

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

910 CIVIL APPLICATION NO.11976 OF 2023
IN RAST/9896/2020 WITH RA(ST)/9896/2020 IN WP/2990/1999

JC 166605W RISALDAR CLERK OMPRAKASH SONI ARMD CORP
VERSUS
GOVERNMENT OF INDIA AND OTHERS

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Advocate for Applicant : Mr. Gosawi Sunil S
Advocate for Respondents : Mr. Bhosale Ramdas B

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 9th November, 2023

ORDER:

1. The delay of 6390 days (7 years and two months) is caused in filing this Review Application.
2. The grounds set out for the Review Application are as under:
 - (a) Writ Petition No. 2990 of 1999 filed by the Petitioner for seeking promotional benefits was rejected by this court by an order dated 19.08.2002. The grounds raised in the Writ Petition were canvassed by the learned Advocate representing the Petitioner.
 - (b) It is concluded in the judgment that the Petitioner was enlisted at Serial No.11. The departmental promotion committee met on 07.01.1995 and further meeting was held on 02.08.1995. Once again a meeting was held on 03.11.1995.

- (c) The final list based on the performance and the marks indicates that the Petitioner was at serial No.6.
- (d) There were only 4 promotional posts and when the 5th vacancy occurred on 1.04.1995, the Petitioner had already retired on 01.02.1997.
- d) The Petitioner was purportedly not informed about the said order by the learned Advocate on record. Some Advocates, whose names are mentioned in the Review Application, allegedly misguided the Petitioner.
- (f) The Petitioner has lodged a complaint with regard to the conduct of one Advocate with the Bar Council of Maharashtra and Goa.
- (g) After consulting a few lawyers, this Review Application is filed.

3. Considering the above and keeping in mind the law laid down by the Hon'ble Supreme Court in *Lily Thomas vs. Union of India*, *AIR 2000 SC 1650*, *S.Madhusudhan Reddy vs. V. Narayana Reddy and others*, *2022 SCC Online SC 1034*, *Pancham Lal Pandey vs. Neeraj Kumar Mishra and others*, *2023 SCC Online SC 143 (SLP (C) No.3329/2021 decided on 15.02.2023)*, a review application cannot be argued in a manner, as if the Writ Petition itself is being canvassed.

4. The grounds set out in the application for condonation of delay, do not justify the delay of 17 years and 2 months. Yet, we perused the impugned order only to assess as to whether the Petitioner could have any arguable case in the review petition. When there were only four posts for promotion and he was not within the first four, naturally he could not have been promoted. When the 5th vacancy occurred, he had already retired.

5. In view of the above, we do not find that any purpose would be served even if we were to venture into condoning the delay of 17 years and 2 months. **The Civil Application is rejected.**

6. **The Review Application, is therefore, disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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