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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

REVIEW PETITION (L) NO.48 OF 2018
IN
WRIT PETITION NO.77 OF 2007

Anand Y Pawar and Ors. ... Petitioners
Vs.
State of Maharashtra and Ors. ... Respondents

Mr. B.S. Nayak for the Petitioners.
Mr. H.S. Venegaonkar, Addl. Government Pleader for the Respondent -
State.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 9th OCTOBER 2018.

P.C. :

1 Heard the learned counsel appearing for the petitioners. He submits that the petitioners are relying upon the documents in the review petition which could not be produced before the Maharashtra Administrative Tribunal and this Court. His submission is that when the writ petition was heard by a Division Bench and the order sought to be reviewed was passed, the petitioners were under an impression that as far as the reversion is concerned his remedy before the Tribunal would be kept open. His submission is that in this review petition, the documents which are annexed to the petition ought to be considered.

2 We have considered the submissions. Paragraph 4 of the judgment sought to be reviewed refers to two issues which arise for consideration. Paragraph 4 reads thus :-

“4] In the aforesaid situation, broadly, two issues arise for determination:

(a) Whether the respondents were right in withdrawing the benefit of pay scale of Wireman from the petitioners and substituting the same with the pay scale of Assistant Wireman ?

(b) Assuming that the respondents were right in substituting the pay scale of Wireman with the pay scale of Assistant Wireman, then further, whether the respondents are right in seeking to recover the excess benefits obtained by the petitioners prior to substitution by order dated 25.10.2005?"

3 In paragraph 6, the reasons have been recorded for confirming the action of withdrawal of benefit of pay scale of wireman and substituting it by the pay scale of Assistant Wireman. However, the order of recovery of excess amount was set aside by the order sought to be reviewed.

4 There is no ground made out that the documents which are annexed to the petition could not be produced either before the Tribunal or before this Court notwithstanding the exercise of due diligence.

5 There is no error apparent on the face of the record and even otherwise, there is no ground for review. Accordingly, review petition is rejected.

(M.S. SONAK, J.)

(A.S.OKA, J.)