

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

998 CONT. PETITION NO.418 OF 2020
IN WP/8701/2015 WITH CA/1979/2021 IN CP/418/2020

**ANIL SAHEBRAO LAVETE
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Party In Person (Mr. Anil Sahebrao Lavete)
AGP for Respondents/State : Mrs. M.A. Deshpande
...

**CORAM : UJJAL BHUYAN &
M.G. SEWLIKAR, JJ.
DATE : 18.03.2021**

PC. :-

Heard Mr. Anil Sahebrao Lavete the petitioner in person.

2. This petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 alleging that there has been willful and deliberate disobedience by the respondents to the order of this Court dated 12.03.2019 passed in Writ Petition No.8701/2015 (PIL).

3. Be it stated that Writ Petition No.8701/2015 was filed by the petitioner seeking a direction to the respondents to submit detailed inquiry report of the Joint Director, Women and Child Development Department, Pune

and further seeking a direction to the respondents to take appropriate action against the culprits for corruption and misappropriation of public money.

4. Basic grievance of the petitioner as highlighted in the writ petition was that there has been misappropriation of grants in aid granted to Balgruha. Joint Director of Women and Child Development Department, Pune had conducted an inquiry holding certain officials responsible for misappropriation of public money and resultant corruption. As a matter of fact, the then District Women and Child Officer Mr. B.L. Mundhe was placed under suspension but the core grievance of the petitioner appears to be that no tangible action was taken on the basis of the inquiry report. Hence the writ petition.

5. This Court perused the record and also referred to an earlier order of this Court dated 14.03.2016 which stated that though inquiry had been conducted no further steps were taken by the respondents to take the inquiry to its logical conclusion. Court also noted that by an earlier order dated 20.09.2017 learned AGP was directed to produce the record before the Court. Accordingly the record was produced. Court perused the record and found gross irregularities in disbursement of grants to Balgruha and certain ashram schools. This is what the Court noted in its order dated 12.03.2019:

“3. On 4th February, 2019, the Division Bench, by referring to the earlier order dated 20th September, 2017 directed the learned A.G.P. to make the record available for perusal of this Court in a sealed envelope on 22nd February, 2019. Accordingly, the record is submitted to this Court. The affidavit-in-reply filed on behalf of respondent no.1 also refers to the various orders and the remarks of the Inquiry Committee on each of the points raised in complaint/application. The complaint/application was on the backdrop of the irregularities in disbursement of the grants to certain ashram schools. The Inquiry Committee prepared a statement in tabular form considering each of the aspects, such as the year, disbursement of the amount proposed and disbursement in actual as well as the balance of the amount. Then there is reference to various entries and the orders and the cheques issued against the amounts. It is also stated in the report that in so far as one institute namely, Shashikalatai Lavate Balgruha, Shahagad is concerned, the quantification of the excess amount paid to the institute can only be done after finalisation of the accounts but the report states that there is dereliction of the duties by certain officers and these officers acted irresponsibly in the distribution of amount. Then, it refers to another institute i.e. Balgruh, Badnapur being run by the institute namely, Sonali Mahila Mandal, Jalna. The report states that there is large difference in the amounts of entitlement of the institute and the amount disbursed to the institute against the entitlement. The inquiry report also states that certain officers are responsible for this irregularities and for disbursement of the amount. The inquiry report also refers to some interpolation in the record. The inquiry report then refers to the immediate measures against the erring officers and the report states that in future one of the erring officers shall not be

assigned any of the activity of disbursement of the amount. Then the report refers to transfers of two officers, out of whom one was a regular employee, whereas another officer was on probation. The report also states that it would be advisable to take appropriate action by the competent authority against the erring officers for the financial irregularities in the form of disbursement of excess amount to the institutes.”

6. On perusal of the report as alluded to herein-above, Court recorded its satisfaction that a prompt inquiry was conducted in the matter which unearthed irregularities in disbursement and accordingly had fixed responsibility on the erring officials. It was pointed that the inquiry report also suggested action against the erring officials. In the light of the above this Court took the view that the purpose of approaching the Court by filing the writ petition was achieved. Considering the inquiry report Court expressed the hope and trust that the competent authority would take action against the erring officials expeditiously and on that basis the writ petition was disposed of. Relevant portion of the aforesaid order dated 12.03.2019 reads as under:

“4. On perusal of the report we are satisfied that a prompt inquiry is conducted in the matter. The inquiry report deals with the aspect of irregularity in disbursement and also responsibility is fixed on the erring officers. The inquiry report is also suggestive of the action against the erring officers. In view of these facts, it can safely be said

that the purpose of approaching this Court by filing of the present petition, is fully served.

5. In view of the inquiry report, we hope and trust that the respondents authorities would take prompt action against the erring officer / officers, as early as possible, without there being any inordinate delay, if it is not already taken.”

7. Upon careful perusal of the writ Courts' order dated 12.03.2019, we are of the view that no definite direction was issued by the writ Court for violation of which an action for contempt can be initiated. Nonetheless we are of the view that since the petitioner had filed the related writ petition as a public spirited citizen, a copy of the inquiry report as discussed by the Court in the order dated 12.03.2019 should be made available to the petitioner and if the petitioner is aggrieved by any inaction on the part of the authorities in taking action on the basis of the inquiry report he would be at liberty to take necessary steps in accordance with law.

8. Since Mrs. M.A. Deshpande learned AGP is present in Court and submits that she has a copy of the report available with her she may hand over a copy of the same to the petitioner, which she has done in Court.

9. As indicated above it would be open to the petitioner to initiate appropriate legal action if and when the need arises and in accordance with law.

10. Contempt Petition is accordingly disposed of.

[M.G. SEWLIKAR, J.]

[UJJAL BHUYAN, J.]