

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2069 OF 2015

Sales Tax Tribunal Bar Association
and Another

..Petitioners

Vs.

The State of Maharashtra and Others

..Respondents

Mr. P. V. Surte a/w Mr. P. C. Joshi, Mr. Ratan Samal, Ms. Nikita Badheka, Mr. Deepak Bapat, Mr. Subhash Surte, Mr. C. B. Thakar, Mr. U. P. Patkar i/b Ms Manjiri S. Parasnis, for the Petitioners.

Mr. V. A. Sonpal, Special Counsel, for the Respondent State.

Mr. S. N. Bagul, Joint Secretary General Administration Department and Mr. S. M. Dhule, Under Secretary General Administration Department are present.

CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.

DATE :- OCTOBER 25, 2016.

P. C.:

When this matter was placed today, Mr. Sonpal on taking instructions stated that the remaining vacancy in the post of Judicial Member of the Maharashtra Sales Tax, Tribunal will be

filled in shortly. The proposals from the Registry of this Court have been received and they are now forwarded for processing to the Law Ministry and the final decision would be taken by the Hon'ble the Chief Minister of the State.

2 Mr. Sonpal states that before the Court reopens after Diwali Vacation, the final decision of the Chief Minister would be taken and the appointment would be made so also duly notified. We accept this statement made by Mr. Sonpal, on instructions, as an undertaking to this Court.

3 The next issue is of the vacancies in the support staff of the Maharashtra Sales Tax Tribunal. There, as well we have two affidavits filed. One by Shri Gajanan B. Gurav, the Under Secretary, General Administration Department and another by Sukhada S. Amrite, Under Secretary, Maharashtra Public Service Commission. Both have stated that the steps are being taken to fill up all vacancies and to provide the requisite support staff as per sanction to this Tribunal. The Tribunal would not suffer nor its working paralyzed on account of lack of such support staff and care would be taken according to them to promptly fill up all vacancies. We accept the statement made in both the affidavits

that process is on and vacancies will be duly filled in, as undertakings to this Court.

4 We have also been handed over a chart by Mr. Sonpal and which indicates the steps taken till date to fill up the existing vacancies. Now, Typist and Tax Assistant so also Peons, Clerks and other staff is provided. Mr. Sonpal assures the Court that before vacancies occur required steps would be taken to fill up the same well in advance so that the Tribunal's working is not hampered.

5 Last but not the least, the problem of accommodation and it is assured by the State through the affidavit of the Joint Secretary, General Administration Department dated 21st October, 2016 that the Judicial Officers would be given priority in allotment of housing accommodation by the State particularly in Mumbai. It is thereafter the other officers working with the State and duly entitled to such accommodation will be accommodated. The preference and priorities will always be given to the Judicial Officers.

6 What applies to the Judicial Officers and at the officers

working at higher level both in Judicial and State services ought to apply to all levels. We have found that often the higher level officers are accommodated and granted housing accommodation but the staff which supports them for discharging their duties efficiently and promptly are not cared and looked after. Their problem particularly of housing accommodation is not attended nor given any priority.

7 As far as that aspect is concerned, it is stated that a new Government colony comprising of 1221 flats in Ghatkoper is under construction. Some of the buildings are completed. Three buildings are already handed over to the State. 162 flats have been allotted, 465 flats are ready for allotment and remaining flats will be completed by next year. Mr. Sonpal on instructions from the deponent of this affidavit present in Court states that by June 2017 the entire construction of 1221 flats would be ready and these flats will be duly handed over to the State. The State would take over them and complete formalities including obtaining occupation certificate from the Mumbai Municipal Corporation and allotting these tenements to those in the waiting list and strictly in the order of receipt of their applications. We would

expect the State not to discriminate between the judiciary and administrative services. The allotments shall be made as far as possible to the judicial staff in such a way that the working of the Courts and Tribunals is not hampered. Therefore, let all the pending applications be listed and displayed on the Website of the department. How the applications are processed, in what order and when the allotments are made should be duly notified so that there will be complete transparency and no complaints are received from the administrative staff of the High Court and other Courts and Tribunals in Maharashtra with regard to the non allotment of the residential accommodation to the support staff in Mumbai. It is time that the State realizes that if it cannot support its own judiciary by providing infrastructure and staff, it will not be able to obtain early disposal of cases and pending matters. Just as a Police Station and other Government Authorities require support and care from the State in this regard, equally, the judiciary must be on the map and we hope that there will be a change in the mindset and our intervention will be minimal hereafter.

8 The proposal for redevelopment of Bandra Government Colony at Mumbai is under consideration of the State.

The State Government will be well advised to consider as to whether it should moot a proposal for construction of flats and tenements for housing the Government employees in service, particularly on such lands which are declared as excess vacant lands and vesting in the State. This Court has passed several judgments and orders resulting in these excess vacant lands being saved from the clutches of litigation. Now, vast tract of land is available. The State must consider the proposal now mooted during the course of arguments that some Government buildings can come up on these surplus vacant lands which vest in the State and possession of which is already taken over. They are situate from Bandra towards Borivali on the Western Suburban Railway line. We hope and trust that this aspect would also be taken into consideration. Else what would happen is those in Government Colony at Bandra would be displaced in the garb of redevelopment and they would have to fend for themselves or languish in some transit accommodation not befitting their status or spent money from their own pockets until the redevelopment is complete. By then, some of them may retire from service or those in service may be completely demoralized for their energies would be wasted only in obtaining such transit accommodation at far off

places and travelling therefrom to the place of work. If prompt service is the motto, then the Government must look-after its employees. We hope and trust that human resources development policies as prevalent in private sector are also present to the mind of the State and they would consider appropriate proposal so that the employees are encouraged to work and put in extra hours, as well.

9 We list this Writ Petition on 6th December, 2016 in the hope that the further progress will be made.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)