



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MRS JUSTICE K.S.MUDAGAL

AND

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

REVIEW PETITION NO.24 OF 2024

IN WRIT PETITION NO.11173 OF 2022 (S-CAT)

BETWEEN

1. SPORTS AUTHORITY OF INDIA,
REPRESENTED BY ITS DG,
JAWARLAL NEHRU STADIUM COMPLEX.
EAST GATE NO.10, LODHI ROAD,
NEW DELHI-110 003.
2. SPORTS AUTHORITY OF INDIA,
NETAJI SUBHASH SOUTHERN CENTRE,
REPRESENTED BY ITS REGIONAL DIRECTOR,
MYSORE ROAD, BENGALURU-560 056.
3. ASSISTANT DIRECTOR,
SAI, NETAJI SUBHASH SOUTHERN CENTRE,
REPRESENTED BY ITS REGIONAL DIRECTOR,
MYSORE ROAD, BENGALURU-560 056.

... PETITIONERS

(BY SRI. D. BASAVARAJA, ADVOCATE)

AND

1. SMT.SUMA PATLUMANE,
D/O. LATE KUMARSWAMY,
AGED ABOUT 38 YEARS,
WORKING AS COACH ON DEPUTATION,
FROM WESTERN RAILWAYS,
NETAJI SUBHASH SOUTHERN CENTRE, SAI,
MYSORE ROAD, BENGALURU-560 56.
R/AT NO.2-B, RAJESWARI HOMES,
IDEAL COMMUNITY HALL ROAD,

Digitally signed by
PRAJWAL A.

Location: HIGH COURT
OF KARNATAKA



RAJA RAJESWARI NAGAR,
BENGALURU-560 098.

2. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF YOUTH AFFAIRS AND SPORTS,
C-WING, SHASTRI BHAWAN,
DR. RAJENDRA PRASAD ROAD,
NEW DELHI-110 001.
3. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF RAILWAYS, 256-A, RAIL BHAWAN,
RAISINA ROAD, NEW DELHI-110 001.
4. MINISTRY OF RAILWAYS, GOI,
REPRESENTED BY THE RAILWAY BOARD,
THROUGH ITS CHAIRMAN, 256-A, RAIL BHAWAN,
RAISINA ROAD, NEW DELHI-110 001.
5. RAILWAY SPORTS PROMOTION BOARD,
MINISTRY OF RAILWAYS, REPRESENTED BY ITS
SECRETARY, ROOM NO.452, 4TH FLOOR,
RAIL BHAWAN, NEW DELHI-110 001.
6. WESTERN RAILWAYS,
REPRESENTED BY ITS GENERAL MANAGER,
CHURCH GATE, MUMBAI-400 020.

...RESPONDENTS

(BY SRI. SUNDARA RAMAN M.V., ADVOCATE FOR R1;
SMT. A.D.VIJAYA HAVANUR, ADVOCATE FOR R2 TO R6)

THIS REVIEW PETITION IS FILED UNDER ORDER XLVII,
RULE I READ WITH SECTION 114 OF CPC FOR REVIEW OF
ORDER DATED 26.07.2023 IN WRIT PETITION NO.11173 OF
2022 (S-CAT) PRAYING TO REVIEW THE IMGPUGNED
JUDGMENT AND FINAL ORDER DATED 26.07.2023 IN WP NO.
11173/2022 (VIDE ANNEXURE-RP-A), IN THE INTEREST OF
JUSTICE AND EQUITY.

THIS PETITION HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 22.11.2024 AND COMING ON FOR
'PRONOUNCEMENT OF ORDER', THIS DAY,



T.G.SHIVASHANKARE GOWDA J., PRONOUNCED THE
FOLLOWING:

*CORAM: HON'BLE MRS JUSTICE K.S.MUDAGAL
And
HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA*

CAV ORDER

(PER: HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA)

In this petition, the review petitioners are seeking to recall and review of order dated 26.07.2023 passed in W.P.No.11173/2022.

2. The review petitioners plead that when the writ petition was taken up for final disposal on 26.07.2023, on behalf of the review petitioners, no submission was made that the services of the writ petitioner has been extended by another period of 2 years, but in para-2 of the order of the writ petition, it is mentioned that "petitioner's service has been extended by another period of two years" which is against the instructions given to the Central Government Counsel. Such a submission will have far reaching effect as the service of the writ petitioner will be extended for a period



of two more years from the date of order and sought for review.

3. We have heard the arguments of Sri D.Basavaraja, learned Senior Panel Counsel of Central Government for the review petitioners, Sri Sundara Raman M.V., learned counsel for respondent No.1 and Smt.A.D.Vijaya Havanur, learned counsel for respondents No.2 to 6.

