

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

CIVIL APPLICATION No.1342 of 2013 & M.C.A. St. No.15163 of 2013
in

WRIT PETITION No. 727 OF 2013 (D).

Shir Chandrakant s/o Pandurang Suradkar

-Vrs.-

C.E.O. Z.P. Buldhana and another.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr. Sumit G. Joshi, counsel for applicant.

Mrs. Khandekar, counsel for respondent no.1.

Mrs. Hiwase, AGP for respondent no. 2.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 1st OCTOBER, 2015

This court has issued notice on both applications on
 13.2.2015.

Prayer for review is delayed by 127 days. Reason
 for review is the Full Bench judgment of this Court reported at
2015(1) Mh.L.J. page 457 (Arun Sonone Vs. State of Mah).

Submission is, after 2005 the applicant petitioner
 has been continuously making representations. Advocate Joshi
 also add that applicant is ready and willing to give up all back
 wages. He points out that in Civil Application 202/2013 in
 M.C.A. St No. 20937/2012 and M.C.A. (Review) No. 819/2011
 in W.P. No. 4379/2010 on 24.4.2015 and 11.8.2015 this
 Court has in identical circumstances granted review and
 protection in employment has been extended to respective

applicants.

Learned AGP for respondent no. 2 and advocate Khandekar for respondent no. 1 are opposing the prayer.

Writ Petition No. 727/2013 was heard by this court on 18.3.2013 and at that time the judgments of Hon'ble Apex Court were pressed into service to point out explanation for delay. This court then noted that 2005 termination was assailed on the ground that in recent past Hon'ble Apex Court has in 2012 (1) SCC 549 and AIR 2012 SC 4472 granted protection in employment. This court has then refused to interfere after 8 years on that ground. Other reason given by it is the protection was given by Apex Court under Article 142 of the Constitution of India. Full Bench by the judgment in Arun Sonone Vs. State of Mah. clarified that protection given by Hon'ble Apex Court is not under Article 142 of Constitution of India. However, the Full Bench does not lay down any law in so far as the stale challenges are concerned. The orders of this court dated 24.4.2015 and 11.8.2015 also do not lay down any law in so far as stale challenges are concerned.

Therefore, one of the grounds which weighed with this court i.e. challenge so raised was stale has not been shown to be in any way erroneous or perverse warranting interference in review jurisdiction. The other ground namely change in the judicial precedents is not a valid ground for review.

In this situation, we find no case made out warranting interference in review jurisdiction. As such it is not necessary for this court to consider the question of condonation of delay. It is not in dispute that petitioner applicant as yet has

not reached the age of superannuation. Hence, though he is not found entitled to grant of protection, technically his claim cannot be thrown out as barred by limitation.

With liberty to petitioner applicant to take such other steps as are permissible in law, we dispose of the matter. No costs.

JUDGE

JUDGE

Hirekhan