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

PUBLIC INTEREST LITIGATION NO. 31 OF 2021

Sunil Vishwanath Kamble	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondents

**WITH
INTERIM APPLICATION NO. 10063 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 31 OF 2021**

Fortune's Sparsh Healthcare Pvt. Ltd.	.. Applicant
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In the matter between:

Sunil Vishwanath Kamble	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondents

None for the petitioner.
Mr. P. P. Kakade, Govt. Pleader a/w Mr. B. V. Samant, AGP for respondent no.1/State.
Mr. Rohit P. Sakhadeo for respondent nos.2, 3, 5 and 6.
Mr. Rajeev Patil, Senior Advocate i/by Ms. Ankita Nishad for respondent no.4.
Mr. Anil Anturkar, Senior Advocate, a/w Ms. Vrushali L. Maindad for respondent no.7 and for applicant in IA/10063/2022.

**CORAM: DIPANKAR DATTA, CJ &
MADHAV J. JAMDAR, J.**

DATE: SEPTEMBER 29, 2022

PC:

1. Interim Application No. 10063 of 2022 is an application at the instance of the respondent no.7 in the PIL petition. The prayer in such application reads as follows: -

“a) This Hon’ble Court be pleased to direct the Respondent No.1 to serve on all the parties the copy of inquiry report produced on record, as per order dated 14.07.2021 passed by this Hon’ble Court, in the instant matter within a week from the date of the order.”

2. Mr. Sakhadeo, learned advocate appearing for the Pune Municipal Corporation has drawn our attention to paragraphs 5 and 6 of the further affidavit of the Commissioner of the Corporation. Paragraphs 5 and 6 read as follows: -

5. I intent to issue a letter/show cause notice to the concerned officers (present/former) and Respondent No.7 herein through the official channels/procedure, thereby calling upon them to submit their explanation on the contents of the report and as to why further action as per rules should not be initiated against them based on the said report (part-1). However, before taking decision accordingly, I hereby request this Hon’ble Court to permit me to issue the same as well as permit me to provide copy of the said report to the concerned officers and respondent no.7. I feel that the same is necessary since I will have to call upon them to submit their explanation on the observations as well as contents of the report submitted by the Committee appointed by the Hon’ble Divisional Commissioner, Pune. However, at present I cannot provide them the copy of the report since there is no specific permission granted by this Hon’ble Court regarding the same.

6. If this Hon’ble Court permits me to proceed further as stated hereinabove, I shall take further action as contemplated above and any other further or other action as may be directed by this Hon’ble court as per the relevant rules.”

3. In view of the report of the committee, constituted by the Government of Maharashtra, recording *prima facie* satisfaction that there has been dereliction of duty on the part of the municipal officers/staff in disbursing money in crores to the respondent no.7 and that appropriate action ought to follow, we dispose of the interim application in the light of the contents of paragraphs 5 and 6 of the further affidavit of the Commissioner by directing the Commissioner to initiate such action, as is warranted on facts and in the circumstances, but only upon service of copy of the report of the committee to the persons who deserve to be proceeded against. If the Commissioner decides not to proceed against anyone in respect of whom there is any adverse comment in the report, he shall pass a reasoned order and communicate it to the petitioner.

4. However, while forwarding the copy of the report, the Commissioner shall seek appropriate explanation from the persons proceeded against why further action in accordance with law shall not be taken if the allegation against him/her is found to be proved.

5. Let action in terms of this order be initiated within a fortnight from a date.

6. In view of the aforesaid order, nothing survives for decision on the PIL petition. The same stands disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)