

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

MISC. CIVIL APPLICATION (REVIEW) NO.393 OF 2020 IN
WRIT PETITION NO.3988/2005 (D)

Keshav Maroti Fulbandhe

vs/

State of Maharashtra, through its Secretary, Home Department, Mumbai and others.

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

Court's or Judge's Order

Shri S.P.Bhandarkar, Advocate for applicant.

Shri D.P. Thakre, Additional Government Pleader for non-applicant nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- SEPTEMBER 12, 2022

According to the learned counsel for the applicant by misinterpreting the provisions of Rule 71 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 the applicant has been denied back wages. This is despite recording a finding that his dismissal from service was in breach of principles of natural justice. In support, the learned counsel for the applicant has placed reliance on the decision in Letters Patent Appeal No.101 of 2005 (*Shri Sai Sewa Shikshan Mandal, Ramtek vs. The Presiding Officer, School Tribunal, Nagpur and others.*) with connected appeals decided on 18.11.2015.

We find that the attempt on the part of the learned counsel for the applicant is to take a different view from what has been taken by the Division Bench while dismissing the writ petition. Such scope of re-appreciation is not available in exercise of review jurisdiction. The same would fall within the domain of an appellate Court.

In absence of any error apparent on the face of record,
Miscellaneous Civil Application (Review) No.393 of 2020 stands
dismissed.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..