

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.90 OF 2016
WITH
CIVIL APPLICATION NO.10280 OF 2017

Harichandra S/o. Sukhdeo Khairnar
Age-42 years, Occu-Agril,
R/o. Jaunwane, Tq. & Dist. Dhule

...**PETITIONER**

VERSUS

1. The State of Maharashtra
Through Secretary,
Rural Development, Mantralaya,
Mumbai-32
2. The District Collector,
Dhule
3. The Chief Executive Officer,
Zilla Parishad, Dhule
4. The Sub-Divisional Engineer,
Zilla Parishad (B & C)
Panchayat Samitti, Dhule
District Dhule
5. The Junior Engineer,
Panchayat Samitti, Dhule
District Dhule
6. The Agricultural Officer,
Panchayat Samitti, Dhule
District Dhule

...**RESPONDENTS**

7. The Gramsevak,
Jaunwane, Tq. & Dist. Dhule
8. Sahebrao Gopichand Patil,
Age-52 years, Occu-Ex-Sarpanch
At Present Member of Grampanchayat
Jaunwane, Tq. & Dist. Dhule
R/o. Janunwane, Tq. & Dist. Dhule
9. The Gramrojgar Sevak,
Jaunwane, Tq. & Dist. Dhule

Mr.B.A.Dhengle, Advocate for the petitioner
Mr.A.B.Girase, GP for respondent/State
Mr.R.S.Pawar, Advocate for respondent No.3
Mr.D.S.Bagul, Advocate for respondent No.7
Mr.P.D.Patil, Advocate for respondent Nos. 8 and 9

**CORAM : S.S. SHINDE &
S.M. GAVHANE, JJ.**

RESERVED ON : 01.02.2018

PRONOUNCED ON : 27.04.2018

J U D G M E N T [PER: S.M. GAVHANE, J.]

. By this Public Interest Litigation the petitioner seeks directions to make fresh inquiry through competent Authority/Technical Person or through Judicial Officer in the matter of the works done under different schemes provided by the Government of Maharashtra for the village Jaunwane, Tq. & Dist. Dhule and seeks further directions to take criminal action against respondent Nos. 4 to 9 as per inquiry report and order thereon dated

30.03.2016 issued by respondent No.2 the District Collector, Dhule.

2. Facts giving rise to this petition, are thus:

A] Petitioner is resident of village Jaunwane, Tq. & Dist. Dhule. He is an agriculturist and social worker. He received the several awards for his devotion as a social worker for the benefit of public at large. Petitioner has no personal interest or gain in the matter.

B] The Government of Maharashtra has declared several schemes for the welfare of the villages i.e. Mahatma Gandhi Rojgar Hami Scheme, Haghandari Mukth Scheme, Indira Awas Yaujana etc. Those schemes have been implemented through the Zilla Parishad, Dhule, Panchayat Samiti and Grampanchayat. Above referred schemes were implemented in the village Jaunwane, Tq. & Dist. Dhule during 2006 to 2015. According to the petitioner while implementing the said schemes at Village Jaunwane through Grampanchayat number of illegalities have been committed by the concerned officers and Sarpanch and they have committed fraud of huge amount. The nature of work done under the said schemes have not been done as per the plan and whatever done is also of lower quality. Respondent

No.8 who is Ex-Sarpanch is very powerful person and he is having political background, and he under the power and influence has succeeded in the election of Grampanchayat since last three terms. He is using his power and pressurized to respondent Nos. 2 District Collector and 3 Chief Executive Officer, Zilla Parishad, Dhule for fresh inquiry in order to get clean cheat from serious allegations.

