

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

MISC. CIVIL APPLICATION NO.280/2015

IN

WRIT PETITION NO.3299/2014 (D)

Bhagyawan Sampat Bagade s/o Sampat Motiram Bagade

...Versus...

The Union of India, through the Secretary, Ministry of communication and I.T.,
Department of Posts, New Delhi – 110 001 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 R.K. Shrivastava, Advocate for applicant
Shri R.S. Sundaram, Advocate for non-applicants

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : 30.08.2016

Shri Shrivastava, the learned Counsel for the applicant states that when the order, dated 22.9.2014 of which a recall is sought was rendered, the applicant was not aware of the Constitution Bench judgment of the Hon'ble Supreme Court in the case of *Rohtas Bhankhar and others...Versus...Union of India and another* and the said judgment was therefore not pointed out. It is stated that in almost identical set of facts, the Hon'ble Supreme Court has granted relief in favour of a similarly situated accountant.

Shri Sundaram, the learned Counsel for the non-applicants does not dispute about the judgment of the Constitution Bench of the Hon'ble Supreme Court, dated

15.7.2014. It is, however, stated that the said judgment would not fully apply to the case in hand. It is fairly stated that in view of the judgment of the Constitution Bench of the Hon'ble Supreme Court, dated 15.7.2014, the order, dated 22.9.2014 may be recalled and the matter may be heard for admission along with the other writ petitions, that are pending for admission.

On a reading of the judgment of the Constitution Bench of the Hon'ble Supreme Court and on hearing the learned Counsel for the parties, in the interest of justice, we recall the order, dated 22.9.2014 and direct the Registry to place the matter for admission along with connected writ petitions bearing Writ Petition Nos.1006/2016, 1902/2016, 3295/2014 and 3480/2014.

The Misc. Civil Application is allowed in the aforesaid terms and disposed of.

The matters may be listed for admission after two weeks.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : S.S. Wadkar, P.S.

Uploaded on : 31/08/2016