



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

**Miscellaneous Civil Application (Review) No.193 of 2026  
In Writ Petition No.41 of 2024**

**JUNIOR ENGINEER MAHA. JIVAN PRADHIKARAN, AKOT AND OTHERS  
VERSUS  
DATTATREYA DIGAMBAR GAWANDE AND OTHERS**

....  
Mr. Avinash Y. Kapgate a/w Ms. Shraddha Buddhhe, Advocates for the  
Applicants

....  
**CORAM : SIDDHESHWAR S. THOMBRE, J.**  
**DATE : 24.03.2026**

**PER COURT :**

1. Heard the learned counsel for the applicants.
2. By way of the present review application, the applicants seek recall of the order passed by this Court on 16.10.2025.
3. The learned counsel for the applicants invited my attention to the order passed by this Court and pointed out that, this Court had observed that the learned Labour Court considered the registers maintained by the department regarding payment of salary and those were duly proved but in fact no register is maintained by the department regarding payment of salary. He invited my attention to Exhibit – 21, which is evidence on affidavit dated 13.07.2011 filed by complainants, which does not bear signature of deponent. The evidence on affidavit dated 11.02.2013 (Exhibit – 43) of Shri. Khasbage was filed by applicants before the learned Labour Court. The learned Labour Court ought to have fixed the matter for recording examination-in-chief of Shri. Khasbage but it directly proceeded for cross-examination of non-applicant and thus applicant could not point out crucial aspect about employer – employee

relationship. An application for permission to file documents on record was filed below Exhibit – 13 along with list of documents at Exhibit – 14 containing affidavit of contractor Shri. Pande dated 24.04.2006. But no order was passed by the learned Labour Court on the said application and therefore an adverse inference ought to have been drawn by the this Court against learned Labour Court and the Industrial Court. He further submits that the bills of payment made to the contractor as per Rate List are already on record but those were also not considered by this Court. He submits that the schemes relevant in this matter are already closed and last bill of December – 2005 was paid to Shri. S. S. Pande on 03.02.2006 and all these facts were not considered by this Court while passing the order. He further points out that the order passed by this Court was assailed before the Hon'ble Apex Court, and the Apex Court dismissed the SLP No.34164/2025. He submits that, in view of the law laid down by the Hon'ble Apex Court in ***Kanhayammed and Ors. v. State of Kerala; (2000) 6 SCC 359***, even after dismissal of the SLP, this review application is maintainable.

4. Having heard the learned counsel for the applicants, it emerges that this Court, while considering the matter, has already examined the record placed before it. The learned counsel for the applicants were unable to point out any apparent error committed by this Court while passing the order. More particularly, the order passed by this Court has already been tested before the Hon'ble Apex Court, which has dismissed in SLP No.34164/2025. Considering the grounds urged in support of the review, I do not find that they are suitable for re-consideration of the matter, as no apparent error is found to have been committed by this Court while passing the order.

5. In view thereof, I am not inclined to entertain the review application, and the same stands dismissed. No order as to costs.

**[SIDDHESHWAR S. THOMBRE, J.]**

Sameer