

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

REVIEW APPLICATION (CIVIL) NO. 77 OF 2023
IN
WRIT PETITION NO. 3025 OF 2022

Nitish s/o Laxmanrao Pathe

...Applicant

Versus

Maharashtra Gramin Bank,
through its General Manager,
Aurangabad & Ors.

...Respondents

AND

REVIEW APPLICATION (CIVIL) NO. 78 OF 2023
IN
WRIT PETITION NO. 3024 OF 2022

Rohit s/o Diliprao Khiste

...Applicant

Versus

The Maharashtra Gramin Bank,
through its General Manager,
Aurangabad & Ors.

...Respondents

AND

REVIEW APPLICATION (CIVIL) NO. 79 OF 2023
IN
WRIT PETITION NO. 2921 OF 2022

Afjalkhan Isakhan Pathan

...Applicant

Versus

Maharashtra Gramin Bank,
through its General Manager,
Aurangabad & Ors.

...Respondents

....

In all matters :

Mr. D. S. Bagul – Advocate for the applicant

Mr. P. P. Shahane – Advocate for respondent nos. 1 and 2

....

CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.

DATED : 13th JULY 2023

PER COURT : -

1. These three review applications have been preferred as against the common judgment and order delivered by this Court dated 03.01.2023 in Writ Petition Nos. 2921, 3024 and 3025 of 2022.

2. We have considered the submissions of the learned advocates for the respective sides. With their assistance, we have perused the review applications/ paper-books.

3. The three original petitioners before us were AfjalKhan Isakhan Pathan, Rohit Diliprao Khiste and Nitish Laxmanrao Pathe. Afjalkhan lost his father on 23.10.2016, Rohit lost his father on 17.08.2015 and Nitish lost his father on 24.11.2014. All three of them were in their early 20's when they lost their fathers.

4. The grievance is that, though it has been recorded in the judgment sought to be reviewed that Afjalkhan filed an application for compassionate appointment in July-2019, it is contended that he filed the application on 18.11.2016. Though it is recorded that Rohit filed his application for compassioante appointment on 01.08.2019, it is contended that he had moved an application on 10.11.2015. Though it was recorded that Nitish filed his application for compassioante appointment on 19.06.2019, it is contended that he filed it on 05.01.2015.

5. It cannot be ignored that when this Court delivered its judgment on 03.01.2023, it was more than six years post the death of Afjalkhan's father, more than seven years post the death of Rohit's father and more than eight years post the death of Nitish's father.

6. There is no dispute that none of these petitioners divulged in their writ petitions as to how much amount the family received by way of service benefits after the demise of their fathers. There were no details set out as to what was the pension being received by their mothers. All these details were suppressed in the writ petitions. Moreover, there was no pleadings that the family was living in penury. In fact, these three applicants got married after the demise of their fathers and settled down in life.

7. In this backdrop, we referred to the law laid down by the Hon'ble Supreme Court in **Fertilizers and Chemicals Travancore Ltd. and others Vs. Anushree KB**, (2022) SCC Online SC 1331, **Director of Treasuries in Karnataka vs. Somyashree**, (2021) SCC Online SC 704, **State of Uttar Pradesh and others vs. Premlata**, (2022) 1 SCC 30 and **Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union**, 2022 (III) CLR 859.

8. Recently, the Hon'ble Supreme Court has delivered a judgment in Civil Appeal No. 624 of 2017 filed by **Bank of Baroda and others Vs. Baljit Singh**, 2023 SCC Online SC 745. A view taken by the Punjab and Haryana High Court granting compassionate appointment after a passage of many years, was disapproved by the Hon'ble Supreme Court and the view taken by the Punjab and Haryana High Court was quashed and set aside.

9. In the light of the above, we do not find any reason to entertain these review applications as no error apparent on the face of the judgment has been pointed out. **The Review Applications, therefore, stand rejected.**

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE