

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 CIVIL APPLICATION NO.13297 OF 2019

IN RAST/34041/2019 IN WP/2861/2019 WITH
CA/13298/2019 IN RAST/34079/2019 WITH
CA/13299/2019 IN RAST/34054/2019 WITH
CA/13300/2019 IN RAST/34141/2019 WITH
CA/13301/2019 IN RAST/34052/2019 WITH
CA/13302/2019 IN RAST/34155/2019 WITH
CA/13303/2019 IN RAST/34070/2019 WITH
CA/13304/2019 IN RAST/34076/2019 WITH
CA/13315/2019 IN RAST/34098/2019 WITH
CA/13316/2019 IN RAST/34112/2019 WITH
CA/13317/2019 IN RAST/34148/2019 WITH
CA/13318/2019 IN RAST/34047/2019 WITH
CA/13319/2019 IN RAST/34164/2019 WITH
CA/13324/2019 IN RAST/34056/2019 WITH
CA/13326/2019 IN RAST/34167/2019 WITH
CA/13328/2019 IN RAST/34119/2019 WITH
CA/13329/2019 IN RAST/34085/2019 WITH
CA/13330/2019 IN RAST/34090/2019 WITH
CA/13332/2019 IN RAST/34144/2019 WITH
CA/13333/2019 IN RAST/34133/2019 WITH
CA/13334/2019 IN RAST/34093/2019 WITH
CA/13335/2019 IN RAST/34073/2019 WITH
CA/13336/2019 IN RAST/34043/2019 WITH
CA/13337/2019 IN RAST/34095/2019 WITH
CA/13338/2019 IN RAST/34045/2019 WITH
CA/13339/2019 IN RAST/34116/2019 WITH
CA/13340/2019 IN RAST/34082/2019 WITH
CA/13341/2019 IN RAST/34067/2019 WITH
CA/13342/2019 IN RAST/34151/2019 WITH
CA/13343/2019 IN RAST/34065/2019 WITH
CA/13344/2019 IN RAST/34125/2019 WITH
CA/13345/2019 IN RAST/34102/2019 WITH
CA/13346/2019 IN RAST/34109/2019 WITH
CA/13347/2019 IN RAST/34059/2019 WITH
CA/13348/2019 IN RAST/34159/2019 WITH
CA/13350/2019 IN RAST/34161/2019 WITH
CA/13352/2019 IN RAST/34129/2019 AND
CA/13424/2019 IN RAST/34151 OF 2019 IN WP
2830/19

THE DIRECTOR GENERAL WATER AND LAND
MANAGEMENT INSTITUTE KANCHANWADI
VERSUS
INDUBAI RAMESH THORAT

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Advocate for the Applicant : Shri S. V. Dixit
Advocate for the Respondents : Shri P.K. Joshi and
Shri V. S. Khairnar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 15th NOVEMBER, 2019.

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PER COURT :

1. I have heard the learned Advocates for the respective sides. The delay that has occurred appears to be on account of administrative exigencies. The said delay of 58 days does not appear to be either deliberate or inordinate.

2. In view of the above, all the Civil Applications are allowed. The Review Applications are taken up for hearing by the consent of the parties.

3. The learned Advocate for the Review Applicants have tendered a compilation of certain documents

(20 pages) for ready reference. All these documents are on record in the Writ Petition.

4. The learned Advocate has pointed out a circular dated 26/11/2009 contending that the workers at issue were never directed to work on holidays. Their weekly holidays were never sacrificed. They were initially not entitled for National Holidays. As such, they having worked on National Holidays cannot be construed to mean that the department mandated that they should work on National Holidays.

5. *Insofar* as the communication that was forwarded to the Government dated 25/05/2012 addressed to the Principal Secretary (Water Resources Department) Government of Maharashtra is concerned, it was only a communication by the Administrative Officer of Walmi informing that about 155 temporary workers had worked on all holidays in the period 01/10/1995 till 01/12/2009. This created a wrong picture and the Labour Court was impressed by the said aspect. He submits that unfortunately, the

earlier Advocate representing the Review Petitioner, had not canvassed this aspect in full strength.

6. The learned Advocate for the respondent workmen submits that all the contentions raised in the Review Petitions were duly considered by the Labour Court which is a Court of record. Thereafter, this Court considered the entire contentions of the petitioner and the judgment dated 26/07/2019 was delivered dealing with each of such contentions. He therefore, prays that the Review Petitions be dismissed and costs may be imposed.

7. It is well settled that a Review Petition cannot be considered in a manner as if the original Writ Petition is being argued. The Honourable Apex Court has crystalized the law in ***Lily Thomas Vs. Union of India, [AIR 2000 SC 1650]***, that a Review Petition can be entertained only if there is an error apparent on the face of the order.

8. Having considered the submissions of the

learned Advocates for the respective sides, I find that the ends of justice would be met by directing the petitioner to deposit the amount of Rs. 1 Crores 50 Lakhs which were to be paid to the 155 workers for having worked on holidays for 14 years, in this Court, failing which, these petitions need not be entertained. *Insofar* as the interest granted by the Labour Court that was modified by this Court is concerned, the said interest amount need not be deposited for the present.

9. The learned Advocate for the petitioner sought a pass over to take instructions. After this matter was called out post lunch interval, he submits on instructions that the petitioner desires atleast 3 months to deposit the amount.

10. I find that the 155 workers out of whom 37 had approached this Court, fall in the unorganized sector. They were not united. It was one Union which brought 37 workers together and commenced the litigation. The rest of the workers did not even have the means

to approach the Court and were languishing.

11. In view of the above, I deem it appropriate to record the statement made on behalf of the petitioner and direct the petitioner to deposit an amount of Rs. 1 Crore 50 Lakhs in this Court, on or before 29/02/2020. Considering the statement, the respondents would refrain from seeking execution of the judgment of this Court dated 26/07/2019.

12. If the amount is not deposited, the workers would be at liberty to seek execution.

13. List all these Review Petitions in the "urgent admissions category" on 16/03/2020.

(RAVINDRA V. GHUGE, J.)

s hp/-