

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

PUBLIC INTEREST LITIGATION NO. 60/2018.

Digambar Haribhau Pajgade

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI
& M. G. GIRATKAR, JJ.

DATE : AUGUST 29, 2018.

Heard Shri S.B. Wahane, learned Counsel
for the petitioner and Shri S.Y. Deopujari, learned G.P.
for respondent nos. 1 to 7 and 9.

2. Learned counsel for petitioner has pointed out to this Court specific complaint or observation by the Sub Divisional Engineer Shri Kundurwar, in his communication dated 14.07.2018, sent to the Executive Engineer. The communication specifically shows that in drainage work, there is a concrete bed with metal layer of 80 mm. To fill in voids there, 6 mm metal needed to be inserted, but, because of very

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less quantity of 6 mm metal used, voids were available in 80 mm layer at several places.

3. This, if correct, shows a serious lapse on the part of the concerned Executive Engineer. This court has issued notice in the matter on 13.06.2018, and thereafter reply affidavit has been filed on 08.08.2018, by respondent nos. 1 to 6. It is supported by affidavit of the Executive Engineer. The said reply affidavit is accompanied by various documents and it occupies space from page nos. 53 to page no.508 of the record.

4. However, the above lacunae pointed out by the Sub Divisional Engineer, has not been clarified or explained anywhere.

5. It is apparent that the position available on 14.07.2017, cannot be examined at this stage without opening the bed. We therefore, find substance in the contentions of the petitioner.

6. Learned G.P. was given time to point out from reply where this position of voids has been explained. In reply, there is no reference to these voids.

7. We therefore, find a case for directing

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respondent no.1 to hold appropriate enquiry into the entire works as per law. The enquiry should be initiated by respondent no.1 within a period of four weeks from today, and shall be completed within next three months. If necessary, police report shall also be filed in the meantime.

8. In this situation, we direct that till respondent no.1 passes specific orders, the retirement/terminal dues of any employee/s associated with these works, shall not be cleared by the department.

9. If the works are still to be performed, respondents shall also consider handing over the supervision of same to some other authority.

10. With these directions, we allow the Public Interest Litigation accordingly and dispose of the same.

No costs.

JUDGE

JUDGE

Rgd.