C] It is the further case of the petitioner that funds were received under the above said scheme for plantation of 1200 trees in the place reserved for funeral hall, for plantation of 4500 trees on Jaunwane street on both side. Further the plantation of trees of number of places at village Jaunwane have been shown, however very less plantation out of total plantation of trees has been done. However, the entire funds showing false and fabricated record have been withdrawn by the concerned from the Government of Maharashtra. Moreover, further fraud of lacks of rupees has been committed under the Indira Awas Yaujna, declared for the handicapped persons. The persons those are /were handicapped, they have been deprived from said benefit of Gharkul and the persons those are physically fit they have been given benefit of said scheme and in the said scheme also the

fraud of lacks of rupees has been committed by the concerned respondents. Further under the scheme of Hagandari Mukta in individual toilets, the fraud of huge amount has been committed, showing two names from one family for the purpose of getting funds from the Government, however no such individual toilets have been constructed.

D] According to the petitioner fraud of huge amount has been committed in the Mahatma Gandhi Rashtriya Rojgar Hami Yaujna, by withdrawing the amount of wages in the names of dead, age old and handicapped persons showing their job cards. Moreover, the work of Jaunwane to Borvihir street has been done by using JCB machine, whereas the amount/funds have been received from the Government showing job cards of villagers those were not within the knowledge of the villagers.

E] It is the further case of the petitioner that he himself and other villagers have tried to best of their level to bring to the notice of respondent Nos.2 and 3 about the above referred fraud committed by respondent Nos. 4 to 9, but no any action was taken. Therefore, the petitioner alongwith other villagers had given representation dated 28.10.2015 narrating therein

detailed information as to how the fraud has been committed by the respondents and it was prayed that until the action is not taken the petitioner and other villagers will continue their hunger strike till death. In response to the above representation the Dy. C.E.O. Zilla Parishad, Dhule had given letter dated 29.10.2015 to the petitioner and others giving assurance that within 15 days the appropriate action will be taken against the persons those who are responsible for the commission of fraud in the works done of the above referred schemes. However, no any action was taken. Therefore, the petitioner and other villagers were on hunger strike and made the detailed representation dated 26.11.2015 to the respondent No.2 requesting therein for conducting inquiry into the matter and taking appropriate action. Respondent No.3 communicated the result of inquiry conducted by the respective authorities in respect of the work done through Grampanchayat Jaunwane in respect of construction of individual toilets and illegalities committed in the said work, the plantation of trees and illegalities and fraud committed therein and about the Gharkul provided to the handicapped persons and illegalities and fraud committed therein to the Block Development Officer, Panchayat Samiti, Dhule with direction to issue show cause notices to the responsible persons and to take

appropriate action. Respondent No.3 in the order dated 16.01.2016 specifically observed that respondent Nos. 4 and 5 and others are responsible for the said fraud.

F] It is further contended by the petitioner that, the respondent No.2 by his secrete communication dated 30.03.2016 communicated to respondent No.3 about the result of inquiry conducted and inquiry report dated 22.03.2016 disclosing the names of persons i.e. respondent Nos. 4 to 9 who are held responsible for the illegalities and fraud committed in the work done of the above referred schemes and it was directed in the said communication to the Block Development Officer, Panchayat Samiti, Dhule to lodge the criminal complaints against respondent Nos. 4 to 9 within two days. As no any action was taken as per the order dated 30.03.2016 issued by respondent No.2 the petitioner made complaint on 02.05.2016. In response to the same the Additional Collector, Dhule on behalf of respondent NO.2 issued letter to respondent No.3 asking to take action as per the order dated 30.03.2016 issued by respondent No.2 and requested to comply the said order by taking personal interest within 7 days. Moreover, on 05.04.2016 the Dy. C.E.O. Zilla Parishad, Dhule informed the Block Development Officer, Panchayat Samiti, Dhule to comply

directions in letter dated 30.03.2016 issued by respondent No.2. However, surprisingly on 19.05.2016 the Dy.C.E.O., Zilla Parishad, Dhule issued letter to the Block Development Officer, Panchayat Samiti, Dhule intimating that respondent No.8 Ex-Sarpanch/Up-Sarpanch had applied for fresh inquiry in the matter and for the said fresh inquiry the Additional C.E.O., Zilla Parishad, Dhule has been appointed as Inquiry Officer and therefore, the order dated 05.04.2016 issued by him for taking action against respondent Nos. 4 to 9 pursuant to the order dated 30.03.2016 issued by respondent No.2 is stayed.

