



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 294 OF 2023
IN
WRIT PETITION NO. 4503 OF 2023

Shrihari Gopinath Tupe ... Applicant

VERSUS

The Superintending Archaeologist
Archaeological Survey of India
And Another ... Respondents

WITH
REVIEW APPLICATION (CIVIL) NO. 295 OF 2023
IN
WRIT PETITION NO. 4485 OF 2023

Ranjeet Vishnu Kirtikar ... Applicant

VERSUS

The Superintending Archaeologist
Archaeological Survey of India
And Another ... Respondents

WITH
REVIEW APPLICATION (CIVIL) NO. 296 OF 2023
IN
WRIT PETITION NO. 10008 OF 2023

Balu Madhavrao Magar ... Applicant

VERSUS

The Superintending Archaeologist
Archaeological Survey of India
And Another ... Respondents

WITH
REVIEW APPLICATION (CIVIL) NO. 297 OF 2023
IN
WRIT PETITION NO. 4484 OF 2023

Ubed Khan Wahed Khan ... Applicant

VERSUS

The Superintending Archaeologist
Archaeological Survey of India
And Another ... Respondents

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Mr. Uday V. Khonde, Advocate for Applicants
Mr. Ramdas B. Bhosale, Advocate for Respondent Nos.1 and 2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd FEBRUARY, 2024

ORDER :

1. By these applications, applicants seek review of order dated 03.10.2023 passed in writ petition nos.10008/2023, 4484/2023, 4485/2023, 4503/2023, 10053/2023, 10054/2023, 10055/2023 and 10056/2023.

2. Learned advocate for applicants by relying on decision of the Apex Court in *Ajaypal Singh Vs. Haryana Warehousing Corporation, 2015 (6) SCC 321*, submits that respondent/employer has not taken a plea that workmen were appointed in violation of Articles 14 and 16 of the Constitution of India. Therefore, the workmen were entitled for reinstatement. Since this Court by the judgment under review has granted compensation in lieu of reinstatement, the judgment needs to be reviewed and workmen be granted reinstatement.

3. In the judgment under review this Court granted compensation in lieu of reinstatement considering financial rules and the fact that ASI has adopted a policy of contractual

employment and that workmen are out of service since the year 2010. In these peculiar facts, though the termination of workmen was found illegal because of procedural defect, this Court, by relying on *B.S.N.L. Vs. Bhurumal*, AIR 2014 SC 1188, has taken a view that reinstatement of workmen cannot be fastened on ASI and monetary compensation would meet the ends of justice.

4. These review applications are appeal in disguise. Arguments now advanced by applicants were advanced at the time of arguing the writ petitions. Applicants have repeated old and overruled arguments, which were considered by the judgment under review. There is no material error manifest on the face of record, which results in miscarriage of justice. Reliance placed by applicants in *Ajaypal Singh* (supra), is misplaced and misconceived. The review applications being devoid of merits are dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane