

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

Civil Application (CAO) No.1475 of 2014
And
Misc. Civil Application Stamp No.11810 of 2014 (for Review)

In
Writ Petition No.903 of 2004 (D)
(Shri Bhimrao Udhaorao Bhende v. The State of Maharashtra, through its
Secretary, Public Works Department, Mantralaya, Mumbai, and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri S.A. Chaudhari, Advocate for Applicant.
Ms Mrunal Naik, Assistant Government Pleader for Non-Applicants.

Coram : R.K. Deshpande, J.

Date : 27th November, 2015

Civil Application No.1475 of 2014 :

This application for condonation of delay of 136 days caused in filing an application for review is allowed for the reasons stated therein.

The civil application is disposed of.

Misc. Civil Application Stamp No.11810 of 2014 :

By this Misc. Civil Application, the applicant seeks review of the judgment and order dated 9-1-2014 passed by this Court in Writ Petition No.903 of 2004. This Court had allowed the said writ petition filed by the State Government by setting aside the judgment and order passed by the Industrial Court on

13-11-2002 in Complaint (ULP) No.701 of 1993.

The ground of review is that the applicant-complainant had worked as a Receptionist-cum-Telephone Operator from 15-9-1989 and, therefore, this Court ought to have maintained the direction issued by the Industrial Court to make the payment to the complainant on the post of a Receptionist-cum-Telephone Operator, which is a Class-III post, from 15-9-1989 till the date of filing of the complaint.

With the assistance of the learned counsels appearing for the parties, I have gone through the original writ petition along with the copy of the complaint, written statement and the judgment and order passed by the Industrial Court. There is a cryptic finding recorded by the Industrial Court about the complainant working as a Receptionist-cum-Telephone Operator on the basis of the documents at Exhibits 21, 23, 27, 28 and 30. It is held by the Industrial Court that on the basis of these documents, it cannot be concluded with certainty that right from 1989 till the date of appointment as Talathi, the complainant had worked continuously as a Receptionist-cum-Telephone Operator at the Rest House. In spite of this, the Industrial Court had directed payment of wages to the complainant on the post of a Receptionist-cum-Telephone Operator for the period for which he had actually worked.

In spite of thorough search of the record and pleadings of the complainant, it is not possible to find out the exact period for

which the complainant had worked as a Receptionist-cum-Telephone Operator. There is no pleading that the complainant had worked as a Receptionist-cum-Telephone Operator from 15-9-1989 till the date of filing of the complaint. In view of this, there is no error apparent on the face of the record.

The Misc. Civil Application for review is dismissed.

Judge.

Lanjewar