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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIAGATION NO.88 OF 2003
WITH
CIVIL APPLICATION NO.2388 OF 2003
IN
PUBLIC INTEREST LITIAGATION NO.88 OF 2003
WITH
CIVIL APPLICATION NO.2432 OF 2003
IN
PUBLIC INTEREST LITIAGATION NO.88 OF 2003

Ishwarlal J. Naik ...Petitioner /
V/s. ...applicant

Union of India & Anr. ...Respondents

WITH
CIVIL APPLICATION NO.135 OF 2009
IN
PUBLIC INTEREST LITIAGATION NO.88 OF 2003

Union Territory Administration of Daman & Diu ...Applicant
V/s.

Ishwarlal Naik (since deceased)
through Amicus Curie & Anr. ...Respondents

WITH
CIVIL APPLICATION NO.101 OF 2016
IN
PUBLIC INTEREST LITIAGATION NO.88 OF 2003

Deepesh Tandel ...Applicant
V/s.

Ishwarlal J. Naik ...Respondent

None for the Petitioner.

Mr.Ramesh Ramamurthy with Ms.Jayashree Pillai and Mr.Saikumar Ramamurthy for the Applicant in Civil Application No.101 of 2016.

Mr.S.S. Deshmukh for the Respondent Nos.1 to 3 in PIL No.88 of 2003 and the Civil Application No.135 of 2009.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.**

DATE : 2ND MAY, 2019.

P.C. :-

1. Heard learned counsel for the parties. On 28th August, 2003, a bridge collapsed in the Union Territory Daman & Diu, 28 school children lost their lives. The instant public interest litigation was filed seeking civil and criminal action against the guilty officers of the Public Works Department, the payment of suitable compensation to the kin of the victims ; to arrange for boats to transport the people as a result of bridge collapsing ; to commence the construction of a new bridge ; to provide employment to the families of the victims ; to give awards to those who saved the lives of few who fell in the water.

2. All issues save and except two raised in the writ petition has worked themselves out on account of 16 years lapsing from the date of the unfortunate incident. Two issues which require concern civil and criminal action against the guilty PWD officers.

3. A Committee constituted submitted a report to the Government listing five officers responsible for the collapse of the bridge. Departmental action was initiated against all the said five

officials. One died. One was exonerated at the enquiry. Against two, punishments were levied. One officer : Mr.Bharat Gupta who has since retired has yet to be visited with a penalty. A reference has been made to the President of India for appropriate punishment to be levied upon Mr.Bharat Gupta and we are informed that Presidential decision has yet to be taken.

4. The second issue is trial before the Criminal Court pending against the accused persons.

5. The trial got delayed on account of the fact that the learned Criminal Court framed charges for the offences punishable amongst others under Section 304 (II) IPC. In a revision filed before this Court, an order was passed on 28th August, 2013 directing that the charge has to be for the offences punishable under Section 304-A of IPC.

6. Thus, we dispose of the petition directing the Competent Authority to whom the reference has been made for the Presidential sanction pertaining to levy of the departmental penalty upon Mr.Bharat Gupta to take the necessary decision within two months from today and inform the same to the authority making the Presidential reference. Needless to state that the decision would be taken by the Disciplinary Committee in the light of the Presidential opinion. As regards the trial of the accused, we direct the learned

Chief Judicial Magistrate, Daman to complete the trial within one year from today and pronounce the judgment.

7. The public interest litigation is disposed of.

8. In view of disposal of the public interest litigation, all the civil applications are also disposed of.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)