

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

REVIEW APPLICATION NO.26/2019 IN

ORIGINAL APPLICATION NO.1004/2018(S.B.)

Rajendra s/o Devidas Vyas,
Aged about 46 years,
Occ. Nil, r/o Shabab Nagar, Rasa Road,
At Post & Tq. Kalamb, Dist. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through Chief Secretary,
Mantralaya, Mumbai-32.
2. Secretary, Revenue & Forests,
Maharashtra State,
Mantralaya, Mumbai-32.
3. Chief Conservator of Forests [Regional],
Civil Lines, Nagpur, T.D.Nagpur.
4. Conservator of Forests [Regional],
Yavatmal, T.D. Yavatmal.
5. Deputy Conservator of Forests,
Yavatmal, Forest Division,
Yavatmal, T.D. Yavatmal.

Respondents

Shri N.Majethia, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 21st February, 2024.

JUDGMENT

Heard Shri N.Majethia, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

2. As per the submission of learned counsel for the applicant, the similar employees are granted relief by this Tribunal in respect of regularisation of Mustering Assistant. The applicant also prayed in O.A.No.1004/2018 for regularisation of his services. As per his submission, this Tribunal has wrongly passed the order dated 23.07.2019. Therefore, prayed to review the said order.

3. Heard learned P.O. Shri M.I.Khan. He has pointed out the order passed by the Industrial Court, Yavatmal, the said order was also considered by this Tribunal. This Tribunal after hearing learned counsel for the applicant and learned P.O. has passed the following order –

3. If, the Id. counsel for the applicant is aggrieved by the order of the Industrial Court they may approach to the Hon'ble High Court and not to Maharashtra Administrative Tribunal.

4. With the above directions, O.A. is dismissed with no order as to costs.

4. In the order itself it was pointed out to this Tribunal that the order passed by Labour Court and Industrial Court was challenged in Writ Petition No.4681/2009, the said Writ Petition was partly allowed and the matter was remanded back to the Labour Court. The Labour Court has recorded its finding that Employment Guarantee Scheme (E.G.S.) is not Industry and therefore, claim for regularisation was rejected by the Labour Court. The said order was challenged before the Industrial Court. Revision was dismissed by the Industrial Court holding that order passed by the Labour Court is perfectly legal and correct.

5. This Tribunal in order dated 23.07.2019 has specifically held that the applicant was at liberty to challenge the order of Industrial Court before the Hon'ble High Court. Instead of approaching to the Hon'ble High Court the applicant has approached to this Tribunal. The same relief was rejected by the Labour Court and Industrial Court. Hence, order passed by this Tribunal dated 23.07.2019 is perfectly legal and correct. Nothing is pointed out that there was no any error on the face of record. Therefore,

Review Application cannot be entertained. **Hence, Review Application is dismissed with no order as to costs.**

(Justice M.G.Giratkar)
Vice Chairman

Dated - 21/02/2024
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 21/02/2024.
Uploaded on : 26/02/2024.
