurangabad to fix the responsibilities against the responsible officers including the Gramsevak of the Gram Panchayat Zodegaon. By way of the said letter 19.7.2016 the deponent has also directed the Chief Executive Officer of Zilla Parishad Aurangabad to initiate necessary action for the purpose of the recovery of difference amount from the concerned authorities and also to complete the remaining work in respect of the above referred works in accordance with the administrative and technical sanction granted. The copy of the letter dtd 19.7.2016 issued by the deponent is annexed herewith and is marked as **EXHIBIT-R-11.** "

4 In view of the steps taken by the respondents against the erring officials, the grievance raised by the petitioner in the instant PIL stands redressed. Respondents are directed to take further steps in the departmental enquiry proceedings and pass appropriate orders as expeditiously as possible and preferably within a period of one year from today and it is accordingly directed.

5 With the directions as above, the PIL is disposed of.

(K.L. WADANE, J)

(R.M. BORDE, J)