G] According to the petitioner all of a sudden he was served with letter dated 02.06.2016 issued by Dy. C.E.O., Zilla Parishad, Dhule intimating that the fresh inquiry has been conducted in the matter and the said report dated 03.06.2016 is submitted to the respondent No.3. The petitioner contends that fresh inquiry has been conducted behind his back and other villagers merely on the request of Ex-Sarpanch i.e. respondent No.8. In the said report and the earlier report there are several contradictions in respect of number of trees planted and amounts spent for the same. About the construction of road through contractor i.e. respondent No.8 himself it

has been found as per earlier report that the amount has been withdrawn showing bogus job cards of the villagers, whereas said work was done by using J.C.B. machine. However, in the fresh inquiry report the inquiry Officer does not say any seriousness of the same. As per the fresh inquiry report in each work done by respondent Nos. 4 to 9 under the said schemes they are found responsible and lastly action has been directed against the responsible persons i.e. respondent Nos. 4,5 & 7 only and the other persons against whom the action was directed as per the order dated 30.03.2016 by the District Collector, Dhule, their names have been dropped for the reasons known to the inquiry Officer. As such fresh inquiry conducted is *prima facie* appears to be unjustified and based on the false information and same is contrary to the earlier inquiry report. It is stated that no opportunity has been given to the petitioner and other villagers to raise their stands. Therefore, the petitioner again made representation dated 07.06.2016 to respondent NO.2 requesting to take action against respondent Nos. 4 to 9 as per earlier inquiry report and order dated 30.03.2016 ignoring the subsequent inquiry report, but no any action has been taken so far. It was the duty of respondent Nos. 1 to 3 to take speedy action against the responsible persons those are found guilty as

per the inquiry report and specific order passed by respondent No.2 dated 30.03.2016 for taking criminal action against respondent Nos. 4 to 9, but no such action is taken till today. Therefore, this Public Interest Litigation to protect interest and rights of villagers and to save Government money.

3. Affidavit-in-reply of Mrs.Shubhangi W/o. Ravindra Bharde, Deputy Collector (EGS), Collectorate, Dhule dated 16.09.2016 has been filed on behalf of respondent No.2 the Collector, Dhule. She has stated that the complaints were received in respect of various mistakes committed during execution of the work by Grampanchayat, Jaunwane, Tq. Dhule through works of MREGS and Swach Bharat Mission. The villagers made several complaints. In pursuance to the said complaints, inquiry was conducted by the Deputy Chief Executive Officer, Zilla Parishad, Dhule and detailed report is submitted on 22.03.2016 pointing out that various mistakes are committed by concerned Officers and Office bearers of the village Panchayat Jaunwane to the Collector Office, Dhule. On the basis of report dated 22.03.2016, the Collector, Dhule vide its letter dated 30.03.2016 directed the Chief Executive Officer, Zilla Parishad, Dhule to consider the various mistakes committed by the officers and office bearers in execution of the work of

MREGS and other works and as such it was further directed to take necessary action in accordance with law and to register offence against the concerned persons involved, as mentioned in the report dated 22.03.2016. It is further stated in the affidavit that in pursuance to the various other complaints and representations made by the villagers of village Jaunwane, the Chief Executive Officer, Zilla Parishad, Dhule again further directed to re-inquire the matter in respect of misdeeds in the execution of various works at village Jaunwane. The Deputy Chief Executive Officer, Zilla Parishad, Dhule vide its letter dated 15.06.2016 submitted report to the Chief Executive Officer, Zilla Parishad, Dhule. The said report clearly shows that, there are misdeeds in execution of the said works. On the basis of said report the Collector, Dhule again wrote letter on 21.07.2016 to the Chief Executive Officer, Zilla Parishad, Dhule and requested to take necessary action against all concerned officers as well as beneficiaries as mentioned in the said report. Further it is stated that vide its letter dated 09.08.2016 the Collector, Dhule again requested the Chief Executive Officer, Zilla Parishad, Dhule to take necessary action including registration of crime against the persons responsible for the misdeeds, as mentioned in the report submitted by the Deputy Chief Executive

