

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 137 OF 2018
IN
REVIEW APPLICATION STAMP NO. 23429 OF 2017
IN
WRIT PETITION NO. 6922 OF 2016

THE CHIEF OFFICER MUNICIPAL COUNCIL PATHARDI
NANBHAU VISHWNATH MAHANWAR
VERSUS
BHAGWAN RAIBHAN KALOKHE

Advocate for Applicant : Shri R.V. Naiknavare.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 12th January, 2018

PER COURT :

1. I have heard the learned advocate for the applicant Municipal Council on the Civil Application as well as the Review Application. Since, the delay is not too large, the Civil Application is allowed and delay of 238 days caused in filing the Review Application is condoned by imposing costs of Rs. 1,000/- which the applicant shall deposit with Advocate Associations' Bar Library, High Court, Aurangabad on/or before 09/02/2018.

2. In so far as the Review Application is concerned, learned

counsel for the applicants has strenuously contended that the judgment dated 18/10/2016, delivered in Writ Petition No. 6922/2016, suffers from errors apparent on the face of the record. He has taken me through the grounds of the Review Application to support his contention that the order under Review could not have been passed and the respondent/Employee has succeeded in getting a back door entry. It is also contended that the father of the complainant had not completed 20 years of service as a Safai Kamgar.

3. The Hon'ble Apex Court in the matter of Lily Thomas Versus Union of India [AIR 2000 Supreme Court 1650], has laid down the law that a Review Application is not to be conducted, as if the Writ Petition is being re-heard. An error apparent on the face of order is to be pointed out.

4. In the instant matter, the Industrial Court had allowed Complaint (ULP) No. 13/2015, by its judgment dated 03/05/2016, which was challenged by the applicant Municipal Council in Writ Petition No. 6922/2016. All the contentions put forth by the applicant in the Review Application have been specifically considered in paragraph Nos. 4 to 7 of the judgment of this Court dated 18/10/2016.

5. I do not find that the applicant has succeeded in pointing out any error on the face of the order. The Review Application being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.