



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

CIVIL APPLICATION (CAO) NO.1047 OF 2023

WITH

MISC. CIVIL APPLICATION (ST) NO.14958 OF 2023

[Girish Damodar Gole ..V/s.. Government of India and Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr W. N. Nayse, Advocate for Applicant.

Ms M. Chandurkar, Advocate for Non-Applicants.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 1st DECEMBER, 2023.

. Heard.

2. Ms Mugdha Chandurkar, learned counsel appeared *suo motu* and waived notice for non-applicants.

3. This is an application seeking condonation of delay of 74 days caused in filing the application seeking review of the order of this Court dated 18.04.2023 passed in Writ Petition No.1135 of 2021.

4. Since the applicant has sought legal aid, we are not keen on the point of delay.

5. Heard the matter on merits. The applicant was appointed as a Lower Division Clerk with a Central Excise Department in 1986 and he got first promotion as Upper Division Clerk in the year 1990. The applicant has tendered his resignation on 11.10.1995, which was acted upon. The applicant would submit that though he has filed withdrawal letter on 26.10.1995, it was not considered and consequently he was relieved from the

services. Apparently, the applicant was not allowed to continue service from 11.10.1995 and till date, he is out of service.

6. The applicant first time put up his grievance before the Central Administrative Tribunal after thirteen years raising a challenge for non consideration of his withdrawal. The Central Administrative Tribunal (CAT) has considered all the aspects including delay as well as merit and finally has dismissed the application. The applicant has challenged the said order before this Court which was also not entertained *vide* impugned order dated 18.04.2023.

7. The learned counsel appearing for applicant would submit that merely on the ground of delay, the petition was dismissed. He would submit that justice shall not be denied on the ground of delay. It is applicant's contention that still three more years service has left, he urged for entertaining the review application.

8. The purpose of review is loud and clear i.e. to correct the mistakes or it can be entertained only when the error apparent from the face of record is demonstrable. Moreover, review application can be entertained, if new facts which are not within the knowledge of applicant have been brought on record. On this count, the applicant has nothing to say, but he is only canvassing the grounds which were already dealt by this Court. While deciding the writ petition, this Court has observed in para 8 as below :

"8. The grievance of the petitioner, which was raised before the CAT was belated and the application ought to have been dismissed on that ground alone. The laches stand aggravated by the fact that the order of the CAT

rendered in the year 2010 is challenged before us in 2021 and again the petitioner is guilty of laches.”

9. Particularly, the prolonged delay, in approaching the CAT as well as this Court, has made applicant dis-entitled to seek review. Only on the basis of general principle, the delay shall not defeat the justice, the old cause cannot be dug after decades. Though the learned counsel for the applicant earnestly attempted to convince us, but the above reason does not allow us to entertain the same.

10. In view of above, we do not see any reason to entertain the review application, hence **dismissed**.

11. Fees of appointed counsel Mr W. N. Nayse, be quantified and paid in accordance with the rules.

12. Both the applications are disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)