Officer, Zilla Parishad, Dhule. Moreover, it is stated in the affidavit that in view of the Government Circular dated 06.09.2014 execution of works as mentioned in the said inquiry report is made through the Zilla Parishad, Dhule. Therefore, the Zilla Parishad, Dhule is competent authority to take necessary action in accordance with law against the concerned persons. The Collector Office Dhule time and again requested the Zilla Parishad, Dhule to take necessary action in accordance with law i.e. departmental inquiry as well as criminal proceedings in respect of report submitted by Deputy Chief Executive Officer, Zilla Parishad.

4. Affidavit-in-reply of Omprakash Deshmukh, the Chief Executive Officer, Zilla Parishad, Dhule, dated 24.04.2017 is submitted on behalf of respondent No.3 i.e. CEO, Z.P., Dhule. In the said affidavit it is stated that in 2015 the residents of village Junwane, Tq. & Dist. Dhule made complaints regarding irregularities committed in the execution of implementation of the schemes like Nirmal Bharat Abhiyan and Indira Awas Yojana. Accordingly a committee was constituted by the Chief Executive Officer consisting of Deputy CEO (W & S), BDO (MREGS), Agriculture Officer (MREGS), Project Director (DRDA) on 31.10.2015 and it was directed to inquire into alleged

complaints by letter dated 02.11.2015. Further, it is stated in the affidavit that accordingly an inquiry was conducted and report (Exh.R-1) was submitted in December, 2015. The inquiry report brought out a fact that out of 227 toilets, 33 toilets were not constructed and more than 190 toilets were constructed and were used by the residents of the village. Out of 22 Gharkul which were meant for the disabled persons, 6 persons were not looking disabled though they were having disability certificate. It was not found that the officials of the Zilla Parishad were directly involved in money transactions. Every sum was transferred in the bank accounts of the beneficiaries. The report also proposed the criminal action against some officials and beneficiaries of the scheme. It is further stated that Ex-Sarpanch made application and demanded fresh inquiry as he was not given any opportunity of hearing. Accordingly, the Collector by its order dated 10.05.2016 directed a fresh inquiry and also directed the Additional CEO to conduct it, since earlier inquiry was conducted by the Deputy CEO.

5. It is further stated in the affidavit of CEO i.e. respondent No.3 that respondent No.4 requested to delete his name from proposed criminal action as he was

not actually involved, by his letter dated 10.11.2016. Accordingly the Collector informed the CEO, Z.P., Dhule to take decision in accordance with law. Accordingly, the CEO, Zilla Parishad found no actual role of respondent NO.4 in the alleged irregularities. So, he proposed to delete the name of respondent No.4. After the deletion of the name of respondent No.4, it was incumbent for the CEO to consider the representations of the other accused officials of the Zilla Parishad in accordance with the principles of the natural justice. It was very clear from the beginning that the Officials were not involved in money transactions directly but they were faulted on the procedural lapses. All the money was transferred in the bank accounts of the beneficiaries all the times and there is no complaint from any beneficiary in this regard. Respondent No.3 CEO of the Zilla Parishad informed the BDO about the deletion of the names of respondent Nos. 4,5 and 6 and decision of deletion of names of said officials was also communicated to the Collector.

6. Respondent No.3 (CEO, Z.P.) further stated in the affidavit that since no officials was directly involved in the money transactions their names are deleted from the proposed criminal action, but the

departmental inquiry has been initiated against all the officials regarding the procedural lapses on their respective parts and it will be completed within three months. FIR is filed against the Gramsevak and beneficiaries of the scheme as they are persons who are directly involved in money transactions. The purpose for which the PIL has been filed would be served by this action of Zilla Parishad and hence petition should be dismissed.

