

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 81 OF 2017
IN
REVIEW PETITION No.60 of 2017
IN
WRIT PETITION NO.7112 of 2013**

The State of Maharashtra

..Applicant

Vs.

Shri Baban Ramchandra Atugade

..Respondent

Mrs. V. S. Nimbalkar AGP for the Applicant State

Mr. R. A. Naik i/b Mr. U R. Mankapure for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 20th JULY, 2017

(IN CHAMBER AT 2.45 P.M.)

P.C.

1 The above Civil Application has been filed for condonation of delay of 94 days in filing the above Review Petition. The review sought is of the order dated 4-10-2016 passed by this Court in the above Writ Petition. By the said order, the above Writ Petition filed by the State through Director of Special Forestry Division, Sangli, came to be dismissed and resultantly the judgment and order passed by the Learned Presiding Officer, Labour Court, Sangli in Reference IDA No.15 of 2007 came to be confirmed. By the said order, the the Learned Presiding Officer, Labour Court, Sangli, had answered the reference by directing the reinstatement of the Respondent to his original post with continuity of service w.e.f. 27-9-2006 and 20% backwages.

2 The Learned Counsel appearing on behalf of the Respondent opposes the above Civil Application. The Learned Counsel submitted that there is no merit in the above Review Petition and therefore the Applicant is not entitled for condonation of delay.

3 Hence this Court proceeded to consider whether there is any merit in the above Review Petition. The Review Petition is filed on the ground that the muster rolls and pay registers maintained in respect of the persons working in the employment guarantee scheme are available with the Applicant and the Applicant may therefore be permitted to produce the same and rely upon the same to oppose the grant of reinstatement with 20% back wages. The said contention was raised before this Court whilst this Court was considering the above Writ Petition for admission. This Court has rejected the said contention by observing that in the absence of the material produced by the Applicant herein the adverse inference drawn by the Learned Presiding Officer, Labour Court, Sangli, could not be found fault with this Court accordingly dismissed the above Writ Petition. In view of the fact that the said contention has been rejected by this Court whilst considering the above Writ Petition, the review sought on the said ground cannot be entertained. Hence there is no merit in the above Review Petition. In view of the said conclusion of this Court, no useful purpose would be served by condoning the said delay of 94 days in filing the above Review Petition. The above Civil Application is accordingly dismissed.

4 In view of the dismissal of the above Civil Application, the above Review Petition which suffers from the delay of 94 days, does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]