



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

CIVIL APPLICATION (CAO) NO.172/2023
IN
MISC. CIVIL APPLICATION (REVIEW) NO.409/2021
IN
WRIT PETITION NO.5381/2018 (P)

Satish Wamanrao Lawate

...Versus...

Sarpanch, Gram Pachayat, Shrisgaon Kasba, Tq.Chandur Bazar, Distt. Amravati
and another

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

Court's or Judge's orders

Mr. N.R. Saboo, Advocate for applicant
None for the respondents

CORAM : SACHIN S. DESHMUKH, J.

DATED : 22/07/2025

1. Heard.
2. For the reasons stated in the application, delay caused in filing the review application is condoned. The civil application is allowed and disposed of accordingly.

MISC. CIVIL APPLICATION (REVIEW) NO.409/2021

1. The applicant is seeking review of the judgment and order rendered by this Court in Writ Petition No. 5381/2018 decided on 28/01/2020.
2. Mr. Saboo, learned counsel appearing for the applicant in support of the review application submits that necessarily the availability of work pursuant to which appointment was made by the respondent no. 1 ought to have been taken into account so as to grant reinstatement to the

applicant rather than granting compensation in lieu of reinstatement. So as to substantiate the same, attention was invited to paragraph No.5 of the petition in Writ Petition No. 5381/2018. He would further submit that the observations of the Labour Court those are endorsed by this Court, the applicant was for the entire service period appointed as against a leave vacancy was incorrect as can be inferred from the cross examination of respondent No. 1 at Exhibit-116 and thus it was apparent that mandatory provisions under Sections 25-F and 25-G of the Industrial Disputes Act were not complied with. Therefore, it was prayed to allow the review application.

3. Having considered the contentions put forth by the review-applicant, I have perused the order under review along with the award passed by the Labour Court and other material placed on record. Respondent though served, none appeared for the respondents.

4. The arguments advanced by Mr. Saboo in the present review application have already been taken into account by this Court so also the Labour Court while arriving at a decision. In paragraph No.10 of the judgment under review, it was recorded as under:

“10. The learned Advocate for the petitioner has strenuously canvassed that one Rajendra Namdeorao Aankar was engaged in the water supply area in 2008 by the respondents. As the petitioner noticed this aspect, information was collected vide communication dated 27.10.2017 from the Sarpanch of the Village Panchayat. Based on this information, it is canvassed that Section 25G has been violated and, therefore, the view taken by the Hon’ble Apex Court in Ajaypal Singh V/s. Haryana Warehousing Corporation (supra) would be applicable.”

5. The contention that there was availability of work with the respondent No.1 was also dealt by the Labour Court in categorical terms in paragraph no. 16 of its award wherein it was stated that in absence of specific pleading and evidence, it cannot be presumed that work is still available with the respondent No. 1. The same is also restated by this Court that there was no evidence of availability of work.

6. It is a settled position of law that the scope of review jurisdiction is limited only to correcting errors of law leading to manifest injustice. The merits of the matter cannot be re-examined by the Court while exercising review jurisdiction as the review court does not sit in appeal over its own order which has been recently restated by the Apex Court in the matter of ***S. Murali Sundaram Vs. Jothibai Kannan***, [(2023) 13 SCC 515]. This Court is further guided by the principles laid down by the Apex Court on exercise of review jurisdiction in the landmark ruling of ***Kamlesh Verma Vs. Mayawati and ors.*** [(2013) 8 SCC 320].

7. Further, the fact remains that the applicant was a daily wager and is out of employment since last more than 16 years and in light of the aforesaid authoritative pronouncements, reinstatement cannot be provided as has been held by the Labour Court and concluded by this Court.

8. In view of the above matter, the review application *sans* merit and is dismissed. There shall be no order as to costs.

(SACHIN S. DESHMUKH, J.)