7. The CEO has further tendered unconditional apology for not being ready with reply on earlier occasion. He assured the prompt assistance to the Hon'ble Court in future. He stated that the communications from the Collector were not disregarded intentionally. There was some delay in lodging the F.I.R. If any lapse is there it is unintentional.

8. Additional affidavit-in-reply on behalf of respondent No.3 of one Aslam Jumma Tadv, Dy. Chief Executive Officer, Zilla Parishad, Dhule, dated 30.01.2018 is filed. It is stated in the said affidavit that in paragraph No.13 of the petition, the petitioner has mentioned that the Chief Executive Officer of the Zilla Parsiahd, Dhule has conducted an inquiry and

informed the Block Development Officer of the Panchayat Samiti Dhule, by a letter dated 16.01.2016, to take strict action against the persons who are mentioned in the report. The said letter dated 16.01.2016 Exh.D is at page No.43. and on page No.48, the name of the petitioner is clearly appearing in the list of the persons who have taken money, but have not started any work. The name of the petitioner is appearing on page No.48 with a different surname. The petitioner has filed this PIL with a different surname and taking undue advantage of different name, tried to mislead the High Court as well as Zilla Parishad. It is stated that petitioner and the person by name Harichandra Sukdeo Patil who is appearing on page No.48 is one and the same. The petitioner himself received the Rs.35,000/- from the Government and has not started the construction of the Gharkul. As the offences are registered against the other similarly situated persons, the Zilla Parishad will also register FIR against the petitioner. The petitioner is not coming with clean hands in this Public Interest Litigation and is surely not acting as Pro Bono Publico. By suppressing the fact that he himself received the funds for the construction of the Gharkul and has not started its construction even after receiving the funds, the petitioner has abused the process of law and is trying to

settle personal issues through this PIL. It is stated that the PIL be dismissed with exemplary cost.

9. We have heard the learned Advocates appearing for the petitioner, respondent Nos. 3,7 to 9 and the learned Additional Government Pleader appearing for the respondent/State and its officials. We have perused the pleading in the petition, contentions in reply-affidavits referred to above filed on behalf of respondent Nos. 2 and 3 and the documents produced by the parties. Moreover, we have also perused the Civil Application No.10280/2017 filed by Surekha Dhole and Sandip Bagals intervenors who were Gramsevaks of village Jaunwane respectively from 01.07.2011 to 24.04.2013 and 24.04.2013 to 22.04.2016 against whom Crime No.130/2017 for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and under Section 3(A)(3) of the Maharashtra Employment Guarantee (Amendment) Act, 2014, has been registered on 25.04.2017, in Dhule Taluka Police Station.

10. There is no dispute that the Government of Maharashtra declared schemes i.e. Mahatma Gandhi Rojgar Hami Yojana, Hagandari Mukta Yojana and Indira Awas Yojana and said schemes were implemented through Zilla

Parishad, Dhule and Panchayat Samiti, Dhule for village Jaunwane, Tq. & Dist. Dhule during 2006 to 2015. There is no dispute that petitioner and other villagers alleged that there was fraud and illegalities committed by respondent Nos. 4 to 9 in the execution of said schemes. Therefore, the petitioner and other villagers made complaint dated 28.10.2015 in this respect to respondent No.2 the Collector and respondent No.3 the Chief Executive Officer, Zilla Parishad, Dhule to take action against those who are responsible for committing fraud in the work of implementation of the above said schemes. It appears that respondent No.2 the Collector directed the Dy. CEO, Zilla Parishad, Dhule to conduct inquiry. Thereupon, the Dy. CEO submitted his report dated 22.03.2016 to respondent No.2 the Collector with letter, as seen from the letter dated 30.03.2016 of the respondent No.2.

