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

PUBLIC INTEREST LITIGATION NO. 9 OF 2020

Kalyan S/o Vasant Rao Salunke,
Age 48 years, Occ. Business,
R/o Opp. Zilla Parishad School,
Shivaji Chowk, Gangapur,
Tal. Gangapur, Dist. Aurangabad

..PETITIONER

VERSUS

1. The Principal Secretary,
Water Resources Department,
Madam Kama Road,
Mantralaya, Mumbai - 400 032
2. The Executive Director,
Godavari Marathwada Irrigation Development
Corporation, Sinchan Bhavan, Jalna Road,
Aurangabad
3. The Chief Engineer and Chief Administrator,
Command Area Development Authority,
Water Resources Department, Aurangabad
4. The Superintending Engineer and
Administrator, Command Area Development
Authority, Water Resources Department,
Garkheda Road, Aurangabad
5. The Executive Engineer,
Jayakwadi Irrigation Division,
Nathsagar (North), Paithan,
Tal. Paithan, District Aurangabad

..RESPONDENTS

Mr S. B. Solanke, Advocate for petitioner;
Mr S. B. Yawalkar, A.G.P. for respondent-State

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATE : 23rd January, 2020

ORAL ORDER:

Heard Mr Solanke, learned Counsel appearing on behalf of the petitioner at length.

2. It is submitted before this Court that the petitioner, who is a social worker, is espousing cause of public in this petition. Learned Counsel for the petitioner submitted that certain Government officials are responsible for making over-payment to the employees and there were directions to recover the amount which was overpaid from those erring officers and in spite of the directions issued by the State Government and in spite of representation submitted by the petitioner, no action was initiated against those erring officers.

3. In support of his statement, Mr Solunke, learned Counsel for the petitioner invited our attention to the documents placed on record. Perusal of these documents shows that in the year 2016, the State Government, through either the Desk Officer or the Additional Secretary, informed the Departmental Head, namely, the Superintending Engineer and Administrator, Command Area Development Authority, Water Resources Department, Aurangabad, to take appropriate steps. The document placed on record by the petitioner himself, issued to the Superintending Engineer and Administrator, Command Area Development Authority, Aurangabad,

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dated 26th May, 2016 shows that there was an order passed by the Administrative Tribunal, dated 12th October, 2015 and the Desk Officer, by way of this communication informed the addressee to take steps immediately by fixing the responsibility on the erring officers and to initiate the action as per the Maharashtra Civil Services Rules. It is also informed to the addressee to submit the action taken report to the State. Thus, what emerges from the perusal of this communication is, the State Government is following a proper procedure, whereby the first step is to fix the responsibility on the erring officer and then to initiate action as per the Civil Service Rules.

4. Mr Solanke, learned Counsel for the petitioner made a statement before this Court that a detailed representation is submitted by the petitioner to various authorities of the State of Maharashtra on 1st February, 2019 and no heed is paid to the representation. As such, the directions be issued to those authorities to decide the representation and to take appropriate steps.

5. Though the submissions of Mr Solanke look attractive at the first blush, on perusal of the entire representation, we are unable to accept these submissions for the foremost reason, that the petitioner states in the representation that “the concerned then Superintending Engineer & Administrator, C.A.D.A., Aurangabad had granted the

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leave encashment without considering the revision of his pay scale and thereby again paid an excess amount to said employee.” This statement is as vague as it could be. Neither name of the officer and the period in which that particular officer against whom the allegations are made in the representation are referred to nor there is any material that this officer was held responsible and can be retreated as erring officer on some enquiry conducted by the State Government. With such a vague material, no public interest litigation can be entertained for the reason that as per the Rules of public interest litigation, it is a pre-requisite that the petitioner is filing the petition on a research conducted by him. It may not be out of place to state that when there is an expectation of research, there should be at least satisfaction of minimum elements of search. In the present case, we are unable to satisfy ourselves to arrive at a conclusion that the petitioner undertook an exercise of any search, leave aside research.

6. For all the above referred reasons, we see no reason to entertain the present petition as Public Interest Litigation. Thus, the present public interest litigation is devoid of any merit and deserves to be dismissed at the threshold and the same is dismissed accordingly.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

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