4. It is the contention of Sri D.Basavaraja that on 26.07.2023, he has not made any submission that the service of the writ petitioner has been extended by another period of two years, but it has been inadvertently mentioned in the order.

5. Per contra, learned counsel for the writ petitioner has contended that the writ petition was not decided on merits for the reason that submission was made on behalf of the Central Government that the service of the writ petitioner has been extended by another period of two years. In view of the same, the counsel appearing for the writ



petitioner has consented for disposal of the writ petition. Accordingly, the writ petition came to be disposed of.

5.1 It is further submitted that, the said submission is based on the letter issued to the Central Government Panel Counsel by the Sports Authority of India that the deputation period from 22.02.2021 to till repatriation of the writ petitioner will be regularized. Such letter was issued on 13.07.2023 as per Annexure-RP-C. Hence, the review petitioners cannot withdraw their submission made in the open Court, as the writ petition came to be disposed of in the open Court in the presence of both counsels. The application filed by the review petitioners in I.A.No.1/2023 for correction of order was dismissed as per the order dated 20.11.2023. Hence, review petition is not maintainable and sought for its dismissal.

6. We gave our anxious consideration to the arguments addressed on behalf of both parties and perused the records.



7. The writ petitioner has questioned the order of the Central Administrative Tribunal in O.A.No.186/2022 passed on 25.05.2022 regarding her deputation to the Sports Authority of India as a Coach. The writ petitioner was under deputation for a period of two years with effect from 22.02.2021 by issuing relieving order bearing No.SAI/NSSC/CD/PF/627/20-21 dated 19.05.2022 and same was questioned by the writ petitioner. When the matter was taken up for hearing on 26.07.2023, the deputation period of two years from 22.02.2021 was already lapsed and for this reason, based on the letter issued by the Sports Authority of India to the counsel appearing on behalf of the review petitioners, it was communicated that the deputation period from 22.02.2021 till the repatriation of the writ petitioner will be regularized and she has been called back and she has reported for duty on 12.06.2023 at the Sports Authority of India. Since the period of deputation was already lapsed on 22.02.2023, even after lapse of period of deputation, the services of the writ petitioner was continued by the Sports Authority of India. In that context of the matter, a



submission was made in the open Court that the services of the writ petitioner has been extended by another period of two years as the period of deputation is on a block period of 2 years. It means to say that period of deputation of the writ petitioner with the Sports Authority of India was extended for a period of two years from 22.02.2023 to 21.02.2025. Under such circumstances, the writ petition was not dealt with on merits and it was disposed of. Learned counsel for the writ petitioner has submitted that on expiry of two years of deputation on 22.02.2025, the writ petitioner will go back to her parental department viz., Indian Railways.

8. The confusion on the part of the Sports Authority of India is that the period of deputation will extend from the date of order of writ petition i.e. from 26.07.2023 and it is not the purport of the order. The order passed in the writ petition reads as follows:

"Heard Shri M.Narayana Bhat, learned advocate for the petitioner, Smt.A.D.Vijaya Havanur, learned standing counsel for respondents No.1 to 5 and Shri D.Basavaraj, learned CGC for respondents No.6 to 8.



2. *Learned CGC submitted that once petitioner's service book is received from Railways, salary and pending claims will be considered and accordingly, payment will be made. He further submitted that petitioner's service has been extended by another period of two years. His submission is placed on record.*

3. *Learned advocate for the petitioner is satisfied with the above submission.*

4. *In view of the above, nothing further survives in this writ petition. Accordingly, this writ petition is disposed of with a direction to Railways-respondents No.1 to 5 to send petitioner's service book to Netaji Subhash Southern Centre-respondent No.7 within a period of two weeks, positively.*

5. *In view of disposal of this petition, pending interlocutory applications, if any, do not survive for consideration and they stand disposed of.*

No costs."

9. On plain reading of the order, it is clear that the writ petitioner was under extended period of deputation from 22.02.2021 for a period of two years that expired on 22.02.2023. Another two years of deputation will expire on 22.02.2025.



10. In view of the submission made by the learned counsel for the writ petitioner, we do not find any error or ambiguity in the order dated 26.07.2023 passed in W.P.No.11173/2022. There are no grounds for reviewing the said order. Accordingly, the Review Petition is dismissed.

Sd/-
(K.S.MUDAGAL)
JUDGE

Sd/-
(T.G. SHIVASHANKARE GOWDA)
JUDGE

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List No.: 19 Sl No.: 1