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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.58/2016
IN
WRIT PETITION NO.668/2009

Babasaheb Ghanshyam Ingole.
...Applicant..

Versus

The Divisional Controller,
MSRTC, Beed & another.
...Respondents...

.....
Shri A.A. More, Advocate for applicant.
.....

CORAM: RAVINDRA V. GHUGE, J.
DATE: 15.03.2016

ORDER :

1] The applicant has sought review of the judgment dated 28.1.2016 delivered by this Court in Writ Petition No.668/2009.

2] Contention is that the Labour Court and the Industrial Court did not consider carbon copies of the receipts produced on record, which indicate that the applicant had worked atleast for about 30 months. It is further submitted that the Labour Court as well as the Industrial Court have not appreciated the documents properly and hence concurrent judgments have been delivered against the applicant.

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3] It is further submitted that the record and proceedings from the Labour Court and the Industrial Court deserve to be called for so as to re-hear Writ Petition No.668/2009.

4] I have considered the submissions of the learned Advocate for the applicant and have gone through the grounds for review set out below paragraph no.4.

5] It is trite law that merely because a better view or a different view is possible, the Court should not interfere with the impugned judgment / order or cause a review of its order. It is also trite law that a review petition cannot be contested as an appeal in the disguise of a review petition.

6] Contention of the applicant is that the Labour Court and the Industrial Court have not properly gone through the receipts of payments made by the respondents to the applicant. Hence, it was erroneously concluded that the review applicant has not completed 240 days in the continuous and uninterrupted service of the respondents.

7] This Court by its judgment dated 28.1.2016 had considered the entire submissions of the applicant. The

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impugned judgments were gone into with the assistance of the learned Advocate for the applicant. The Labour Court has arrived at a finding of facts that the xerox / carbon copies of the receipts placed on record were in the name of the father Ghanshyam Ingole, wife of the petitioner Meera, sister of the petitioner Sangita and mother of Gangabai Ghanshyam Ingole alongwith himself. The Labour Court as well as the Industrial Court concluded on the basis of oral and documentary evidence that the applicant could not be granted reinstatement in service since he had failed to prove continuous service with the respondents.

8] In the light of the above, I am not convinced that the applicant has been able to point out an error apparent on the face of the record. A review petition cannot be entertained so as to enable the applicant to re-argue the entire writ petition. The review application is, therefore, devoid of merit and is dismissed.

(RAVINDRA V. GHUGE, J.)