

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

MCA NO.364/2015 IN WP NO.538/1999

[Shri Anil s/o Deorao Zade and one .vs. Municipal Council, Akola and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P.S. Khubalkar, counsel for the applicants,
 Shri Apurv De, counsel for the respondent no.1,
 Shri N.S. Rao, AGP for the respondent nos.2 to 4.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 27, 2015.

Heard.

By this review application, the applicants seek a review of the judgment dated 10.6.2014 in Writ Petition No.538/1999.

It is stated on behalf of the applicants that on 10.6.2014, the learned counsel for the applicants did not represent them and, therefore, the matter went unattended. It is stated that a client should not suffer for the mistake of his counsel and, therefore, it would be necessary to set aside the judgment dated 10.6.2014 in Writ Petition No.538/1999, specially when in similar writ petitions, this court has, by an order dated 31.7.2014, directed the Municipal Council to absorb all the persons who are eligible and who are not yet absorbed in service.

On hearing the learned counsel for the parties and on a perusal of judgment dated 10.6.2014, as also the grounds raised in the review application, it appears that the prayer made in the review application needs to be granted, specially when this court has, by an order dated 31.7.2014 in Writ Petition No.438/1999 and other connected matters, directed the Municipal Council to absorb the eligible petitioners in the said writ petitions, if they are not absorbed. Since a client should not suffer for the mistake of his counsel, we recall

the judgment dated 10.6.2014 in Writ Petition No.538/1999. Since similar writ petitions are partly allowed, we partly allow this writ petition. The respondent-Municipal Council should consider absorbing the petitioners, if they are found eligible and if they are not yet absorbed, within a period of six months.

The Miscellaneous Civil Application and the Writ Petition stand disposed of in the aforesaid terms, with no order as to costs.

JUDGE

JUDGE

Gulande