

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 22 MAR 1989

REVIEW APPLICATION NO (X) 9 / 89
IN APPLICATION NO. 981/88(F)
W.P. NO (S)

Applicant (s)

Shri S. Jogaiah, IFS
To

Respondent (s)

v/s The Chief Secretary, Govt. of Karnataka,
Bangalore

1. Shri S. Jogaiah, IFS
General Manager
Karnataka State Forest Industries Corporation
No. 32/2, Crescent Road
Bangalore - 560 001
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs), V Block
Rajajinagar
Bangalore - 560 010

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAN/ADVERT/POB/DRK
passed by this Tribunal in the above said Application(X) on 20-3-89.

RECEIVED
K. M. W.
22.3.89
0/1 DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 20TH DAY OF MARCH, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S.PUTTASWAMY...VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ..MEMBER (A)

REVIEW APPLICATION NO.9/89

1. Shri S. Jogaiah,
S/o lat~ Nanjaiah,
Aged 52 years,
Conservator of Forest,
Now working as General Manager,
Karnataka State Forest Industries
Corporation,
No.32/2, Cresent Road,
Bangalore

...APPLICANT

(Shri M. Narayanaswamy....Advocate)

Vs.

State of Karnataka represented
by its Chief Secretary,
Vidhana Soudha,
Bangalore-1.

...RESPONDENT

This application having come up for
hearing before this Tribunal to-day, Hon'ble Shri
Justice K.S. Puttaswamy, Vice-Chairman, made the
following :-

O R D E R

In this application made under
Section 22(3) (f) of the Administrative Tribunals
Act of 1985 (Act), the applicant has sought for
a review of our order made on 31.1.1989 dismissing

his Application No. 981/88.

2. In Application No. 981/88, the applicant had inter alia challenged an order made by Government of Karnataka (GOK) posting him to the Karnataka State Forest Industries Corporation Limited (Corporation), which was resisted by that Government. On an examination of the contentions urged by both sides in that application, we have upheld the order of Government of Karnataka and dismissed the application. Hence this application.

3. Shri M. Narayanaswamy, learned counsel for the applicant contends that in upholding the order of Government of Karnataka, we have overlooked the duty cast on that Government and our order therefore suffers from a patent error to justify a review under Section 22(3) (f) of the Act.

4. In upholding the order of Government of Karnataka we have not overlooked any aspect much less the aspect urged by Shri Narayanaswamy which has no application to decide the power of that Government, in transferring and posting a civil servant including a member of the Indian Forest Service. We see no merit in this contention of Shri Narayanaswamy and we therefore

reject the same.

5. Shri Narayanaswamy next contends that the observations made by us against the applicant at para 40 of our order were totally uncalled for and the same discloses a patent error to justify a review under the Act.

6. We must read the observations made at para 40 of our order in the context of the entire order made by us. When so done, we do not think that they were uncalled for as urged by the applicant. Even assuming that to be so, then also the same does not constitute a patent error to justify a review under Section 22(3) (f) of the Act read with order 47 Rule 1 of the CPC.

7. As all the contentions urged for the applicant fail, this application is liable to be rejected. We, therefore, reject this application at the admission stage without notice to the respondent.

TRUE COPY.

Sd/-

(VICE-CHAIRMAN)
20/2/89

Sd/-

(MEMBER) (A)

For Deputy Registrar
DEPUTY REGISTRAR (JDLY)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE