

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (STAMP) NO.13748 OF 2015
IN
WRIT PETITION NO.5779 OF 2014**

The Chief Executive Officer,
Zilla Parishad, Pune
Pune

.....Petitioner.
(Original Respondent No.1)

V/s

Smt. Lilabai Vasant Talekar
and Ors.

..... Respondents.
(No.1 being original Petitioner
and Nos. 2 and 3 being original
Respondent Nos.2 and 3)

Mr. Nikhil Vidwans i/b Mr. Sanjeev J. Rairkar for the Applicant.
Mr. S.S. Pakale alongwith Mr. Saurabh Pakale i/b Mr. Avinash
Ram Belge for the Respondents.

**CORAM: V. M. KANADE &
C. V. BHADANG, JJ.**

DATE: 22nd February, 2016

P.C.:-

(In Chamber at 2.35 P.M.)

1. The learned Counsel appearing on behalf of the Petitioner herein (original Respondent No.1), seeks time on the ground that advocate on record is not well.
2. Adjournment, however, is refused since this Bench is constituted specifically to hear this Review Petition.

3. We have gone through the averments made in the Review Petition and we have also heard Mr. Pakale, the learned Counsel appearing on behalf of Respondent No.1 herein (original Petitioner).

4. It is contended in the Review Petition that notice of final hearing was not served. This submission is without any substance. Petitioner herein (original Respondent No.1) was duly served by Hamdust on 18/02/2015. Affidavit of service was filed by Respondent No.1 herein (original Petitioner). Despite of service of notice, none appeared on behalf of the original Respondents. Affidavit of service was accepted by this Court and therefore it is not material that Registrar (Judicial-I) had issued fresh notice and made it returnable after eight weeks.

5. This Court, considering the case on merits, has observed that it was inconceivable that from 2011, no post was available for absorbing the original Petitioner. This Court has also observed that pursuant to the application filed by the original Petitioner under RTI Act, she was informed that there are 470 posts of Assistant which are vacant in Pune Zilla Parishad. Under these circumstances, this Court was pleased to direct the original Respondent No.1 to absorb the original Petitioner on or before 30.04.2015. Almost 8/9

months have passed and till this date she has not been absorbed and it is only when the original Petitioner threatened to take action of filing contempt proceedings, this Review Petition has been filed. No case is therefore made out for reviewing our order. None of the conditions of Order 47 Rule 1 has been fulfilled. Therefore, even on merits, there is no substance in the grounds raised in the Review Petition.

6. Review Petition is dismissed. Two weeks' time, however, is granted to the original Respondent No.1 to implement our order.

7. Review Petition is accordingly disposed of.

(C. V. BHADANG, J.)

(V.M. KANADE, J.)