

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
REVP No. 146 of 2017

- T. L. Dongare S/o Late Janak Lal Dongare, Aged About 55 Years Principal Class II, Govt. Industrial Training Institute, Ramanujanj, District Balrampur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Technical Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Deputy Director, Skill Development And Technical Education And Employment Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Commissioner-Cum- Secretary, Directorate Employment And Training, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh.
4. R. K. Verma, S/o Late J. L. Verma, Aged About 54 Years Posted As Training Superintendent At I.T.I. Dhamdha, District Durg, R/o Shanti Nagar, Bhilai III, District Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate.
For Respondent/State	:	Shri Yashwant Singh Thakur, Additional Advocate General.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

01.03.2018

1. We have heard the learned counsel for the Review Petitioner who was the 4th Respondent in the writ appeal, the judgment of which is sought to be reviewed.
2. The writ petition filed by the writ appellant was dismissed. When the writ appeal was considered, the Bench had issued an order requiring affidavit to be filed on behalf of the official Respondent. Certain observations were made by this Court in the order minuted on 30.01.2017. Thereafter, writ appeal was ordered as per

judgment dated 07.04.2017. That was made, not confirming or depending upon the order minuted by the Division Bench on 30.01.2017. The result of the writ appeal was only to the effect that the Appellant/writ petitioner was given an opportunity of hearing by the concerned authority for consideration whether he can be posted in any other station. That approach was adopted, as is apparent from the last sentence of paragraph 5 of the judgment delivered on 07.04.2017 in the writ appeal, because at that distance of time no other relief was required or available to be granted to the writ petitioner. The consideration of representation by the competent authority is a matter entirely within the domain of that authority. The resultant situation, if any, is not a matter that depends upon the outcome of writ appeal or the judgment that is sought to be reviewed. If the review petitioner is aggrieved by any decision rendered by the competent authority on the issue of transfer and posting, that cannot be agitated through a review application as against the judgment in the writ appeal.

3. The learned counsel for the Review Petitioner submits that his client has instituted an independent writ petition seeking relief as regards the grievance that he has. That is a different matter. That is nothing to do with the writ appeal's judgment to enable a review petition to be entertained.
4. In the result this review petition is dismissed without prejudice the right of the Review Petitioner seeking relief in any independent writ petition as against the grievance that he has in relation to transfer and posting.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge