

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4586 OF 2019

Smt. Sunita W/o. Ghanshyam Sangadikar -- Petitioner

vs.

The Education Officer (Secondary),
Zilla Parishad, Nagpur and others -- Respondents

Mr. P. N. Shende, Advocate for the Petitioner.

Ms. Kalyani Deshpande, AGP for Respondent No.1.

Mr. D. N. Mudgale, Advocate for the Respondent Nos.2 and 3.

**CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.****DATE : 03 FEBRUARY 2021****P. C. :**

This Petition is filed by wife of the deceased employee of Respondent No.2 – Educational Institute, with a grievance that proposal dated 23 March 2016 for approval of Petitioner's appointment on compassionate basis is yet pending. The Petitioner's further grievance that in identically situated case the same Education Officer has granted approval even during the lock-down period. The Respondent Education Officer to decide the approval of the Petitioner within a period of six weeks from today.

2. There is a larger issue involved. The State has brought into force *The Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in discharge of Official Duties*

Act, 2005. Chapter III thereof deals with prevention of delay in discharge of official duties. Section 10 states that every Government Officer shall be bound to discharge his official duties most diligently and as expeditiously as feasible; provided that, normally no file shall remain pending with any Government servant in the Department for more than seven working days. However, the relaxation can be given when there is a genuine reason.

3. Section 10(2) also lays down that for any wilful or intentional delay or negligence in the discharge of official duties appropriate disciplinary action under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 can be taken.

4. Section 10(3) also places mandate on concerned competent authority when it is brought to its notice such a dereliction of duties on the part of the Government servant, proceed to initiate disciplinary action after satisfying itself about such dereliction of duties.

5. For the purpose of record Section 10 is reproduced as under :-

“10. Disciplinary action. - (1) Every Government servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible: Provided

that, normally no file shall remain pending with any Government servant in the Department or office for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department, the concerned Department shall take the decision and necessary action in the matter within forty-five days and in respect of files required to be referred to any other Department, decision and necessary action shall be taken within three months.

(2) Any wilful or intentional delay or negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Government servant shall amount to dereliction of official duties and shall make such Government servant liable for appropriate [disciplinary action under the All India Services (Discipline and Appeal) Rules , 1969, the] Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 or any other relevant disciplinary rules applicable to such employee.

(3) The concerned competent authority on noticing or being brought to its notice any such dereliction of duties on the part of any Government servant, after satisfying itself about such dereliction on the part of such Government servant shall, take appropriate

disciplinary action against such defaulting Government servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Government servant.”

6. It is also to be noted that because the Government Officers are not processing the files, large number of Writ Petitions are filed in this Court and substantial judicial time is taken in issuing directions, even after the Chapter III has been included in Act of 2005.

7. We direct that the papers of this Petition be sent to the Deputy Director of Education who shall treat this as a Reference made under Section 10(3) of the Act and take necessary action thereupon after following the procedure laid down and after satisfying himself as stipulated.

8. We direct the Deputy Director to submit a report as to what action is taken, in the Registry of this Court to be placed before the Court under the caption “for direction”, within a period of four months from today.

9. Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]