

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO. 143 OF 2016
IN
REVIEW PETITION (ST) NO. 9247 of 2016
IN
WRIT PETITION NO. 10230 OF 2014***

The Rayat Sevak Co-op. Bank Ltd.

... Applicant

v/s

Smt.Ujwala Vitthal Jadhav

... Respondents

Mr.S.S.Pakale i/by S.M.Katkar for the applicant and petitioner in review/writ petition.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

The civil application is filed for condonation of delay in taking out the review application. The review is sought of the order dated 25 January 2016. By an order dated 25 January 2016, which is a detailed order, the writ petition was not entertained. It was held that the Respondent was appointed on compassionate basis, which is permitted under the settlement, no failure of justice had occasioned to warrant interference.

2 The review that is sought is on the ground that a vacancy was not available and this material was brought on record. The order dated 25 January 2016 was not passed on the first date itself. The farad-sheet shows that the matter was adjourned from time to time and the parties advanced their submissions. In equitable jurisdiction under Articles 226 and 227 of the Constitution of India, considering the facts and circumstances wherein the Respondent, who was a widow, was appointed on compassionate basis, was allowed to continue as directed by the order of the Industrial Court. The argument regarding non-availability of work was also considered in paragraph 5 of the order. What is sought is rehearing of the petition. Therefore, even if the delay is condoned and review is to be taken up for consideration on merits, there is no ground on which the order can be reviewed.

3 In the circumstances, since nothing will be gained by condoning the delay and taking up the review for consideration, the civil application is rejected. Consequently, the review petition does not survive and is disposed of.

(N. M. Jamdar, J.)