

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**REVIEW APPLICATION (CIVIL) NO.3 OF 2023
IN
WRIT PETITION NO.3490 OF 2003**

NIMBA PARBAT PATIL
VERSUS
THE EXECUTIVE ENGINEER MAHARASHTRA JEEVAN
PRADHIRKARAN BANDHKAM VIBHAG

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Mr. Vijay Y. Patil, Advocate for the Applicant.

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**CORAM : SHARMILA U. DESHMUKH, J.
DATED : JANUARY 07, 2023.**

PER COURT :

1. The Review Application has been preferred seeking review of the common order dated 9th December, 2022 passed in Writ Petition No.3490 of 2003 and Writ Petition No.2946 of 2003. By the said common order, the writ petitions were disposed of and it was observed that as the Industrial Court has directed absorption of complainant as Junior Clerk on CRT basis with effect from 30th July, 1997, and as the Petitioner has actually been absorbed in service and thereafter has been superannuated, no purpose would be served by keeping petitions pending.

2. Heard learned counsel appearing for the Review-Applicant.

3. Learned counsel for the applicant submits that as per Kalelkar Settlement, benefit to the Applicant should have been granted after completion of five years service and therefore, the Applicant should have been taken on CRT basis in the year 1994.

4. It is not in dispute that the Petitioner was represented by counsel during hearing of the writ petition. In Review Application, this Court cannot re-adjudicate the issue and come to a finding that the absorption ought to have been granted with effect from 1994. Review application is essentially seeking re-argument of the subject matter. The scope of Order 47 Rule 1 is very limited and unless it is shown that there is error apparent on the face of record, it is not open to this Court to exercise its review jurisdiction for rehearing the arguments afresh and decide the matter.

5. Considering the above, there is no merits in the review application, the Review Application stands dismissed.

(SHARMILA U. DESHMUKH, J.)