

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

REVIEW PETITION NO. 92 OF 2021

IN

WRIT PETITION NO. 432 OF 2020

The State of Maharashtra ... Petitioner

Versus

Raghvendra Anantraï Mehta and Ors. ... Respondents

Smt. M. P. Thakur, AGP a/w Mr. A. A. Alaspurkar, AGP, for the State-
Appellants in Review Petition/Original Respondent No.1 in Writ Petition.

Mr. Piyush N. Shah, for the Petitioner in Writ Petition.

Mr. P. G. Jagdale, for Respondent No.2 in Writ Petition.

Mr. S. S. Kanetkar, for Respondent No.3.

CORAM : R. D. DHANUKA &

V. G. BISHT, JJ.

DATE : 22nd FEBRUARY, 2022.

PC:

By this Petition, the review petitioner seeks review of the order passed by this Court on 6th May, 2021 thereby declaring that Government Resolution No. HCT-2015/PRA/KRA 77/KA.TEEN dated 10th May, 2016 is discriminatory to the effect that it does not include those pensioners who retired pre-1996 and thus is in violation of Article

14 of the Constitution of India and further directing the respondent-State to pay the increased/revised pension to the petitioner and other Retired Judicial Officers placed in similar situation as per Government Resolution No. HCT-2015/PRA/KRA 77/KA.TEEN dated 10th May, 2016.

2 We have heard learned AGP for the review petitioner and have perused the grounds carefully made in the Review Petition by the review petitioner.

3 At the very outset, we point out that the review petitioner seeks to reiterate and re-argue the Writ Petition on merits which we had heard in extenso at the time of disposal of Writ Petition No. 432 of 2020. Needless to say, this exercise undertaken is not permissible under Order 47 Rule 1 of the Code of Civil Procedure, 1908 ('CPC' for short). Learned AGP has not been able to show in vigorous and forthright manner the error apparent on the face of the record. This being so and the grounds taken in the Review Petition as such cannot be a ground for review of the judgment.

4 Since no case is made out to invoke review jurisdiction in accordance with Order 47 Rule 1 of the CPC, we do not find merit in the

Review Petition.

5 In the circumstance, Review Petition is dismissed. However, there shall be no order as to costs.

6 At this stage, learned AGP requests to stay the order under review but the same cannot be accepted quite simply because the order under review came to be passed on 6th May, 2021 and at the time of passing of the said order no such request was made even remotely. Therefore, we do not find substance in the prayer and same stands rejected.

(V. G. BISHT, J.)

(R. D. DHANUKA, J.)

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