

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12080 OF 2018
IN
REVIEW APPLICATION STAMP NO. 18318 OF 2018
IN
WRIT PETITION NO. 8423 OF 2011
WITH
CIVIL APPLICATION NO. 12081 OF 2018
IN
REVIEW APPLICATION STAMP NO. 18313 OF 2018
IN
WRIT PETITION NO. 6472 OF 2011
WITH
CIVIL APPLICATION NO. 12082 OF 2018
IN
REVIEW APPLICATION STAMP NO. 18300 OF 2018
IN
WRIT PETITION NO. 6446 OF 2011
WITH
CIVIL APPLICATION NO. 12084 OF 2018
IN
REVIEW APPLICATION STAMP NO. 18305 OF 2018
IN
WRIT PETITION NO. 6512 OF 2011

RAVINDRA TUKARAM KAMBLE
VERSUS
VIDEOCON INDIA AND ANOTHER

Advocate for Applicants : Mr. P.V. Barde.
Advocate for Respondents : Mr. Ashok Patil
with Mr. V.P. Golewar.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 30th November, 2018

PER COURT :

1. These applicants are party to the judgment of this Court dated

08/04/2014 in Writ Petition Nos. 6477/2011, 6472/2011, 6446/11 and 6512/2011, by which, this Court had allowed the petition and modified the impugned judgment of the Industrial Court, by considering the law laid down by the Hon'ble Apex Court in the eleven judgments cited. A lumpsum amount of about Rs. 1,50,000/- was granted as compensation.

2. Learned advocate for the applicants has strenuously canvassed the reasons set out in the Civil Applications in respect of the prayer that the delay of 4 years and 53 days may be condoned and the Review Applications may be heard on its merits.

3. In order to assess, as to whether any purpose would be served by condoning the delay, I have called upon the learned advocate for the applicants to point out the error which the applicants find to be a ground for reviewing the judgment dated 08/04/2014. Learned advocate has strenuously submitted that considering the cost of living and that these persons have lost their employments, the compensation amounts should be enhanced. In short, these Review Applications are aimed at seeking enhancement in compensation.

4. Learned advocate for the respondents/Management contends that reasons cited for condonation of delay are without any merit.

These applicants had approached to the Hon'ble Apex Court by filing a Special Leave Petition. The same has been rejected/dismissed in default as the objections were not removed. Rather than seeking restoration of the Special Leave Petition, these Applications and the Review Applications have been filed. Despite the above, learned advocate for the Management submits that even if the delay is condoned and the Review Applications are heard on merits, there are no grounds for reviewing the judgment delivered by this Court.

5. In view of the above, the delay caused is condoned in these peculiar circumstances and the Review Applications are heard by the consent of the parties.

6. I have considered the submissions of the learned advocate for the applicants. I find that the formula which is required to be applied while computing compensation was noticed by this Court in the matters of *O.P. Bhandari Versus Indian Tourism Development Corporation [AIR 1987 SC 111]*, *Assistant Engineer, Rajasthan State Agricultural Board Versus Mohanlal [2013 (III) CLR 305]* and *Ashok Kumar Sharma Versus Oberoi Flight Service, [AIR 2014 SC 502]*, and in the judgments that were cited. This Court, therefore, set aside the judgment of the Industrial Court, by which, a paltry amount of about Rs. 50,000/- was granted. The amount was enhanced computing the

judgment delivered by the Hon'ble Apex Court, to about Rs. 1,25,000/- to 1,50,000/- with regard to the said petitioners.

7. In this backdrop, I do not find any error on the face of the judgment. In the light of the above, these Review Applications, being devoid of merit, stands rejected.

(RAVINDRA V. GHUGE, J.)

S.P.C.