

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO. 36 OF 2019**

Anil Raghunath Gachke .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

Dr. Uday Warunjikar a/w Mr. Siddhesh Pilankar for petitioner.  
Ms. Jyoti Chavan, Addl. Govt. Pleader for State.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &  
ARIF S. DOCTOR, J.**

**DATE: 6<sup>th</sup> DECEMBER, 2023**

**P.C.:**

**1.** Heard Dr. Warunjikar, learned counsel, assisted by Mr. Pilankar, learned advocate, representing the petitioner, and Ms. Chavan, learned Addl. Government Pleader representing the respondents-State Authorities.

**2.** This Public Interest Litigation has been filed pointing out certain irregularities in the processes of tenders issued by the respondents in respect of some works undertaken by the Public Works Department. The petitioner has prayed that because of the irregularities, loss has been caused to the State exchequer and accordingly respondents be directed to fix the responsibility for the said loss to the Government. Another prayer made in the PIL petition is to direct the respondents to introduce certain safeguards for avoiding any malpractices in the e-tendering process. The petitioner has also prayed for issuing directions for recovery of the loss caused to the State exchequer on account of irregularities in the tender process.

**3.** After filing of the PIL petition, it appears that an internal committee by the State Government was appointed for assessing the flaws in tender process and on its recommendations certain steps have been taken to make the tender process more transparent and accountable. Dr. Warunjikar, learned counsel appearing for the petitioner has fairly stated that the steps so taken by the State Government are laudable, however, he has submitted that so far as irregularities pointed out in the PIL petition in respect of the tenderers are concerned, nothing concrete appears to have been done at the end of the State Government.

**4.** It has been pointed out by the learned Addl. Government Pleader that based on the assessment made by the State Government, departmental proceedings against two officers, namely, Shri Siddhling Revansidh Konduguli, Ex-Executive Engineer (Electrical) and Shri Nivrutti Popatrao Gawari, Ex-Executive Engineer (Electrical) were initiated, which culminated in passing of orders of punishment. It is, thus, brought to our notice that by means of the order dated 12<sup>th</sup> September, 2023 punishment of recovery of an amount of 6% per month from the superannuation pay of Shri Siddhling Revansiddha Konduguli has been inflicted upon him. Similarly, as far as Shri Nivrutti Popatrao Gawari is concerned, the State Government by means of order dated 12<sup>th</sup> September, 2023 has inflicted the punishment of recovery of an amount of 18% per month from the superannuation pay of the said officer. Thus, it appears that necessary action, so far as erring officers are concerned, has been taken.

**5.** The issue relating to action in respect of irregularities alleged to have been committed by the tenderers still remains to be considered.

**6.** It has been pointed out by Dr. Warunjikar, learned counsel for the petitioner, that in paragraphs 27, 28, 29 and 30 of the PIL petition specific allegations have been made in respect of the irregularities committed by the tenderers in the different tender process. Our attention has also been drawn to Exhibits – H, I, J, K & L at pages 545, 560, 564, 575 and 579.

**7.** In view of the aforesaid, we find it appropriate to dispose of the PIL petition noting the action taken by the State Government against the erring officers and by directing that an inquiry shall be conducted into aforesaid allegations contained in paragraphs 27, 28, 29 and 30 coupled by Exhibits – H, I, J, K & L by the State Government within a period of six months from today. We further direct that in case in the inquiry certain other officers or tenderers /contractors or the individuals/firms, in whose favour work orders were earlier issued, are found to have erred, appropriate action may also be taken expeditiously.

**8.** We make it clear that in case this order is not complied with by the State Government in its letter and spirit, it shall be open to the petitioner to take out appropriate proceedings.

**9.** The PIL petition stands disposed of with the aforesaid directions.

**(ARIF S. DOCTOR, J.)**

**(CHIEF JUSTICE)**