

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4014 OF 2019
(The State of Maharashtra Vs. Zilla Parishad, Jalna and others)
IN
REVIEW APPLICATION NO.208 OF 2018
IN
WRIT PETITION NO.9887 OF 2017

Mr.N.T.Bhagat, AGP for State/applicant.
Mr.V.S.Deshmukh h/f Mr.A.B.Kale, Advocate for respondent No.3 in writ petition.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/04/2019

PER COURT :

1. By this civil application, the District Collector, Jalna seeks an extension of time to comply with the directions of this Court passed in the review order dated 06/12/2018, for a period of two months.

2. The learned AGP has strenuously canvassed the grounds for seeking extension. I have considered all those grounds which are set out in paragraph Nos. 3 to 7 of the application.

3. I find from the record that this Court had passed an order on 12/07/2018, by which, it was directed that the State would pay the interest on enhanced amount from the salaries of those Officers who

were in charge in different phases. After the said order was passed, a review application was moved by the State pointing out that a procedure has to be followed as per the GR dated 03/11/2016 and the responsibility can be fixed on a particular Officer. Considering the request, the order dated 12/07/2018 was modified so as to enable the Government to cause an enquiry as per the GR dated 03/11/2016 in view of the communication of the Divisional Commissioner, Aurangabad dated 04/07/2018. 3 months' time was granted which was to end on 05/03/2019. Within one month thereafter, the Divisional Commissioner was expected to submit his compliance report on or before 05/04/2019.

4. After perusing the grounds set out in this application, it is submitted that the District Collector reacted on 20/02/2019 when only 13 days were left for completing the enquiry by appointing a 2 members' committee to enquire into the matter.

5. The learned AGP clarifies on the basis of the documents placed on record that the Divisional Commissioner, Aurangabad received the communication from the State Government dated 09/01/2019, by E-post, on 19/01/2019. The Deputy Commissioner then received it on 21/01/2019 and the District Collector received it on 14/02/2019

and the Committee was constituted on 20/02/2019. The above record reflects total apathy of the Government to the orders of the High Court which further suggests that the Department has hardly accorded any priority for the compliance of the order of this Court dated 06/12/2018. It is informed that Mr.P.B.Ghadge was the Desk Officer in the Mantralaya, Planning Department who sent the communication by E-post. It is informed that Mr.Purushottam Bhapkar was the Divisional Commissioner on 19/01/2019. I would not blame the District Collector, Jalna since he received the communication on 14/02/2019 and constituted the Committee on 20/02/2019 which indicates promptitude on his part.

6. Since a larger interest has to be sub served by the order of this Court dated 06/12/2018, I am allowing this application by granting 2 months' time for compliance of the order dated 06/12/2018 and the said time shall expire on 06/05/2019. The compliance report shall be placed before this Court through the learned Registrar (Judicial) on or before 07/06/2019.

7. In view of the observations as regards the latency involved owing to the conduct of the Officers, I deem it appropriate to direct the applicant/State to deduct an amount of Rs.5,000/- from the

salary of Mr.P.N.Ghadge and shall recover the same amount from Mr.Purushottam Bhapkar, as he is said to have retired. The total amount of Rs.10,000/- shall be deposited with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of “**Dean, Government Medical College and Hospital, Aurangabad Dengi Samiti**”), for the treatment of poor patients, on or before 06/06/2019. Compliance of these directions shall be intimated to the Court, by the Registrar (Judicial), on or before 30/06/2019.

(Ravindra V.Ghuge, J.)