

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

C.A.O. NO.465/2015

IN

M.C.A. STAMP NO.22823/2014

IN

WRIT PETITION NO.3540/2013 (D)

Krim's Hospital (Ketki Research Institute of Medical Sciences), Ramdaspath, Nagpur
 ..Versus..

Smt. Rekha Bhagwan Mule

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 6.7.2015

For the reasons stated in the application, it is allowed. The delay of 20 days in filing the application for review is condoned.

M.C.A. STAMP NO.22823/2014

Heard Ms. Kalpana Pathak, the learned advocate for the applicant/original respondent and Shri F.G. Isaac, the learned advocate for the non-applicant/original petitioner.

The respondent has sought review of the judgment on the ground that this Court has allowed the petition filed by the employee by wrongly accepting the submissions made on behalf of the employee that the employer had appointed an advocate as the presenting officer and the permission was wrongly rejected to the employee to be represented by an advocate. It is submitted that the employer had not appointed the advocate as the presenting officer but the presenting officer was the retired police officer. It is submitted that the error has

resulted in wrong conclusions.

Shri Isaac, the learned advocate for the employee has submitted that the employer is unnecessarily twisting the facts. It is submitted that the employer appointed the retired police officer who was legally trained as the presenting officer and applying the ratio laid down by the Hon'ble Supreme Court in the judgment given in the case of *Board of Trustees of the Port of Bombay V/s. Dilipkumar Raghavendranath Nadkarni and others* reported in **(1983) SCC 124**, the conclusions are properly drawn by this Court. It is submitted that the appointment of a legally trained officer as the presenting officer entitles the employee to be represented by an advocate or by a legally trained officer and in view of this, there is no error apparent on the face of the record which necessitates the review of the judgment. It is submitted that instead of seeking review modification is required in paragraph no.12 of the judgment, and it has to be shown that the employer had appointed retired police officer, who was a legally trained officer as the presenting officer. The submissions made on behalf of the employee are proper.

For the reasons stated above, I do not see any reason to review the judgment.

The application praying for review is dismissed.

In the circumstances, the parties to bear their own costs.

JUDGE