



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

14 WRIT PETITION NO. 8433 OF 2024

SAMARTH MAJOOR SAKHARI SANSTHA LTD PARALI THROUGH ITS CHAIRMAN
DATTATRYA TRIMBAK DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 1418 OF 2024

SANT BHAGWANBABA MAJOOR SAKHARI SANSTHA LTD SONIMOHA THROUGH ITS
SECRETARY

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 1436 OF 2024

JAGDAMBA HAMALACHI MAJOOR SAKHARI SANSTHA LTD MAJALGAON THROUGH ITS
CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 1431 OF 2024

ASRADEVI MAJOOR SAKHARI SANSTHA LTD ASARDEV THROUGH ITS CHAIRMAN
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 3031 OF 2024

KARAGIR MAJOOR SAKHARI SANSTHA LTD PARALI THROUGH ITS CHAIRMAN SHAIKH
HAMID HUSEN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 3029 OF 2024

SWATI MAJOOR SAKHARI SANSTHA LTD THROUGH ITS SECRETARY AMARSINGH
PANJABRAO MASKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

Mr.S.G.Jadhavar, Advocate for the petitioner.
Mr.S.B. Jadhav, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 25.09.2024

PC :-

01. Heard parties for some time.

02. All these petitioners are Majoor Sahakari Societies, who undertake work of various schemes of the Government. In the present case they had undertaken work under the scheme of Jalyukta Shivar. It was found that their work was not up to mark. They have also not taken care to look after maintenance of the works which were done by them. Therefore, action was taken and enquiry was started, as provided under Government Resolution dated 28.09.2006. The petitioners, thereafter, approached this Court by filing Writ Petition No. 2901 of 2022 and other civil applications. This Court by order dated 29.03.2023, after hearing the parties, was pleased to quash and set aside the impugned orders to the extent of those petitioners. It was kept open for the authorities to initiate fresh action by affording opportunity of hearing to the petitioners. Pursuant to order passed by this Court, hearing was given to the petitioners and now action of blacklisting the petitioners is taken by order

dated 08.12.2022. The petitioners have now assailed orders of blacklisting the petitioners.

03. The learned Advocate for the petitioners argued that no enquiry was conducted and no proper opportunity of hearing was given. While passing the order, no reasons are assigned as to why action is taken. He, thus, submits that entire action is illegal and the order of blacklisting the petitioners deserves to be quashed and set aside.

04. The learned AGP opposes the petitions stating that the petitioners and other labour societies were given sufficient opportunity of hearing. The learned Collector conducted enquiry keeping in view the GR dated 28.09.2006. This GR provides for disciplinary action and also process to be undertaken while taking such action. He submits that the GR only provides to see that proper opportunity of hearing is given. After the enquiry is conducted, a proposal is to be sent to the competent authority. The competent authority thereafter to hear the society/such persons and thereafter to take decision. He thus submits that all these requirements are fulfilled and it is only thereafter action is taken. The GR provides for four actions viz. (1) Warning (2) Downgrading (3) Cancellation of registration and (4) blacklisting.

05. This Court has gone through the enquiry report and the impugned order, so also the Government Resolution dated 28.09.2006. It is seen that the authority had given notice of enquiry to the petitioners. The enquiry was held. The amount of loss caused to the Government was also determined. The petitioners have also deposited the said amount. The receipts are placed on record. The deposit of amount is disputed by the learned AGP. The minutes of the meetings are also undergone, which shows that the Collector had considered the report and has taken action of blacklisting the petitioners.

06. This Court finds that the Authority has acted within parameters of GR dated 28.09.2006. So far as other factual issues are concerned, this Court cannot go into the factual aspects. This Court finds that the authorities have properly followed the procedure while taking action. Looking to the entire material and submissions, this Court is satisfied that they have followed to procedure as given in the GR. No illegality is found to exercise the powers. Considering the above, there is no merit in the writ petitions and the writ petitions deserve to be dismissed.

07. The writ petitions are dismissed with no order as to costs.

[KISHORE C. SANT, J.]