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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION (St.) NO. 10109 OF 2018

H.M. Padte

... Petitioner.

V/s.

The Union of India and Ors.

... Respondents.

Mr. S.G. Deshmukh, I/b. Sanket Deshmukh for the Petitioner.

Mr. P.M. Palshikar a/w. Mr. A.R. Gole for Respondent No.1.

Ms. Sonali Humane I/b. Ranjana Todankar fo Respondent No.5.

Ms. Rajalaxmi Mohandas I/b. Rajalakshmy Associates for
Respondent No.2.

***CORAM : NARESH H. PATIL,C.J. &
N.M. JAMDAR, J.***

DATE : 13 MARCH 2019.

P.C. :-

The learned Counsel for the Petitioner raises as issue alleging that the Respondent No. 5 - Dinesh Hiraji Gharat, who has been drawing the salary without working since last 10 to 15 years, still the Respondents - Employers have failed to take any action against such an employee. The learned Counsel for the Petitioner submits that probably the Respondent No.5 - Dinesh being a union leader, no action was taken against him. The learned Counsel

submits that inspite of being public exchequer, the Respondent Nos. 1 and 2 has disbursed the salary in favour of Respondent No. 5 without his presence on duty.

2. The learned Counsel for Respondent No.2 placed on record the affidavit-in-reply. The learned Counsel submits that locus of the petitioner is in question. The maintainability issue is also raised. The learned Counsel further submits that the Petition has become infructuous as the Respondent No.5 - Dinesh stood retired on 31 May 2018. The learned Counsel further submits that the departmental inquiry is also initiated. The allegation that the Respondent No.5 was paid the salary without working, was not accepted.

3. In the light of this, as the Petition is pending since last one year, and the Respondent No.5 - Dinesh stood retired on 31 October 2018, the Petition has become infructuous.

4. The Respondent Nos. 1 and 2 in future shall take abundant precaution that the employees should report to their duties in respect of their position and discharge their duties. In case the Respondent - employer find any such employee remaining absent without any sufficient cause, then according to the Service Rules, necessary steps and actions be initiated.

5. With these observations, the Public Interest Petition stands disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE