

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

REVIEW APPLICATION NO.3 OF 2024

IN

ORIGINAL APPLICATION NO.1271 OF 2023

DISTRICT : PUNE

Smt. Ranjana Mahesh Alhat,)
R/at Talegaon Dhamdhere, Bazaar Maidan,)
Taluka Shirur, Pune 412 210)..Applicant

Versus

1. State of Maharashtra,)
Through Principal Secretary,)
Revenue Department, Mantralaya, Mumbai)
2. Deputy Director of Land Records,)
1st Floor, New Administrative Building,)
Room No.105, Opp. Vidhan Bhavan, Pune-1)
3. Deputy Superintendent of Land Record,)
New Administrative Building, Baramati Road,)
Indapur, Pune 413106)
4. District Collector, Collector Office, Pune-1)..Respondents

Shri M.D. Lonkar – Advocate for the Applicant

Shri A.J. Chougule – Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 15th July, 2024

PRONOUNCED ON: 23rd July, 2024

J U D G M E N T

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.
2. This Review Application is filed seeking review of the order dated 19.1.2024 passed by this Tribunal in the above OA No.1271 of 2023.
3. Ld. Advocate for the applicant pointed that the factual aspects of the matter have already been incorporated in the OA being OA No.1271/2023.
4. The applicant is filing Review Application on the following grounds:
 - (a) Error apparent on the face of record has occurred while dismissing the Original Application in as much as admittedly application for compassionate appointment was made on 20.12.2013 and therefore name of the petitioner ought to have been brought in the wait-list accordingly. The said aspect is clearly overlooked by this Tribunal resulting into grave injustice to the petitioner.
 - (b) Issue about decision of name from the wait-list on attaining the age of 45 is dealt with by the Hon'ble High Court of Bombay, Bench at Aurangabad vide judgment dated 21.12.2023, in view whereof, the petitioner is entitled for consideration of her case for appointment on compassionate grounds.
 - (c) The petitioner submits that considering date of application as 20.12.2013, the petitioner was eligible to be appointed much prior to persons brought in the select list, who have submitted

application seeking such appointment later in point of time than the date of application of the petitioner.

(d) The petitioner submits that issue of heirship certificate is misconstrued by this Hon'ble Tribunal in as much as once the same is granted, it relates back to the date of application submitted by the petitioner seeking compassionate appointment.

(e) The petitioner submits that pensionary benefits payable to the petitioner on account of demise of her husband along with arrears have been paid to the petitioner considering date of death of the deceased husband. Resultantly, the same analogy deserves to be applied in the matter of compassionate appointment. The petitioner submits that for no fault on her part, name is brought in the wait-list from 4.7.2022, when in fact the application for such appointment was admittedly submitted on 20.12.2013.

(f) The petitioner submits that all other candidates from the wait-list, who have submitted applications after 20.12.2013 have been considered and given appointment. The petitioner is deprived of her right to be considered on the strength of date of application as 2012.2013.

(g) The petitioner by letter dated 7.2.2024 has been informed that one post is now available to be filled in from the wait-list. Against the said post the case of the petitioner deserves to be considered.

5. Ld. PO opposes the contentions raised by the Ld. Advocate for the applicant. He pointed out that the scope of review is very limited and that there is no error apparent on the face of record.

6. The scope of review in Order 47, Rule 1 of CPC is very limited. At this juncture, it would be apposite to reproduce Order 47 of CPC, which is as follows:-

“1. Application for review of judgment.- (1) Any person considering himself aggrieved.-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.”

7. I have considered the submissions made by the Ld. Advocate for the applicant and the Ld. PO. It is obvious that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 of CPC. The review is by no means an appeal in disguise whereby the matter is re-

heard. It is a fact that under Order 47 Rule 1 of CPC the judgment may be opened to review, if there is mistake or error apparent on the face of record. An error which is not self-evident and has to be detected by the process of reasoning can hardly be said to be an error apparent on the face of record justifying the Court to exercise its power of review. In exercise of jurisdiction under Order 47 of CPC, it is not permissible that the matter to be re-heard and erroneous view to be corrected. In this case all the submissions made by the Ld. Advocate for the applicant have been considered.

8. In view of the facts and circumstances of this case, the applicant has not made out a case to invoke the powers of review and the Review Application is liable to be dismissed. Hence, I pass the following order:

ORDER

Review Application is dismissed with no order as to costs.

**Sd/-
(Medha Gadgil)
Member (A)
23.7.2024**

Dictation taken by: S.G. Jawalkar.