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

WRIT PETITION NO.5306 OF 2017

Mr. Chandrakant Shamrao Bhalkar ..Petitioner
Versus
State of Maharashtra and others ..Respondents

Mr. Meelan Topkar a/w Ms. Pavitra Manesh, Advocate for the
Petitioner.

Mr. V. M. Mali, AGP for Respondent Nos.1 to 4.

Mrs. Ranjana Todankar, Advocate for Respondent No.5.

**CORAM: B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.**

DATE: 25th APRIL, 2018

P.C.:-

1] Rule. Rule is made returnable forthwith. Heard by consent
of parties.

2] Petitioner was required to approach this Court since
directions issued by Respondent No.1 vide order dated 16.02.2017 to
Respondent No.2 were not complied with. Vide the said
communication, Respondent No.1 had directed Respondent No.2 to

grant approval to the services of the Petitioner with effect from 23.09.2009 for the reasons stated therein.

3] When the State Government issues certain directions to its officers, officers are bound to comply with the same.

4] Since we notice that Respondent No.2 had neither responded to the notice issued by this Court dated 3rd May 2017 nor had complied with the directions issued by the State Government vide order dated 16.02.2017, we had directed him to personally remain present in this Court and show cause why action should not be taken against him.

5] In response to the notice issued by this Court, Shri Bhaurao Gavit in-charge Director of the Office of Respondent No.2 is personally present in Court. He has tendered an unconditional apology. In the affidavit he has stated that orders of approval are required to be issued by Respondent Nos.3 and 4. He has further stated that in spite of directions issued to Respondent Nos.3 and 4, they have not complied with the same. He has further stated in the affidavit that he would pursue the matter personally and instruct

Respondent Nos.3 and 4 to decide the case of the Petitioner within 4 or 5 weeks.

6] We fail to understand as to what is left to be decided by Respondent Nos.4 and 5, when the highest authority i.e. the State Government had decided to grant approval to the appointment of the Petitioner and that too from a particular date and no authority can have discretion to decide otherwise. It is only an empty formality of issuing approval order from a particular date, which has to be completed. However, it appears that Respondent No.2 has not deliberately or willfully disobeyed the directions of the State Government.

7] It appears that, there is a complete lack of co-ordination in the Offices of various authorities. This is also a classic case as to how on account of red tapism, directions issued by the State Government could not be complied with for a period of one year and two months. We therefore, are inclined to accept the unconditional apology tendered by Respondent No.2.

8] Rule is made absolute by directing Respondent Nos.2, 3

and 4 to issue approval order to the appointment of the Petitioner with effect from 23rd September 2009. Same shall be done within a period of one week from today. All arrears payable to the Petitioner be cleared within a period of three months from today.

9] Petition is disposed of in the aforesaid terms, with no order as to costs.

10] Stand over to 3rd May 2018 at 11.00 a.m. only for compliance. It is made clear that if the aforesaid directions are not complied with by 3rd May 2018, Respondent Nos.2, 3 and 4 shall personally remain present in this Court and show cause as to why action should not be taken against them for committing contempt of the order of this Court. Needless to state that, if the order passed by this Court is complied with, they need not remain present before this Court.

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)