Sh. Harnam Singh vs HRTC and another

CMP No. 29007 of 2026 in CWP No. 3377 of 2023

06.11.2026 Present: Mr. Varun Thakur, Advocate for the applicant/ petitioner.

Ms. Sarita Rana, Advocate vice Mr. Vikas Rajput, Advocate for the non-applicants/respondents.

CMP No. 29007 of 2026

By way of this application, the applicant/petitioner is seeking recall of order dated 10.08.2026, which order reads as under:-

> *"Learned Counsel for the petitioner submits that he has instructions to withdraw this writ petition. The petition is accordingly permitted to be withdrawn. Pending miscellaneous application(s), if any also stand disposed of accordingly."*

The reasons which have been spelled out in the application for recall of the order, read as under:-

> *"2. That the petitioner respectfully submits that he had not given any instructions, consent or authority for withdrawal of the aforesaid writ petition. The petitioner had neither instructed the counsel appearing on his behalf to withdraw the petition nor authorized him to make any statement seeking withdrawal of the case in hand.*
>
> *3. That the order dated 10.08.2026 was thus passed in circumstances which were not in accordance with the instructions and authorization of the petitioner. The petitioner came came to know of the withdrawal/disposal of the writ petition subsequently and, upon becoming aware of the*

same, is approaching this Hon'ble Court without any undue delay.

4. That the petitioner is desirous of pursuing the aforesaid writ petition and seeks an opportunity to have the matter adjudicated on its merits. The petitioner has not voluntarily abandoned or relinquished his claim before this Hon'ble Court.

5. That, in the facts and circumstances stated herein above, continuation of the order dated 10.08.2026 would cause serious prejudice to the petitioner, despite the fact that the withdrawal of the petition was neither pursuant to his instructions nor with his consent. It is a settled principle of law, as repeatedly recognized by the Hon'ble Supreme Court of India, that a litigant should not ordinarily be made to suffer for the mistake, inadvertence, negligence or bona fide lapse on the part of his counsel, particularly where the litigant himself has not contributed to such lapse. Therefore, the petitioner ought not to be deprived of his substantive legal rights or an adjudication on merits on account of an act or omission attributable to his counsel and not to the petitioner."

A perusal of order dated 10.08.2026 demonstrates that the petitioner was duly represented by learned Counsel Mr. Varun Thakur, Advocate, and it was on his instructions and in his presence that the petition was ordered to be dismissed as withdrawn by the Court.

Now, this application has been moved by the applicant through Mr. Varun Thakur, Advocate, in which, averments have been made to the effect that the order passed by this Court is not in accordance with the instructions and authorization of the petitioner. There is no accompanying application or affidavit etc. filed by learned Counsel to explain as to under what circumstances, he made the statement for withdrawal of the petition. However, as Mr. Varun Thakur, learned Counsel has submitted that he indeed made the statement for withdrawal of the case but as now the petitioner states that he had not passed any such instructions to him, in fact, if the order is not recalled, it will adversely affect him professionally, order dated 10.08.2026 be recalled.

This application is allowed and order dated 10.08.2026 is recalled and the writ petition is ordered to be restored to its original number alongwith all pending miscellaneous applications. Registry to do needful and the list the petition before the appropriate Bench.

(Ajay Mohan Goel)
Judge

November 06, 2026
(narender)