11. It appears from the letter dated 30.03.2016 (Exh.E Page No.51) that referring to said inquiry report dated 22.03.2016 of Dy. CEO, the respondent No.2 the Collector wrote said letter dated 30.03.2016 to respondent No.3 the CEO, Zilla Parishad, Dhule as to how illegalities and irregularities were committed in the execution of schemes and particularly in the execution of

work of three schemes namely; (1) in the work of individual latrine, (2) in the work of plantation and (3) in the work of construction of road. This letter of respondent No.2 to respondent No.3 shows that the BDO, Panchayat Samiti, Dhule had given show cause notices dated 16.02.2016 to the earring officials and employees, but after one month no action was taken at the level of the Zilla Parishad and Panchayat Samiti although issues raised by the Inquiry Officer in the inquiry report were serious in nature. This letter of respondent No.2 further shows that the BDO, Panchayat Samiti, Dhule was directed to register crime in Taluka Police Station within two days against office bearers, officials and employees i.e. (1) Sarpanch/Up-Sarpanch, Jaunwane, (2) Sub-Divisional Engineer (B & C), Zilla Parishad, (3) Junior Engineer Panchayat Samiti, Dhule, (4) Agricultural Officer, Panchayat Samiti, Dhule and (5) Gramsevak, Jaunwane and (6) Gramrojgar Sevak, Jaunwane, Dhule. Further by this letter respondent No.2 the Collector had directed the CEO to submit joint departmental inquiry report against the officers/employees, of concerned departments of Zilla Parishad, Panchayat Samiti within 15 days to the office of respondent No.2. But, it appears that no crime was registered against the above said office bearers, officials or employees.

12. Further, it appears that on the basis of above letter dated 30.03.2016 of respondent No.2 the Collector, Dhule, the Dy. CEO (Grampanchayat), Dhule sent letter dated 05.04.2016 to the BDO, Panchayat Samiti, Dhule to register the crime against the officials and employees as per above letter of the Collector, Dhule. It appears that on 19.05.2016 by letter the Dy. CEO (Grampanchayat), Zilla Parishad, Dhule informed the BDO, Panchayat Samitti, Dhule that one Sahebrao Patil, Ex-Sarpanch Jaunwane has demanded for re-inquiry in the matter and accordingly the additional CEO, Zilla Parishad, Dhule has been appointed to make re-inquiry and therefore, letter dated 05.04.2016 referred to above written by him has been stayed.

13. It appears that Additional CEO, Zilla Parishad, Dhule who made re-inquiry in the matter submitted report of re-inquiry to the Chief Executive Officer, Zilla Parishad, Dhule alongwith letter dated 04.06.2016, which report is collectively at Exh.L (Page Nos. 65 to 74). Said report submitted by the Additional CEO, Zilla Parishad, Dhule shows that for the irregularities in respect of construction of latrines, Section Engineer, Gramrojgar Sevak, Gramsevak and Sarpanch are responsible.

So also, as per this report Junior Engineer and Gramsevak mislead the Inquiry Officer who made earlier inquiry. As per this re-enquiry (fresh) report in respect of irregularities in the execution of work of Indira Awas Gharkul Yojana, further officers and employees namely; (1) Block Development Officer, Panchayat Samiti, Dhule, (2) Sub-Divisional Engineer (B & C), Panchayat Samiti, Dhule, (3) Junior Engineer, Panchayat Samiti, Jaunwane and (4) Gramsevak, Grampanchayat Jaunwane, Tq. & Dist. Dhule, are responsible. So also, it is stated in the said report that the beneficiaries who have received amounts are also responsible for not properly using the amounts.

14. It is clear from the affidavit-in-reply submitted on behalf of respondent No.2 the Collector, Dhule and respondent NO.3 the Chief Executive Officer, Zilla Parishad, Dhule that the schemes referred in the petition were executed through Zilla Parishad, Dhule and Panchayat Samiti, Dhule and the Zilla Parishad is the competent authority to take all necessary actions in accordance with law against earring office bearers, officials and the employees in the execution of the schemes. In the affidavit-in-reply the respondent No.3 the CEO, Dhule has stated that since no officials was directly involved in the money transactions, their names

are deleted from the proposed criminal action, but the departmental inquiry has been initiated against all the officials regarding the procedural lapses on their respective parts and it will be completed in three months.

