

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8228 OF 2017
(Baban Yashwant Zote Vs. The Dhule Municipal Corporation)
WITH
REVIEW APPLICATION STAMP NO.1468 OF 2017
IN
WRIT PETITION NO.9871 OF 2016

WITH
CIVIL APPLICATION NO.8229 OF 2017
(Laxmai Fattensing Vasave Vs. The Dhule Municipal Corporation)
WITH
REVIEW APPLICATION STAMP NO.1470 OF 2017
IN
WRIT PETITION NO.9868 OF 2016

WITH
CIVIL APPLICATION NO.8230 OF 2017
(Nirmal Gulab Ahire Vs. The Dhule Municipal Corporation)
WITH
REVIEW APPLICATION STAMP NO.1465 OF 2017
IN
WRIT PETITION NO.9869 OF 2016

Mr.S.R.Patil, Advocate for the applicants.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/07/2017

PER COURT :

1. By the consent of the applicants, I have heard the submissions of the learned Advocate on the applications for condonation of delay as well as the review petitions. The civil applications are allowed by condoning 12 days delay.

2. In so far as the review petitions are concerned, the applicants have set out 11 grounds for seeking review of the judgment of this Court dated 05/12/2016 by which WP No.9871/2016, 9868/2016 and 9869/2016 filed by the Dhule Municipal Corporation were allowed and the awards of the Labour Court dated 29/12/2015 allowing Ref.(IDA) Nos.3/2014, 2/2014 and 1/2014 were quashed and set aside.

3. I have heard the learned Advocate for the review applicants who has virtually re-iterated his main contentions in support of the awards and the grounds raised in their defence.

4. Each of the grounds raised by the applicants were considered by this Court in the judgment at issue. It was noticed that certain class-IV employees had obtained back door entries on the strength of a resolution passed by the elected members. The Chief Officer had reported this aspect to the District Collector, who had stayed the resolution of appointment dated 14/03/1990 within 8 days on 22/03/1990 u/s 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965.

5. Every aspect involved in these litigations has been considered in the judgment.

6. It is settled law by the Hon'ble Apex Court in the matter of Lily Thomas Vs. Union of India, [AIR 2000 SC 1650] that a review petition cannot be heard as if an appeal is being heard. The applicant cannot be permitted to canvass all the grounds which were put forth while deciding the writ petitions, as if this Court is rehearing the petitions. I do not find that the applicants have pointed out any error apparent on the face of the order in the light of the facts of the case.

7. As such, these review applications are devoid of merit and are therefore rejected.

(Ravindra V.Ghuge, J.)