

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

27 WRIT PETITION NO.2841 OF 2023

**SHRIDHAR MANIKRAO GOVARDHAN
VERSUS
SHANKAR CHILLARAG VAKIL AND OTHERS**

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Petitioner : Party-in-Person

...

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 13-03-2023

PER COURT :

. The petitioner, a former public servant suffered certain adverse orders during his employment which were subject matter of challenge before the various judicial forums. Petitioner is informed to be already superannuated.

2. An one of the offshoot arising out of service related proceedings, after S.L.P was decided before the Hon'ble Apex Court, the petitioner party-in-person claims to have engaged a lawyer i.e respondent no.1 for the purpose of preferring a review application. According to him, for conducting the said review application he has paid Rs.5,000/- + Rs.20,000/- to the said lawyer. However, the lawyer i.e. Respondent no.1 who was also on the State Government Panel instead of conducting the matter himself, without consent of

petitioner has engaged some other lawyer. The other lawyer who was engaged, has belatedly filed review application which was rejected. Forming aforesaid event to be the basis, the petitioner has moved before the Bar Council of Maharashtra and Goa seeking disciplinary action against the respondent no.1 - lawyer. The Bar Council of Maharashtra and Goa vide its order dated 27.01.2021 noted that no misconduct could be noticed on the part of the respondent no.1 and ordered closure of the matter. As such, this petition.

3. Heard Shri. Shridhar Manikrao Gowardhan party-in-person, a retired employee of the railway. According to him, respondent no.1 has assured him that he himself will draft, file and argue the matter, however by appointing some other third lawyer respondent no.1 has conducted the matter. According to petitioner as respondent no.1 himself has not conducted the matter though same was entrusted him in confidence. As such, he would urge that for above act of negligence and deficiency in service, he should be paid compensation by issuing appropriate directions to the respondent no.1. According to him, the respondent no.1 who was also a Government Lawyer, which fact was suppressed from the petitioner. He has placed reliance on the order of the Bar Council of Maharashtra and Goa to substantiate his contention.

4. We have appreciated the said submissions in the light of the documents placed on record particularly the order of the Bar Council of Maharashtra and Goa dated 27.01.2021. The fact reveals that the respondent no. 1 was not a panel advocate for Central Government or Railways, but was on the panel of the State Government. As such, he cannot be said to be incapacitated to accept the brief of the petitioner. That being so, the claim put forth by the petitioner cannot be said to be germane to the cause for claiming compensation.

5. Just because the review application was argued by some other lawyer and not by respondent no.1 does not give leverage to the petitioner to claim that respondent no.1 has committed a misconduct as has been alleged. It can be seen from the conduct of the petitioner that petitioner waited till the final decision of the review petition and it is only by way of afterthought having suffered rejection of the review petition, has come out with baseless and wild allegations against the respondent no.1.

6. The order impugned passed by the Bar Council of Maharashtra and Goa on 27.01.2021 is just and proper and in tune

with the legal provisions.

7. That being so, no case is made out to allow the petition.
The petition is dismissed.

(S.G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE , J.)

GGP