

Sunil Kumar and Others Vs. State of Bihar and Others

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Court : Patna

Decided On : Jan-21-2014

Judge : Navin Sinha & Vikash Jain

Appeal No. : CWJC No. 9574 of 2012

Appellant : Sunil Kumar and Others

Respondent : State of Bihar and Others

Judgement :

Navin Sinha, J. (Oral) “

1. At a later stage of this public interest litigation we opined that a fire fighting approach with regard to the deficiencies of the Corporation in providing civic amenities to the residents of the capital city was not the appropriate answer in this public interest litigation. Therefore on 19.8.2013, after going through the staff categorisation of posts and strength of employees in the Corporation created in 1952, as revealed in the affidavit filed by the Corporation, we had observed that it appeared archaic and out of date for a city aspiring for metropolitan status. The changing nature of the city and consequent municipal duties required rationalisation and restructuring as some of the posts apparently appeared archaic and non-productive with passage of time. We had also noticed the sanctioned posts and vacancies including those transferred from the erstwhile Patna Regional Development Authority.

2. Any organisation for optimum output, performance and profitability is required to make a reassessment of its staff structure from time to time. Both the Department of Urban Development and the Corporation surprisingly did not consider this necessary at any time since the original staff structure prepared in 1952. This exercise in Human Resource Management had to be unfortunately reminded by the Court. We therefore directed the Secretary, Urban Development, to constitute an expert committee for examining the rationalisation and restructuring of the staff strength and pattern of the Municipal Corporation to increase and enhance its efficiency and output as a public body. This was required to be done in two months. An affidavit in this regard was then to be filed by the Secretary, Urban Development himself under his own signature.

3. On 16.12.2013 after noticing the former order and the absence of any expert committee report we had observed that it was indeed unfortunate that the Urban Development Department and the Municipal Corporation both did not appear to have any foresight and vision on the aspect. A purely executive function, routine in nature, based on logic with the passage of time had to be reminded by the Court. Notwithstanding the same, belatedly on 16.1.2014 an affidavit was filed by an officer subordinate to the Secretary, and not the Secretary as directed by us. We do not approve this conduct of the Secretary in wilfully ignoring our directions. Orders of the Court are not sermons to be obeyed at will except on pain for disobedience of directions. It is not without reason that we had directed the Secretary to swear the affidavit himself since we considered the matter important enough in the larger public interest having long term implications. After examining the affidavit we had opined that the enclosures were not an expert committee report and required the expert committee report to be placed before us.

4. Today Learned Additional Advocate General 7 submits that he has instructions to state that the enclosures to the affidavit are the expert committee report. We express our severe disappointment with the approach and attitude of the Urban Development Department in such an important matter having a much larger public interest. The enclosures are merely minutes of meetings acknowledging the existence of archaic posts and the need to do away with them without identifying the same. There is no discussion in the minutes which of the archaic posts were

required to be abolished and the identification of posts where staff strength was required to be augmented with a deliberation of the changed nature of duties and responsibilities with passage of time including the need for augmentation of revenue thereby. Identifying the role and responsibility of the 3 Additional Municipal Commissioners reporting to the Municipal Commissioner, the Chief Finance Officer, Internal Auditor, Deputy Municipal Commissioner, Revenue Officer, Chief Municipal Health Officer, Municipal Health Officer, Chief Sanitary Inspector, Chief Engineer, Chief Town Planner, Estate Officer, Legal Officer, Vigilance Officer and Director- Urban Poverty Alleviation is not staff rationalisation. They are all supervisory posts and not covering field duties where the rationalisation is required. The Urban Development Department unfortunately appears to have taken our orders casually.

5. The enclosures to the affidavit notices the increase of the area under the Corporation from 46.05 square kilometer to 110 square kilometer. The population to be served has increased from 3,64,594 to 16,84,297. Population density has increased from 7917 per square kilometer to 15,312 per square kilometer and the number of wards from 37 to 72. The increase in staff strength from 1971 at 3602 is shown as 5799 in 2011. Thereafter it is observed that

"Looking at the increased area and population of Patna, the changed role of the Municipality in light of the 74th amendment and the merging of the PRDA and PWD the number of staffs available to provide good quality services have been reducing. There is therefore need to restructure the organisation to increased the efficiency of service delivery."

6. But there is no application of mind to the nature of the changed activities and responsibilities, the challenging areas in which ward, the redundancies in other wards, requirement of adequate manpower for which functions and reduction in manpower of lesser activities.

7. Rationalisation of staff structure is a process designed to make an organisation efficient and profitable again after its performance or results have been poor. It involves changes in organisation structure across the board, getting rid of redundancies, closing non- productive posts, cutting back in supplies and

resources including human resources. It does not necessarily mean terminating employees as not required any further but includes considering for re-integration of such employees on a realistic labour rationalisation plan. Rationalisation of the staff structure of the Corporation requires a scientific distribution of workload to improve services. It does away with haphazard assignments of work without finding out whether such employees were actually needed. The expert committee report includes studying the existing pattern of functions of the Departments of the Corporation along with the sanctioned staff strength, reviewing the functions and suggesting to reorganise and restructuring, identifying the departments with potential to decentralise at the Borough level to provide service at the basic level and also augment revenue.

8. The Urban Development Department apart from other sources that it may chose, would be well advised to study the M Prasada Rao Committee report prepared in 2011 for inter alia staff rationalisation of the Greater Hyderabad Municipal Corporation and also the Bikash Chandra Basu Committee report set up by the Calcutta Municipal Corporation in June 2013 for review and suggestions on reorganisation and restructuring of the staff strength of the Calcutta Municipal Corporation.

9. It is now apparent that the Urban Development Department is yet to start the process of scientific staff rationalisation in the Corporation. We hope and trust that the Urban Development Department will give the matter the seriousness it deserves.

10. At the request of the Additional Advocate General 7, list after four weeks.

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