IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.74 OF 2018

Sanjay Shamrao Danole .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

.....

Mr.Sandeep S. Koregave, Advocate for the Petitioner.
Ms.S.S. Bhende, AGP for Respondent No.1 – State.

.....

CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.

DATED : JUNE 28, 2019.

P.C. :

The Contempt Petition alleges breach of order dated 1st July, 2017. An Affidavit-in-Reply has been filed on behalf of Dr.Rajendra Bharud, Chief Executive Officer, Zilla Parishad, Solapur. Paragraphs 6, 7 and 8 of the same read as under:

> *"6 I state that, the Petitioner had also made complaint to Lok Ayukta, State of Maharashtra in respect of the subject matter of the above mentioned Writ Petition. I state that, several notices came to be issued by the*

Lok Ayukta, State of Maharashtra including notices dated 07.09.2015, 06.01.2016, 11.08.2016, 16.09.2017 and 04.08.2017 in respect of hearing scheduled before the Lok Ayukta. I state that, the decision in the said proceedings is still awaited. I state that,owing to the pendency of the proceedings before the Lok Ayukta, State of Maharashtra and also on account of the disciplinary proceedings conducted against the delinquent enquiries, there is delay in completing the action in pursuance of the aforesaid reports. I state that delay in compliance of orders passed by the Hon'ble Court is neither intentional nor deliberate and I hereby seek unconditional apology from this Hon'ble High Court.

7 *I state in pursuance of the order dated 01.07.2017 passed by the Hon'ble Court in Writ Petition No.2000 of 2017, the present Respondent initiated Departmental enquiry against the delinquent officers. I state that in so far as report dated 22.12.2015 bearing Outward No.DRDA/Inquiry/410/2015 issued by the Dy.Engineer, District Rural Development Agency, Solapur and report dated 22.12.2015 issued by the Dy. Chief Executive Officer (V.P.) Zilla Parishad, Solapur is concerned, the present Respondent has recovered the entire amount of Rs.68,500/- from the beneficiary and the same has been deposited in the account pertaining to the Prime*

Minister Housing Scheme Administrative Fund. I state that, in pursuance of the aforesaid reports, disciplinary action as contemplated under Rule-4(2) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1964 has been taken on the concerned Gram Sevak viz. H.N. Khalave and thereby two increments have been stopped and as such no further action is required to be taken by the present Respondent in furtherance of the report dated 22.12.2015 bearing Outward No.DRDA/Inquiry/ 410/2015 issued by the Dy. Chief Executive Officer (V.P.) Zilla Parishad, Solapur. Hereto annexed and marked as ***Exh.2-colly.*** *are the copies of documents pertaining to the action taken by the present Respondent in pursuance of report dated 22.12.2015 bearing Outward No.DRDA/Inquiry/410/2015 issued by the Dy. Engineer, District Rural Development Agency, Solapur and report dated 22.12.2015 issued by the Dy. Chief Executive Officer (V.P.) Zilla Parishad, Solapur.*

8 *I state that, report dated 10.08.2016 issued by the present Respondent bearing outward No.ZPS/GAD-2/MREGS/1836/16, is concerned, action as stated in the aforesaid paragraph has been taken by the present Respondent. I state that it is stated in the report dated 10.08.2016 that, the proposal in respect*

of disqualification of Shri.Deepak Pawar, then Sarpanch, Jainwadi Grampanchayat, Taluka Pandharpur, District Solapur shall be submitted to the Respondent No.3. I state that Shri.Deepak Pawar has ceased to be Sarpanch of Jainwadi Grampanchayat since prior to disposal of the above mentioned Writ Petition No.2000 of 2017. The present Respondent therefore submit that the Order dated 01.07.2017 mentions communication dated 01.03.2016 annexed by the Petitioner at Exh.H. The present Respondent submits that, the said communication dated 01.03.2016 is the communication made by the Respondent No.2 and the present Respondent has complied with the same and informed the office of the Respondent No.2 about compliance of the order of the Hon'ble High Court."

2 In the circumstances, we find that there is substantial compliance of the order dated 1st July, 2017. Hence, no contempt action is warranted. The Contempt Petition to stand disposed of.

(PRAKASH D. NAIK, J.) **(A.A. SAYED, J.)**