

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 7 OF 2016

IN

WRIT PETITION NO. 113 OF 2011

DR. (MR.) RAJENDRA TAMBA.

... Applicant

Versus

STATE OF GOA, THROUGH SECRETARY
(HEALTH) AND 7 ORS.,

... Respondents

Mr. Shivan Desai, Advocate for the Applicant.

Mr. S. D. Lotlikar, Senior Advocate with Ms. P. Kalangutkar, Addl.
Government Advocate for the Respondent nos. 1 and 2.

Mr. Sudin Usgaonkar, Senior Advocate with Ms. Vinita Palyekar,
Advocate for the Respondent nos. 4, 6 and 8.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 26th July, 2016

P.C.

Heard Mr. Shivan Desai, learned Counsel appearing for the Applicant, Mr. S. D. Lotlikar, learned Advocate General appearing for the Respondent nos. 1 and 2 and Mr. Sudin Usgaonkar, learned Senior Advocate appearing for the Respondent nos. 4, 6 and 8.

2. The above Petition seeks for review/recall of the Order passed by this Court on 22.09.2015 whereby, the Petition was disposed of as infructuous based on the instructions by the Petitioner to the learned Counsel appearing for the Petitioner.

3. Upon hearing the rival contentions, it appears that the Petitioner misunderstood his legal position whilst giving instructions to his Advocate that his last pay would not be affected. Though, whilst

disposing of the above Petition, we have not examined the correctness or otherwise of the contention of the Petitioner with regard to his claim of last pay, nevertheless, in the interest of justice, we find it appropriate to recall the Order dated 22.09.2015 and fix the matter for final hearing de novo. All contentions of both the parties on merits are left open which will be considered at the time of the final hearing.

4. In view of the above, I pass the following :

ORDER

- (i) The Order dated 22.09.2015 disposing of the above Petition stands recalled.
- (ii) Writ Petition no. 113 of 2011 is restored to the file.
- (iii) Place the Writ Petition for final hearing in the month of August, 2016.
- (iv) Application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

arp/*