

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

**CIVIL WRIT PETITION NO. 6731 OF 2012**

RAJESH K. GODAMBE  
VERSUS  
DISTRICT COLLECTOR, PUNE  
AND ANR.

:- PETITIONER  
:- RESPONDENTS

Mr. Sugandh B. Deshmukh, for the Petitioner.

Mr. V. S. Gokhale, AGP, for Respondent No. 1.

Mr. Ketan V. Joshi, for Respondent No. 2.

CORAM :~ **A.M.KHANWILKAR &  
R.Y.GANOO, JJ.**

DATED :~ **DECEMBER 21, 2012**

P.C. :~

The grievance made in this Petition is that the Collector, Pune has failed to decide the representation made by the Petitioner on 28<sup>th</sup> June, 2011. We are appalled to notice the laxity and indifference of the Collector in not expediting the process of deciding the subject representation even after the service of present Writ Petition. Admittedly, no decision has been communicated to the Petitioner till date. Institution or pendency

of this Petition was certainly not an impediment for taking the decision. As a matter of fact, any prudent officer would expedite the process as soon as he is served with the copy of the Petition making grievance against him about his inaction. The attitude of the officer in not deciding the representation, even after service of this Writ Petition, is to say the least deplorable.

2) As a result, we direct the Collector to decide the representation made by the Petitioner Exhibit – 'C' within four weeks from today and communicate the decision so taken to the Petitioner within the same time and also submit compliance report in that behalf in the Registry of this Court, failing which, the matter be notified under caption "Direction" on 22<sup>nd</sup> January, 2013.

3) Petition disposed of accordingly.

4) Copy of this order be forwarded to the Chief Secretary, with a hope that the Chief Secretary would cause to issue instructions/circular, before 19<sup>th</sup> January, 2013, to all concerned

departments and officers that, if any representation is made, the same should be considered and final decision thereon must be taken within the period specified in the earlier Government Circular No. SKN – 02/2010/P. No. 29/A-2 dated 16<sup>th</sup> February, 2010 and the decision so taken should be communicated to the party concerned within the same time. Further, if any Petition is filed before the Court, making grievance about the inaction of the Authority, at least upon service of copy of such Petition, the concerned officer must dispose of the representation within four weeks from receipt of notice of such proceedings and communicate the decision to the concerned party as well as report that fact to the office of the Government Pleader for bringing it to the notice of the Court whenever the matter is taken up for hearing. It must be made amply clear that failure to comply with this condition may entail in initiating departmental action against the concerned officer and serious view may be taken in the matter.

5) This we are required to observe because, on any given Court working day, the Court is called upon to deal with substantial number of Writ Petitions, in respect of the subject

assigned to the concerned Division Bench, directing the Authorities to dispose of the representations within specified time. This litigation is certainly avoidable, if the representations were to be decided in a time bound manner by the Authority and including to communicate the decision so taken to the concerned parties soon thereafter.

6) After this order is dictated, now the Learned AGP points out that, from his record, it appears that copy of this Petition, after being served in the office of Government Pleader, was not forwarded to the concerned Respondents/State Authorities and therefore, the office of the Collector, Pune cannot be faulted in the matter. The dispensation indicated hitherto is not with regard to this case but, a general observation and is on the basis of the trend of litigation observed for quite some time.

**( R . Y . G A N O O , J . )**

**( A . M . K H A N W I L K A R , J . )**