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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO.80 OF 2016

IN

WRIT PETITION NO.2826 OF 2006 [No R&P]

The General Secretary

Gomantak Mazdoor Sangh & Anr.

...Petitioners

vs

Corporation Bank & Anr.

...Respondents

.....

Mr. Bennet D'costa, a/w. Ms. Jignasha Pandya, for the Petitioners.

Mr. Anand R. Pai, i/b. Sanjay Udeshi & Co., for Respondent No.1.

.....

CORAM : S.C. GUPTE, J.

DATED: AUGUST 3, 2018

P.C. :

. Heard learned Counsel for the parties.

2. This review petition seeks review of an order passed by this Court in the writ petition on 17 March 2016. Learned Counsel for the Review Petitioners (Original Respondents to the writ petition) submits that there is an error apparent on the face of the record, since despite setting aside Part-II Award, which was in favour of the Review Petitioners, there is no opportunity to the Review Petitioners to agitate the issue of proportionality of the punishment. I do not see how this becomes apparent on the face of the record. No such argument appears to have been advanced by the original Respondents before this Court when the order under review was passed. Secondly, it is submitted that

one of the contentions, which was accepted by the Court and *inter alia* made basis of the order was that the veracity of the allegations that (i) the offending letters were in fact addressed by the concerned workmen and (ii) the letters were addressed to the higher ups without going through proper channels applicable under the Central Government Service Rules, was not questioned. It is submitted that there are no such admissions on the part of the concerned workmen. It is not permissible for this Court to go behind the order on a submission like this, particularly when such submission is not accepted by the opponent. Anyway this is a finding of the Court and its correctness cannot be questioned in a review application. Besides, the order of 17 March 2016 was carried in an SLP before the Supreme Court, when the Supreme Court did not find any merit in the challenge and the special leave petition was dismissed. There is, accordingly, no merit in the review petition. The review petition is dismissed.

(S.C. GUPTE, J.)

Smita
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Gonsalves

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