

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

WRIT PETITION NO.9042 OF 2018

Niraj Ghanshyam Bidawatka & Anr. Petitioners
versus
Commissioner of Cooperation and
Registrar of Cooperative Societies & Ors. ... Respondents
.....

- Niraj Ghanshyam Bidawatka Petitioner in person.
- Mrs.S.S. Bhende, AGP for Respondent Nos.1 and 2.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**
DATE : 23rd JANUARY, 2019.

P.C. :

1. This is a Writ Petition filed by the Petitioner Niraj Ghanshyam Bidawatka & another, inter alia making allegations that some private people are being employed in the office of Deputy Registrar, Cooperative Societies (R/South Ward) Kandivali (E), Mumbai/Respondent No.3 and he has prayed for taking action against such officer and staff as of private individuals, if any, from passing themselves as Government employees. The counter affidavit has come to be filed on behalf of Respondent Nos.1 and 2 through District Deputy Registrar, Cooperative Societies-4, Mumbai, in which it has been stated

that based on the complaint made by the Petitioners an enquiry was conducted and communication was made to Respondent No.3 that if such practice continues further, extremely stringent action would be taken against him. More importantly we find from paragraph No.9 of the affidavit of Respondent Nos.1 and 2 that they appeared to have shortage of staff in the office of Respondent No.3 and on various directions issued by Respondent No.2 certain persons who have been appointed in class-III and class-IV have been transferred from other wards to work in R/South ward on deputation. In view of the said assertion made by Respondent Nos.1 and 2 we are of the considered view that under no circumstances should any private individuals be employed by Respondent No.3 especially, when necessary manpower is already provided to him by his superior officer by way of transfer on deputation.

2. The Petitioner in person submits that this act on the part of Respondent No.3 of engaging private person has been complained of by him once earlier and similarly based on such complaint, notice was taken out by Respondent Nos.1 and 2 and

warning was issued. In respect of such warning, no action has been taken to stop the private individuals from working in the office of Respondent No.3.

3. In view of hearing Petitioner in person as well as the learned Counsel for the Respondent, we are of the considered view that since alternative staff has already been transferred to R/South Ward by the appropriate authority, both in Class III and Class IV, the Respondent No.3 must ensure that no private individuals are appointed to do official work within his premises.
4. In order to ensure that such directions are carried out the Vigilance Department of the Respondent No.1 is directed to carry out surprise check from time to time to ensure that our directions are complied with and if not, take immediate steps as may be necessary.
5. With these observations and directions, the Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)