IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.111 OF 2017
(Nanded-Wghala City Municipal Corporation Vs. Rajendra Sakharam Gawali and others)
IN
WRIT PETITION NO.7189 OF 2013
WITH
REVIEW APPLICATION NO.112 OF 2017 IN WRIT PETITION NO.7191 OF 2013
WITH
REVIEW APPLICATION NO.113 OF 2017 IN WRIT PETITION NO.7185 OF 2013
WITH
REVIEW APPLICATION NO.114 OF 2017 IN WRIT PETITION NO.7187 OF 2013
WITH
REVIEW APPLICATION NO.115 OF 2017 IN WRIT PETITION NO.7188 OF 2013
WITH
REVIEW APPLICATION NO.116 OF 2017 IN WRIT PETITION NO.7186 OF 2013
WITH
REVIEW APPLICATION NO.117 OF 2017 IN WRIT PETITION NO.7190 OF 2013

Mr.M.D.Narwadkar, Advocate for the applicant.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/11/2017

PER COURT :

1. All these review applications have been taken up together since it was by a common judgment delivered by this Court dated 23/02/2017 that W.P.No.7185/2013 alongwith few other writ petitions were decided. Identical set of facts are involved in these applications.

2. Learned Advocate for the review applicant/Corporation strenuously submits that the costs awarded by this Court to the original

complainants while remanding the matters to the Labour Court, have resulted into a legal injury to the applicant. It is submitted that the Corporation cannot be held liable for imposition of costs.

3. It is further submitted that this Court has observed in paragraph No.12 of the judgment that the costs are being imposed in these matters in which the Corporation has failed to adduce evidence before the Labour Court and that was the reason why the matters were remanded to the Labour Court. It is pointed out from paragraph No.12 of the judgment of the Industrial Court dated 05/07/2013 that the Industrial Court has recorded that respondent No.2 / Corporation had led evidence by way of a examination in chief before the Labour Court. It is, therefore, submitted that as the Industrial Court has so recorded in the case of Rajendra Sakharam Gawali, it indicates that the evidence was led by the Corporation and hence, the imposition of costs is not justified.

4. Considering the law laid down by the Hon'ble Apex Court in the matter of Lily Thomas Vs. Union of India, [AIR 2000 SC 1650], it is settled position of law that a review application is not to be argued or conducted as if an appeal is being heard or a writ petition is being decided.

5. I find from the judgment of the Labour Court dated 03/04/2012 in the case of Rajendra Sakharam Gawali that the Labour Court has concluded in paragraph No.8 that respondent No.2 / Corporation, before the Labour Court, had not led evidence. Respondent No.1, which is the Gram Panchayat, Taroda had adduced evidence and that was considered by the Labour Court.

6. This Court, while delivering the judgment under review, has specifically observed in paragraph No.12 that one of the reasons for remanding the matters to the Labour Court was the failure of the Corporation in leading evidence in some cases. As it was noticed that there were certain deficiencies on the part of the Corporation, that this Court had granted costs of Rs.10,000/- to each of the complainants before the labour Court so as to soften the rigours of litigation being suffered by them on account of remanding of the matters before the Labour Court. I do not find that the said direction could be termed as being an error apparent on the face of the order.

7. Considering the above, I do not find that these review applications deserve to the considered. The same are, therefore, rejected.

(RAVINDRA V. GHUGE, J.)