

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.36 OF 2016
IN
WRIT PETITION NO.1588 OF 2013**

Mr. Satyanarayan Pandey

....Petitioner.

V/s

M/s Standard Mills,
Textile Division of Standard
Industries Ltd.

....Respondents.

Mr. Satyanarayan Pandey, Petitioner in person.

Mr. Sudhir Talsania, Senior Counsel alongwith Mr. Vishal Talsania,
Ms. Pooja Kothari i/b M/s. Federal and Rashmikan for the
Respondents.

**CORAM: V. M. KANADE &
REVATI MOHITE DERE, JJ.**

DATE: 29th September, 2016

P.C.:-

1. This Review Petition is filed by the Petitioner who is appearing in person for reviewing the judgment and order passed by this Court on 09/06/2016. It is contended that this Court has not appreciated the facts and material on record and allowed the Writ Petition of the Company without considering the relevant material on record. It is submitted that in the agreement executed between the registered Union and the Respondent-Company, it was agreed that those employees who were working in Sewree Mill would be paid their wages and monthly salary till they attain the age of superannuation. It

is submitted that they have committed breach of this agreement and offered VRS to the Petitioner. It is submitted that all along the impression was given to the Petitioner that he would be allowed to work at Sewree Mill till he attains the age of superannuation and the assurance which was given was a false assurance and the agreement between the parties was violated.

2. Petitioner who is appearing in person is again re-arguing the matter on the same lines which he had argued when the main matter was decided. We must point out here that since the Petitioner was appearing in person, we had asked him whether we should appoint a lawyer to represent him from the Legal Aid Panel. However, this offer was not accepted by the Petitioner. Apart from that, there were 9 other similarly situated persons who were represented by the Senior Advocate Mr. Arshad Shaikh who had argued the matter at length and cited several judgments of the High Courts and Apex Courts in support of his submissions and he had taken us through the entire record. Since the Petitioner was appearing in person, we had given a great latitude to him and we had gone through the entire record as if it was an appeal just to ensure that no injustice was done to the workmen and only after we were satisfied from the record that contention of the Petitioner could not be accepted in law, the order which is sought to be reviewed by the Petitioner was passed.

3. It is quite well settled that while exercising review jurisdiction, this Court has to be guided by the provisions of Order 47 Rule 1 of

the Civil Procedure Code which lays down the conditions under which Review Petition can be entertained. It is equally well settled that Review Petition cannot be heard as an appeal against the said order. Hence, we are not inclined to entertain this Review Petition. Petitioner has an alternative remedy of challenging our order by filing an SLP in the Apex Court. Reserving the said right of the Petitioner, Review Petition is dismissed.

4. We however again direct the Respondents to expeditiously offer VRS compensation to the Petitioner alongwith interest @ 12% per annum as directed by us as early as possible.

5. Review Petition is accordingly disposed of.

(REVATI MOHITE DERE, J.)

(V.M. KANADE, J.)