

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.207 OF 2016 (REVIEW)
(Vithal Eknath Bade Vs. The Executive Engineer)
IN
WRIT PETITION NO.2351 OF 1997

Mr.V.N.Upadhye, Advocate for the applicant.
Mr.S.P.Sonpawale, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/12/2016

PER COURT :

1. The applicant/ employee, who has already been regularized in service as a Mustering Assistant, has moved this application for seeking review of the order dated 21/07/2016 by which he was deprived of back wages.

2. Mr.Upadhye, learned Advocate has drawn my attention to the grounds for review (A to H) in support of his contention that back wages should have been granted and since the applicant was not in employment, he cannot be deprived of the back wages.

3. Having considered the submissions of Mr.Upadhye and the grounds cited, it needs mention that the Hon'ble Supreme Court in the matter of Lily Thomas Vs. Union of India, [AIR 2000 SC 1650] has

concluded that a review application cannot be canvassed as if an appeal is being presented, in as much as, the grounds raised cannot be canvassed as if the writ petition, which is decided, is being re-argued.

4. I have observed in paragraph No.13 of the order that the applicant was working on Employment Guarantee Scheme. He would have no right to seek regular work or reinstatement, though the respondent/establishment has already reinstated him and granted him permanency. In the backdrop of the observations in paragraph No.13, I had deprived the applicant of back wages.

5. I do not find that the applicant has made out any ground which would indicate an error apparent on the face of the order calling for a review.

6. In the light of the above, this review application, being devoid of merit, is rejected.

(RAVINDRA V. GHUGE, J.)