

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

**CIVIL APPLICATION NO. 7243 OF 2012
IN
WRIT PETITION NO. 2195 OF 2012**

Gajanan Suryakant Dere .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri Shailendra S. Kulkarni, Advocate for the Applicant in all matters.

Shri S. A. Ambade, A.G.P. for the Respondent No. 1 in all matters.

Shri B. R. Kawre, Advocate for the Respondent No. 2 in all matters.

WITH

**C. A. NO. 7215 OF 2012 IN W. P. NO. 2198 OF 2012
C. A. NO. 7216 OF 2012 IN W. P. NO. 2219 OF 2012
C. A. NO. 7217 OF 2012 IN W. P. NO. 2225 OF 2012
C. A. NO. 7218 OF 2012 IN W. P. NO. 2216 OF 2012
C. A. NO. 7219 OF 2012 IN W. P. NO. 2204 OF 2012
C. A. NO. 7220 OF 2012 IN W. P. NO. 2214 OF 2012
C. A. NO. 7226 OF 2012 IN W. P. NO. 2212 OF 2012
C. A. NO. 7229 OF 2012 IN W. P. NO. 2226 OF 2012
C. A. NO. 7230 OF 2012 IN W. P. NO. 2203 OF 2012
C. A. NO. 7233 OF 2012 IN W. P. NO. 2237 OF 2012
C. A. NO. 7234 OF 2012 IN W. P. NO. 2205 OF 2012
C. A. NO. 7235 OF 2012 IN W. P. NO. 2213 OF 2012
C. A. NO. 7238 OF 2012 IN W. P. NO. 2223 OF 2012
C. A. NO. 7239 OF 2012 IN W. P. NO. 2197 OF 2012
C. A. NO. 7240 OF 2012 IN W. P. NO. 2215 OF 2012
C. A. NO. 7241 OF 2012 IN W. P. NO. 2217 OF 2012**

C. A. NO. 7242 OF 2012 IN W. P. NO. 2236 OF 2012
C. A. NO. 7244 OF 2012 IN W. P. NO. 2222 OF 2012
C. A. NO. 7245 OF 2012 IN W. P. NO. 2235 OF 2012
C. A. NO. 7246 OF 2012 IN W. P. NO. 2201 OF 2012

CORAM : S. V. GANGAPURWALA , J.
DATE : 08TH APRIL, 2015.

PER COURT :

. These applications are in the nature of review. The present respondent No. 2 had filed petitions challenging the order passed by the Conciliation Officer. This Court vide order dated 05.05.2012 quashed and set aside the order passed by the Conciliation Officer and relegated the parties before the Conciliation Officer for deciding the applications U/Sec. 33(2)(b) of the Industrial Disputes Act afresh after giving opportunity to the parties to adduce the evidence, if they choose. The present applicants/petitioners assailed the said order before the Division Bench in letters patent appeals. The Division Bench in the said letters patent appeals vide order dated 13.06.2012 permitted the applicants to point out the documents which were not referred while the matters were argued before the Single Judge by moving appropriate applications. With the said liberty letters patent appeals were disposed of.

2. On 20.11.2012, the Conciliation Officer after remand of the matters pursuant to the order dated 05.05.2012 passed in writ petitions decided the said references.

3. Mr. Kulkarni, the learned counsel for applicants states that, the applicants were not having any knowledge of the order dated 20.11.2012 passed by the Conciliation Officer. The applicants were prosecuting the present applications for review bonafidely and in good faith. The applicants have applied for certified copies of proceedings before the Conciliation Officer, wherein order dated 20.11.2012 is passed. The applicants have not received the certified copy of the said proceedings. The learned counsel submits that, there are documents which are to be referred, which would have an impact on the proceedings and the liberty has been granted by the Division Bench to show the said documents. The learned counsel submits that, the review applications deserve to be heard on merits.

4. Mr. Kaware, the learned counsel for the respondent No. 2 submits that, the conciliation proceedings on merits have been decided on 20.11.2012, as such present applications would now be not tenable.

5. The factual matrix as culled out above are not disputed. After the order dated 05.05.2012 is passed in the writ petitions, the Conciliation Officer has decided the proceedings vide order dated 20.11.2012. After the decision of the Division Bench in letters patent appeals dated 13.06.2012, the applicants have filed present civil applications in the nature of review along with applications for condonation of delay. The delay is condoned by

this Court on the last date. As the matters are already disposed of by the Conciliation Officer finally vide order dated 20.11.2012, the said order would become final, unless and until the aggrieved party assails the said order. It is for the aggrieved party to assail the said order in accordance with law.

6. Needless to state that, in case any of the aggrieved party assails the order passed by the Conciliation Officer dated 20.11.2012, it would be open to the respective parties to raise all the contentions sought to be raised in these review applications and in the defence of the same.

7. In the light of the aforesaid conspectus of the matters, civil applications stand disposed of. No costs.

[S. V. GANGAPURWALA, J.]