

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 206 OF 2019**

- Mahendra Pratap Tiwari, S/o Shiv Raj Singh Tiwari, aged about 48 years, working as Assistant Commissioner State Tax, Circle-1, Bilaspur, District Bilaspur, Office of the State Tax, Bilaspur, District Bilaspur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, State Tax Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (CG)
2. The Commissioner, State Tax, North Block, Sector-19, Commercial Tax, GST Bhawan, Head Office, Atal Nagar, Raipur (CG)
3. The Joint Commissioner, State Tax, Division Bilaspur, District Bilaspur (CG)

... Respondents

For Petitioner	:	Mr. B.D. Guru, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/11/2019**

1. The present review petition has been filed seeking review of the order dated 4.9.2019 passed by this Court in WPS No. 7033/2019.
2. The said writ petition was disposed of with a direction to the petitioner to approach the authorities by way of a representation.
3. However, from a query being made to the counsel for the petitioner, he submits that no representation till date has been made by the petitioner. The present review petition has been filed on the ground that the petitioner subsequently came to know that the post of Assistant Commissioner, State Tax, to which the petitioner belongs is already occupied and filled up at the place of transfer and therefore the petitioner may find it difficult to give his joining. This Court is of the opinion that this would not be a ground for entertaining this review petition.
4. Further grievance of the petitioner may arise only in the event if the petitioner gives his joining at the transferred place and the authorities at the transferred place refuse to grant joining to the petitioner. Unless the petitioner is refused his joining on the post of Assistant Commissioner at the transferred place, the ground may not be available for the petitioner to agitate on the issue. The petitioner seems to have a collected information of the post not lying vacant at the

transferred place and has sought review of the order dated 4.9.2019. This Court is of the firm view that this would not be a ground for review. This can be a ground of raising a fresh petition altogether provided that the petitioner is refused joining at the transferred place for want of availability of post.

5. So far as the scope of review is concerned, it is by now a well settled preposition of law that the review petition would be entertained only in the event of there being an apparent error on the face of record. It is trite at this juncture to refer to certain decisions rendered by the Hon'ble Supreme Court on the question of entertaining the review petition in the matters of *Kerala State Electricity Board Vs. Hitech Electrothermics & Hydropower Ltd. & Ors.*, 2002 (6) SCC 651, *Government of T.N. & Ors. Vs. Ananchu Asari & Ors.*, 2005 (2) SCC 332, *Ajit Kumar Rath Vs. State of Orissa & Ors.*, AIR 2000 SC 85, *Lily Thomas etc. Vs. Union of India & Ors.*, AIR 2000 SC 1650 and *Meera Bhanjan Vs. Smt. Nirmal Kumar Chowdhary*, AIR 1995 SC 455.

6. With the aforesaid observations, the review petition stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/