

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

CIVIL APPLICATION NO.11859 OF 2019
IN
WRIT PETITION NO.6143 OF 2018

THE DIRECTOR OF MARKETING, STATE OF MAHARASHTRA, PUNE
VERSUS
GAJANAN RAJESHWAR DEBADWAR

...
AGP for the Applicant : Shri S.W.Munde
Advocate for Respondent 1 : Shri D.S.Kudale
Advocate for Respondent 2 : Shri P.G.Rodge
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th October, 2019

Per Court:

1 On 04.10.2019, after recording a categoric statement made by the learned advocate for the original petitioner, on instructions, I had passed the following order :-

- "1. *The learned Advocate for the original petitioner, specifically makes a statement on instructions that the directions in paragraph No.11(A) and (B) of the judgment dated 22.4.2019, have not been implemented. A farce has been created that a notice is issued to the APMC, Udgir on 30.4.2019. Not a single document is produced by APMC, Udgir and the learned AGP, on instructions from the Director of Marketing, is misleading the Court.*
2. *S.O. to 9.10.2019 for passing orders. The Director Marketing, State of Maharashtra shall remain present in the Court to meet the above recorded specific allegations*

made by the petitioner."

2 It is obvious that I had directed that the Director of Marketing, State of Maharashtra, to remain present in the Court today in view of the statement made by the employee recorded in the above reproduced order.

3 Today, the learned AGP submits, after taking instructions from Shri Kishor Toshniwal, Director of Marketing, State of Maharashtra, Pune, who is present in the Court along with his deputies Shri Avinash Deshmukh, Deputy Director of Marketing, Pune and Shri Samrut Jadhav, District Deputy Registrar, Cooperative Societies, Latur, that the original petitioner has made an incorrect statement and without proper information. On 30.04.2019, the Director of Marketing directed the Chairman/ Secretary of the Agriculture Produce Market Committee (APMC), Udgir, District Latur to produce the necessary records. A statement is made today that the record, as is required to be considered so as to deal with the case of such daily wagers, has been received by the Director of Marketing.

4 The learned advocate appearing for the respondent/ APMC makes a solemn statement, on instructions from the Secretary of the APMC, present in the Court, that the entire record available with regard to the services of such daily wagers, has been produced before the Director

of Marketing.

5 In the light of the above, I find that the original petitioner has made an incorrect statement in this Court due to which, the Director of Marketing and his deputies had to suffer an order passed by this Court on 04.10.2019 and had to travel to Aurangabad to remain present in this Court.

6 In this backdrop, it would have been appropriate to penalize the original petitioner by imposing costs of Rs.10,000/-. However, since the learned advocate for the original petitioner has pleaded by tendering an apology as well as an unconditional apology on behalf of his client, that I am imposing a nominal cost of Rs.1,000/- (Rupees One Thousand). The learned AGP and the learned advocate appearing for the APMC submit that the said costs can be donated for the treatment of poor patients at Aurangabad.

7 As such, the original petitioner shall pay an amount of Rs.1000/- (Rupees One Hundred) as donation for the Ghati Hospital, Aurangabad (Government Medical College and Hospital, Aurangabad), to be deposited on or before 16.10.2019, with the Medical Officer, High Court Dispensary, Aurangabad, either in cash or by Demand Draft, to be drawn in the name of "Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad" and produce a receipt of such deposit before the Registry of this Court, on or before 18.10.2019.

8 It is, thus, conveyed to the Director of Marketing that he had been summoned to remain present in the Court on account of the incorrect information given by the original petitioner and an apology tendered by the original petitioner is actually an apology tendered to the Director of Marketing.

9 In view of the above, this Civil Application is allowed. The time to decide the said issue in the light of the order of this Court dated 22.04.2019 is extended upto 31.12.2019. The Director of Marketing, State of Maharashtra is advised to be strict in these matters since he is to do justice to the daily wagers and he shall, therefore, take an appropriate decision in accordance with law and keeping in view the rights of these daily wagers.