

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

**REVIEW APPLICATION NO. 12 OF 2014
IN
WRIT PETITION NO. 10650 OF 2010**

Bhagwat s/o Gunderao Musne ... Applicant

Versus

The President,
Kisan Shikshan Prasarak Mandal,
Tq. Udgir, Dist. Latur. & others ... Respondents

.....
Mr. Pradeep Deshmukh, Advocate holding for
Mr. S.R. Kolhare, Advocate for applicant
Mr. V.D. Gunale, Advocate for respondent Nos. 1 to 3
Mr. A.V. Hon, Advocate for respondent No. 4
.....

CORAM : RAVINDRA V. GHUGE

DATED : 9th JANUARY , 2015

PER COURT :

1. Allegations of non-compliance of order dated 19-01-2012, passed by this Court in terms of the compromise between the parties, are seriously levelled by Shri Deshmukh, learned Advocate for the applicant/ employee. He specifically states that the direction given in paragraph No. 3 of the order dated 19-01-2012 has not been complied with and no such undertaking indicating payment of Rs. Four lakhs to the applicant, has been filed in this Court.

2. It is, therefore, stated that the said order dated 19-01-2012 and the subsequent order of this Court dated 22-02-2012 passed on Civil Application No. 1999 of 2012, have not been complied with and the said compromise recorded by this Court has become an empty formality. Neither have the pension papers of the applicant been processed, nor has his pension been paid to him in the last three years. Shri Deshmukh, therefore, submits that the applicant prays for recalling of the order dated 19-01-2012 and 22-02-2012 and restore the petition so as to be heard on its own merits.

3. Shri Gunale, learned Advocate appearing on behalf of respondent Nos. 1 to 3 has no objection for the setting aside of the compromise and recalling of the orders dated 19-01-2012 passed on the petition and 22-02-2012 passed on the Civil Application No. 1999 of 2012.

4. In the light of the peculiar facts of this case, the application for recalling the compromise purshis dated 19-01-2012 is allowed. Consequentially, order passed by this Court dated 22-02-2012 passed on Civil Application No. 1999 of 2012 is also recalled.

5. The Writ Petition No. 10650 of 2010 is restored at the stage at which it was disposed off. Since Civil Application No. 1999 of 2012 was filed for seeking correction in the order dated 19-01-2012, the same does not survive and is disposed off.

(RAVINDRA V. GHUGE, J.)