

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1948 OF 2017

Ashok Hanmantappa Kirnalli

... Petitioner

V/s.

The Lokayukta,

The State of Maharashtra, Mumbai and ors.

.... Respondents

Mr.Anoop U. Patil, Advocate for the Petitioner.

Mr.S.L.Babar, AGP for the Respondent/the State.

CORAM : V.M.KANADE AND

P.R.BORA, JJ.

DATE : 27th FEBRUARY, 2017.

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner.

2. The Petitioner is aggrieved by the order/recommendation made by the Lokayukta. According to him, before making this recommendation, the Petitioner was neither heard nor he was given an opportunity of referring the documents. We have perused the order passed by the Lokayukta. In paragraph No. 12 of the said order, it is clearly mentioned that the Petitioner was given a

personal hearing and the Lokayukta has observed that he could not give any satisfactory answer.

3. The Lokayukta has merely made recommendations to the State Government against the Petitioner and the Government has issued the order of suspension. The contention of the Petitioner, that he ought to have been given documents before passing order of recommendation and/or suspension is without any substance. The report has been submitted by one Ingale Committee in which it is noticed that crores of rupees were siphoned off on the pretext of giving assistance to the farmers. Several documents were issued by the concerned department/office, in which the Petitioner is working. Two F.I.R.s have been registered and investigation is being made in respect of those F.I.R.s. The Government also proposes to file the third F.I.R.

4. We have perused the order passed by the Lokayukta on 21st March, 2016 in which also, the Lokayukta has observed that in a normal course, cheques are to be handed over to the dealer in the presence of the concerned farmers. Under the said Scheme, Drip Irrigation sets are provided to the farmers. The Lokayukta observed that no excuse could be given by the Petitioner, from giving reasonable explanation to his office and the contention of the Petitioner that he was not heard is incorrect. Since he was heard on two separate occasions; firstly, on 21st March, 2016 and secondly, before the final order i.e. on 21st April, 2016. In view of the recommendation made by the Lokayukta, the order of suspension was passed on 29th November, 2016.

5. Taking into consideration, seriousness of the allegation is made against the Petitioner, we are of the view that the State Government was justified in following the recommendation made by the Lokayukta and the State Government therefore, was justified in passing the impugned order. We are not inclined to interfere with the order passed by the State Government.

6. The Writ Petition is therefore dismissed and disposed of accordingly. No costs.

(P.R.BORA,J.)

(V.M.KANADE,J.)

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