

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5626 OF 2024

(Utkarsha Berojgar Abhiyanta Seva Sahakari Sanstha Maryadit vs. State of Maharashtra
and others)

WITH

WRIT PETITION NO. 5618 OF 2024

(Pragati Majoor Kamgar Sahakari Sanstha Maryadit vs. State of Maharashtra and others)

WRIT PETITION NO. 5802 OF 2024

(Vijay Majoor Sahakari Sanstha Maryadit vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. S.D.Chopde, Advocate for the petitioner.

Mr. D.P.Thakre, Additional Government Pleader for the respondent
Nos.1, 2 and 4.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 10, 2024

1) In our order dated 03/10/2024, we recorded
thus :-

*“ Though the communication issued by the District
Planning Officer dated 26-6-2024 is placed before us in
reference to the communication dated 06-3-2024 where the
Hon'ble Minister was specifically directed that the excess
amount of Rs.1,38,37,640/- shall be made available either
through the District Planning Committee or any other
Scheme. We expect Mr. Thakare, learned Additional
Government Pleader, to have a word with the Collector.”*

2) We have three petitions before us, filed on behalf
of the registered Labour Cooperative Societies, who have a
grievance that despite undertaking the work assigned to it which
included construction of roads, drainage, small bridges levelling
etc. under the “Yashwantrao Chavan Mukt Vasahat Yojna” floated
by the Other Backward Classes Welfare Department on

03/02/2023, they are still awaiting the payments due to them. It is worth to note that the administrative approvals received for the said work, from the Office of the Collector, Wardha and the petitions are accompanied with the work orders as well as work completion certificates. The petitioners have relied upon the communication dated 06/03/2024 addressed to the Collector, Wardha on 07/03/2024, which had directed disbursement of the additional amount of Rs.1,38,37,640/- either through the District Planning Committee or through any other Scheme.

3) It is in the backdrop of this communication, we directed the learned Additional Government Pleader to take necessary instructions, as we were of the clear opinion that despite the completion certificates having been issued in favour of the petitioners they are denied their legitimate dues.

In compliance thereof, the Collector, Wardha has affirmed an affidavit on 08/10/2024, wherein he has made the following statement :-

"7. I humbly submit that, the scheme of Yashwantrao Chavhan Mukh Vasahat Yojna does not come under the 3 plans fixed for D.P.C. and therefore, the office of answering respondent is unable to sanction the said fund. The Plan Scheme are decided by Planning Department and accordingly the Planning Committee prepared the Plan which subsequently approved by the Finance Department. Thus, the scheme namely Yashwantrao Chavhan Mukh Vasahat Yojna does not come under the District Planning Committee therefore the payment cannot be made and in the circumstances the respondent No.1 is the proper authority to pay the remaining amount as prayed by the petitioner.

In view of the facts and circumstances stated hereinabove, the instate petition is without merit and therefore, needs to be dismissed against the answering respondent at the stage of admission itself."

- 4) Since the Collector has indicated above that the respondent No.1 is the proper authority to pay the remaining amount as prayed by the petitioners, we direct the respondent No.1 Principal Secretary, Department of Housing Other Backward Bahujan Welfare, Mantralaya, Mumbai to disburse the amount due to the three petitioners on account of completion of work under the Scheme floated by the State Government through its Government Resolution dated 03/02/2023, within a period of two weeks from today.
- 5) Let the order be communicated by the Additional Government Pleader to the respondent No.1, who shall ensure compliance thereof, within the period stipulated.
- 6) **"For compliance"** list on **23/10/2024**.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)