

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 78 of 2017.

IN

WRIT PETITION NO. 4351/2005.

Shrikant Pandurangbuwa Gosavi ... **Applicant.**

VERSUS

The State of Maharashtra ... **Respondents.**
and others.

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Mr. A.S. Bajaj, Advocate for Applicant.
Mrs.A.V. Gondhalekar, Addl.G.P.for respondent No. 1.
Mr. B.V. Virdhe, Advocate for respondents No. 2 to 6.

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 9th March, 2018

ORDER:

1. The review applicant seeks review of the order of this Court dated 20.10.2016.
2. We had disposed of Writ Petition No. 4351/2005 under order dated 20.10.2016, on the basis of the statement of the learned A.G.P. that petitioner was given promotion and was posted at Mumbai. But the petitioner refused to join at the promotional post on the ground of family problem.

3. On the said date when the petition was disposed of, the learned counsel for the petitioner was not present.

4. Mr. Bajaj, the learned counsel for applicant submits that he could not remain present on the said date because of the ill-health of his wife. The learned counsel submits that one of the issue agitated was also about withdrawing of the benefit of promotional pay-scale, granted to the petitioner under order dated 21.03.1997, so also, the deemed date of promotion and pay-scale. This aspect has not been considered while disposing of the writ petition.

5. We have also heard the learned counsel for respondents and learned A.G.P. for respondent/State.

6. It is a fact that when we disposed of the writ petition, the learned counsel for the petitioner/review applicant was absent and we disposed of the writ petition on the basis of the submission of learned the A.G.P.

7. We had not considered the contentions of the petitioner with regard to the pay scale and the deemed date of promotion and that similarly situated persons

were given the benefit, even those persons refused to join at another place were given the benefit and the petitioner was denied the benefit. We have not dilated on the said aspect.

8. In the light of above, we re-call the order dated 20.10.2016 and place the Writ Petition No. 4351 of 2005 on its original position.

9. Review application accordingly allowed. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

mkd/-