15. Further, it is stated in the said affidavit of respondent No.3, that FIR is filed against Gramsevak and beneficiaries of the said schemes as they are persons who are directly involved in the money transactions. It appears from the copy of the FIR Exh.A produced alongwith civil applications filed by the intervenor that crime as said earlier has been registered in the Dhule Taluka Police Station against the Gramsevak who were working in Grampanchayat, Jaunwane at the relevant time when schemes were implemented. It appears that said crime is not registered against beneficiaries of the schemes who have received the amounts, though they have not utilized the same for the purpose for which it was taken although it is stated in the affidavit of the CEO, Dhule that against the beneficiaries also the FIR is filed. Therefore, we direct the respondent No.3 the Chief Executive Officer, Zilla Parishad, Dhule to register the crime, if not already registered, against the beneficiaries who have actually withdrawn the amount as per the schemes but they

have not utilized the same, as per the report of additional CEO, Zilla Parishad, Dhule submitted with letter dated 04.06.2016. We also direct the respondent No. 3 the Chief Executive Officer, Zilla Parishad, Dhule to register FIR against the Sarpanch/Up-sarpanch of village Jaunwane, as mentioned in the letter dated 30.03.2016 of respondent NO.2 the Collector, Dhule, report of Dy. Chief Executive Officer dated 22.03.2016 and above said report of Additional Chief Executive Officer in the police station, for not properly implementing the schemes being responsible office bearer of the Grampanchayat, Jaunwane at the relevant time.

16. As said above it is stated in the affidavit of respondent NO.3 the Chief Executive Officer, Zilla Parishad, Dhule that departmental inquiry has been initiated against all the officials and employees regarding procedural lapses on their parts and it will be completed within 3 months. This affidavit is dated 24.04.2017. It appears that still departmental inquiry against those officials is not concluded. Therefore, the respondent No.3 the Chief Executive Officer, Zilla Parishad, Dhule is directed to conclude the departmental inquiry initiated against the officials and employees regarding procedural lapses on their parts as stated in

the affidavit dated 24.04.2017 and to take suitable action against them, within six months from decision of this PIL and further he is directed to register the complaint/FIR even against the said officials immediately if it is found in the departmental inquiry that the said officials were also involved in committing the fraud, in implementing the works of the schemes stated earlier.

17. As referred earlier in the affidavit submitted on behalf of respondent No.3 of Aslam Jumma Tadvi, Dy. Chief Executive Officer, Zilla Parishad, Dhule, it is stated that the petitioner has also received an amount of Rs.35,000/- for Gharkul from the Government and he has not started the construction of the Gharkul and accepted the said amount in the name of Harichandra Patil and filed PIL with different surname. Page No.43 of letter of the Chief Executive Officer, Zilla Parishad, Dhule to the Block Development Officer, Panchayat Samitti dated 16.01.2016 shows that one Patil Harichandra has received Rs.35,000/- for Gharkul in the year 2013-2014 but, he has not started the work. This petition is filed in the name of Harichandra Sukhdeo Khairnar. The petitioner has not denied above said facts. In these circumstances respondent No.3 the Chief Executive Officer, Zilla Parishad, Dhule is directed to take appropriate action

including registering FIR in concerned Police Station even against the petitioner as stated in the affidavit of Aslam Jumma Tadvī, Deputy Chief Executive Officer, Zilla Parishad, Dhule.

18. For the forgoing reasons rule is made absolute in terms of observations and directions in Paragraph Nos. 15, 16 and 17 (supra). Accordingly the Public Interest Litigation is disposed of. No costs.

19. In view of the disposal of the Public Interest Litigation, Civil Application NO.10280/2017 filed by the intervenors/Gramsevaks stands disposed of.

[S.M.GAVHANE, J.]

[S.S.SHINDE, J.]