

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (ST.) NO. 6031 OF 2024
IN
WRIT PETITION NO. 4110 OF 2003**

Dadasaheb Gangadhar Shete .Petitioner

IN THE MATTER BETWEEN

The Chief Executive Officer,
Zilla Parishad, Nashik & ors. .Petitioner

vs.

Dadasaheb Gangadhar Shete & ors. .Respondents

**WITH
INTERIM APPLICATION NO. 6663 OF 2024
IN
REVIEW PETITION (ST.) NO. 6031 OF 2024
IN
WRIT PETITION NO. 4110 OF 2003**

Dadasaheb Gangadhar Shete .Applicant

IN THE MATTER BETWEEN

The Chief Executive Officer,
Zilla Parishad, Nashik & ors. .Petitioner

vs.

Dadasaheb Gangadhar Shete & ors. .Respondents

**WITH
REVIEW PETITION (ST.) NO. 6035 OF 2024
IN
WRIT PETITION NO. 4103 OF 2003**

Balu Baburao Dhanwate .Petitioner

IN THE MATTER BETWEEN

The Chief Executive Officer,
Zilla Parishad, Nashik & ors. .Petitioner

vs.

Balu Baburao Dhanwate & ors. .Respondents

WITH
INTERIM APPLICATION NO. 6662 OF 2024
IN
REVIEW PETITION (ST.) NO. 6035 OF 2024
IN
WRIT PETITION NO. 4103 OF 2003

Balu Baburao Dhanwate .Applicant

IN THE MATTER BETWEEN

The Chief Executive Officer,
Zilla Parishad, Nashik & ors. .Petitioner

vs.

Balu Baburao Dhanwate & ors. .Respondents

Mr. Sanjeev Kumar Bapu Deore, Advocate, for the
Petitioners/Applicants

Mr. N. K. Rajpurohit, AGP, for the Respondent – State

Mr. Sandip Babar, AGP, for the Respondent – State

Mr. Shahaji Shinde, 'B' Panel Advocate

Mr. Ashwin R. Kapadnis, Advocate, for Respondent Nos. 1 & 2

CORAM : MILIND N. JADHAV, J.

DATE : 10.01.2025

P. C.

1. Heard Mr. Deore, learned Advocate, for the Applicant,

Mr. Rajpurohit and Mr. Babar, learned AGPs for the Respondent – State, Mr. Shinde, learned ‘B’ Panel Advocate and Mr. Kapadnis, learned Advocate for Respondent Nos. 1 & 2.

2. The Petitioners seek review of the Judgment dated 12.09.2023 passed by this Court in W. P. No. 4103 of 2003 with W. P. No. 4110 of 2003, *inter alia*, up holding the twin Judgments passed by the Labour Court, Nashik dated 05.08.2000 and by the Industrial Court, Nashik dated 01.11.2001. Needless to state that when the Writ Petitions were filed in the year 2003 by the Zilla Parishad challenging the twin Judgments, the Writ Petitions were admitted and operation of the twin Judgments was stayed. A grievance is made before me by the Respondents that the Respondents have suffered ignominy in this Court for almost 20 years after filing of the Writ Petitions and the fact that the said Judgments have now been upheld, they are entitled to back wages. There is absolutely no merit in the arguments advanced by the learned Advocate for the Petitioners because the Judgments of the Labour Court and the Industrial Court, Nashik have granted re-instatement to the Review Petitioners without back wages (*emphasis supplied*). The Review Petitioners did not challenge the said finding of “without back wages” in this Court. If such challenge could have been filed by them, it would have been decided accordingly in the Judgment

dated 12.09.2023.

3. After hiatus of 23 years, the Review Petitioners' case for grant of back wages from the date of the Judgment of the Labour Court dated 05.08.2000 therefore cannot be considered in Review. This Court while determining the Writ Petitions filed by the Zilla Parishad has categorically held in paragraph 15 of its Judgment that this particular grievance argued before the Court cannot be considered, since the Review Petitioners have not independently challenged the finding of the Labour Court and the Industrial Court as delineated herein above. There cannot be a question of review of the above finding. There is no error apparent on the face of record so as to require interference in the Judgment of this Court dated 12.09.2023. No case is made out whatsoever for review.

4. Mr. Deore, learned Advocate for the Petitioners/Applicants would persuade me to see the Judgments of *M/s. Hindustan Tin Works Pvt. Ltd. vs. The Employees of M/s. M/s. Hindustan Tin Works Pvt. Ltd. & ors.*, reported in *(1979) 2 SCC 80* and more specifically paragraph 9 thereof and would state the proposition that if the employer is found to be in the wrong as a result of which the workman is directed to be reinstated, the employer could not shirk his responsibility of paying the wages which the workman has been deprived of by the illegal or

invalid action of the employer. This doctrine argued by Mr. Deore, learned Advocate for the Review Petitioners does not hold good in the facts of the present case. In the first instance, paragraph 9 of the aforementioned decision of the Supreme Court is a proposition of law which is quoted out of context in the present case. It is not open for Mr. Deore, learned Advocate for the Review Petitioners to argue that the Judgments of the Labour Court and the Industrial Court having been upheld after 23 years will have to be re-visited on account of contentions specifically rejected by the Labour Court and upheld by the Industrial Court. Once it is an admitted position that the Review Petitioners did not challenge that part of Judgments of the Labour Court and the Industrial Court, today, they cannot maintain that there should be awarded the same. In any event, such relief can never been claimed in a Review Petition as scope of Review is extremely narrow. In the event, if Review Petitioners are aggrieved, they may exercise the remedy as available to them in law by filing appropriate proceedings to seek compensation and damages as available to them in law.

5. Both Review Petitions stand dismissed.

(MILIND N. JADHAV, J.)