

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**REVIEW APPLICATION NO.132 OF 2012
IN
WRIT PETITION NO.2893 OF 1992**

**Dattatraya S/o Vithoba Ambre Vs. The Executive Engineer,
Ahmednagar Irrigation Division and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.U.S.Malte, advocate for the Applicant/Petitioner.
Ms.S.S.Raut, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA, J.
Date : 02.09.2016.**

PER COURT :

1. Heard.
2. Mr.Malte, learned counsel for the petitioner states that the Writ Petition is disposed of by order dated 26.8.2011, on the basis of submissions made by learned Addl. Government Pleader that the Respondents have given promotion to the petitioner on 15.4.1993. In light of that, this Court had made Rule absolute in terms of interim orders. The interim order is that the petitioner be absorbed as Junior Clerk to Irrigation Department and be paid salary and allowances accordingly. The Writ Petition was filed against the order of the Industrial Court, rejecting application for condonation

of delay. The learned counsel submits that before the Industrial Court the claim of the petitioner was seeking absorption as Junior Clerk with effect from 1982, whereas non-applicant herein has given the said benefit from 1993.

3. Learned A.G.P. submits that the petitioner was absorbed as per orders passed by this Court and benefit is given to the petitioner. In fact, the grievance of the petitioner would not survive.

4. It appears that while disposing of the Writ Petition under order dated 26.8.2011, it was not brought to the notice of this Court that the claim before the Industrial Court is seeking absorption since the year 1982 and on the basis of the communication placed on record, the Writ Petition was disposed of.

5. There appears to be error apparent on the face of record. In light of that, the order dated 26.8.2011 passed in W.P.No.2893/1992 is recalled and Writ Petition No.2893/1992 is restored to its original position.

6. The Review Application is accordingly disposed of.

(S . V . GANGAPURWALA, J .)

Dt.02.09.2016.
asp/office/Rev132.12

