

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.1040 of 2017

In

Writ Petition No.1207 of 2002 (Decided)

[Municipal Council Tumsar, Tah. Tumsar, Dist. Bhandara, through its Chief
Officer v. Raju Sukhdeo Gajbhiye, and another]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Ms Pallavi A. Mahashabde, Advocate for Applicant/Respondent
No.1.

Coram : R.K. Deshpande, J.

Date : 24th February, 2018

This application is for recall of the judgment and order dated 23-12-2013 delivered by this Court in Writ Petition No.1207 of 2002 and other connected petitions. The petitions filed by the Municipal Council, Tumsar are allowed and the claim for regularization of the employees granted by the Industrial Court in terms of Clause 4-C of the Model Standing Orders was rejected.

In the present application, the first ground for recall of the judgment and order, as it appears from the application, is that some of the employees, whose names are stated in the application, were absorbed in service. The another ground is that on 21-11-2003, the then Chief Office of Municipal Council,

Tumsar informed one Shila Dharmik that there are 21 sanctioned posts of Sweepers.

I have gone through the copy of the complaint filed before the Industrial Court, which is at Annexure-B to the petitions. I do not find that the grounds raised in the application for recall of the judgment and order were raised in the said complaint. The disputed questions of fact cannot be for the first time permitted to be urged before this Court and there is also no question of remand of the matter back to the Industrial Court.

The civil application for recall of the judgment and order is dismissed.

JUDGE.

Lanjewar