

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 129 OF 2014
IN
WRIT PETITION NO. 4011 OF 1999**

Jabbar Khan S/o. Meer Khan Pathan .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri A. G. Kanade, A. G. P. for the Applicant.

Shri V. H. Dighe, A. G. P. for the Respondent No. 1.

Shri S. G. Sangle, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 12TH FEBRUARY, 2016.

PER COURT :

. Mr. Kanade, the learned counsel submits that, on the day when the Writ Petition No. 4011 of 1999 was disposed of, he could not appear in the matter. This Court did not consider the amended part of the writ petition regarding appointment on alternate post. The petitioner could have been given the retiral benefits.

2. Mr. Sangle, the learned counsel for the respondents submits that, this Court had considered that the petitioner had

attained the age of superannuation and so no question of awarding any alternate post to the petitioner arises.

3. It appears that the learned counsel for the review applicant was absent and we had disposed of the writ petition saying that as he is already attained the age of superannuation no question arises of giving him appointment on alternate post.

4. We have not considered about the retiral benefits of the petitioner. The same appears to be an error apparent on the face of record.

5. In light of that, the order dated 09.06.2014 is recalled. The Writ Petition No. 4011 of 1999 is restored to its original position.

6. Place the writ petition for final hearing in week commencing from 29th February, 2016.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]