HC-KAR

CNR: KAHC010068132023

NC: 2026:KHC:60540-DB
RP No. 57 of 2023
C/W RP No. 53 of 2023
RP No. 55 of 2023
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

REVIEW PETITION NO. 57 OF 2023
C/W
REVIEW PETITION NO. 53 OF 2023,
REVIEW PETITION NO. 55 OF 2023,
REVIEW PETITION NO. 58 OF 2023

IN RP No. 57/2023:

BETWEEN:

1. UNION OF INDIA
   REPRESENTED BY SECRETARY
   MINISTRY OF DEFENCE
   SOUTH BLOCK, NEW DELHI - 110 001.

2. THE ENGINEER- IN-CHIEF
   ARMY HEAD QUARTERS
   KASHMIR HOUSE, NEW DELHI - 10 001.

3. CHIEF ENGINEER (AIR FORCE)
   NO.2 D C AREA MES ROAD
   YESHWANTHAPUR, BANGALORE - 560 022.

...PETITIONERS

(BY SRI JAYAKARA SHETTY H, ADV.)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

SRI S.G. PHADKE
(MES -150638)
S/O LATE GURUNATH GUNDU DIXIT PHADKE
AGED ABOUT 73 YEARS
EE (QS AND C) (RETIRED)
9/A 1ST CROSS ASHOKA AVENUE
K.R. GARDEN, MURUGESH PALYA
BENGALURU - 560 017.

...RESPONDENT

(BY SRI N.G. PHADKE, ADV.)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 OF CPC R/W ORDER 47 RULE 1 OF CPC, PRAYING TO REVIEW THE ORDER DATED 24.03.2021 MADE IN WRIT PETITION NO. 1879/2021 BY THIS HONBLE COURT AND KINDLY GRANT RELIEFS SOUGHT FOR IN THE WRIT PETITION NO. 1879/2021 BY THE PETITIONERS BY ALLOWING THE SAME, IN THE INTEREST OF JUSTICE.

IN RP NO. 53/2023:

BETWEEN:

1. UNION OF INDIA
   REPRESENTED BY SECRETARY
   MINISTRY OF DEFENCE
   SOUTH BLOC, NEW DELHI - 110 001.

2. THE ENGINEER -IN-CHIEF
   ARMY HEAD QUARTERS
   KASHMIR HOUSE
   NEW DELHI - 110 001.

3. CHIEF ENGINEER (AIR FORCE)
   NO.2, D.C AREA
   MES ROAD, YESHWANTHPUR
   BANGALORE - 560 022.

...PETITIONERS

(BY SRI JAYAKARA SHETTY H, ADV.)

AND:

SRI N. SRIDHARAN
(MES-125242)
S/O LATE N NAGARAJA RAO
AGED ABOUT 73 YEARS
EE (QS AND C) (RETIRED)
NO.172, IST CROSS, 4TH MAIN
4TH STAGE, WEST OF CHORD ROAD
RAJAJINAGAR INDUSTRIAL TOWN
BENGALURU - 560 064.

...RESPONDENT

(BY SRI N.G. PHADKE, ADV.)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 OF CPC R/W ORDER 47 RULE 1 OF CPC, PRAYING TO REVIEW THE ORDER DATED 23.03.2021 MADE IN WRIT PETITION NO. 2262/2021 BY THIS HONBLE COURT AND KINDLY GRANT RELIEFS SOUGHT FOR IN

THE WRIT PETITION NO. 2262/2021 BY THE PETITIONERS BY ALLOWING THE SAME, IN THE INTEREST OF JUSTICE.

IN RP NO. 55/2023:

BETWEEN:

1. UNION OF INDIA
   REPRESENTED BY SECRETARY
   MINISTRY OF DEFENCE
   SOUTH BLOCK, NEW DELHI - 110 001.

2. THE ENGINEER IN CHIEF
   ARMY HEAD QUARTERS
   KASHMIR HOUSE
   NEW DELHI - 110 001.

3. CHIEF ENGINEER (AIR FORCE)
   NO.2, D.C.AREA, MES ROAD
   YESHWANTHPUR
   BANGALORE - 560 022.

...PETITIONERS

(BY SRI JAYAKARA SHETTY H, ADV.)

AND:

SRI M.C. GHOSH
(MES-228501)
S/O LATE A.K. GHOSH
AGED ABOUT 73 YEARS
AE (QS AND C) (RETIRED)
NO.5, 5TH A MAIN, ESCORT COLONY
1ST CROSS, ATTUR LAYOUT
YELAHANKA, BENGALURU - 560 064.

...RESPONDENT

THIS REVIEW PETITION IS FILED UNDER SECTION 114 OF CPC R/W ORDER 47 RULE 1 OF CPC, PRAYING TO REVIEW THE ORDER DATED 24.03.2021 MADE IN WRIT PETITION NO. 2057/2021 BY THIS HONBLE COURT AND KINDLY GRANT RELIEFS SOUGHT FOR IN THE WRIT PETITION NO. 2057/2021 BY THE PETITIONERS BY ALLOWING THE SAME, IN THE INTEREST OF JUSTICE.

IN RP NO. 58/2023:

BETWEEN:

1. UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF DEFENCE
SOUTH BLOCK
NEW DELHI - 110 001.

2. THE EINGINEER IN CHIEF
ARMY HEAD QUARTERS
KASHMIR HOUSE
NEW DELHI - 110 001.

3. CHIEF ENGINEER (AIR FORCE)
NO2, D C AREA, MES ROAD
YESHWANTHPURA, BANGALORE - 560 022.

...PETITIONERS

(BY SRI JAYAKARA SHETTY H, ADV.)

AND:

SRI E. UNNIKRISHNAN
(MES-116480)
S/O LT NATESA MENON
AGED ABOUT 72 YEARS
EE (QS AND C) (RETIRED)
CMA 803, GOLDEN BLOSSOM
KADUGODI P.O, BENGALURU - 560 067.

...RESPONDENT

(BY SRI N.G. PHADKE, ADV.)

THIS REVIEW PETITION UNDER SECTION 114 OF CPC R/W ORDER 47 RULE 1 OF CPC, PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TOA) CALL FOR RECORDS IN RESPECT OF WRIT PETITION NO. 2898/2021.B) REVIEW THE ORDER DATED 23.03.2021 MADE IN WRIT PETITION NO. 2898/2021 BY THIS HONBLE COURT AND KINDLY GRANT RELIEFS SOUGHT FOR IN THE WRIT PETITION NO. 2898/2021 BY THE PETITIONERS BY ALLOWING THE SAME, IN THE INTEREST OF JUSTICE.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present review petition has been filed seeking review of the judgment and order dated 24.03.2021 passed by this Court in W.P. No.1879/2021.

2. The writ petition filed by the Union of India challenging the order dated 18.07.2019 passed by the Central Administrative Tribunal, Bengaluru Bench, in Original Application No.170/1803/2018 came to be dismissed by this Court, in view of the judgment passed in similar matters in W.P.No.2262/2021 and W.P. No.2898/2021.

3. Learned counsel for the review petitioner submits that the writ petition filed by the Union of India in W.P. No.1879/2021 came to be dismissed by this Court vide judgment dated 24.03.2021, placing reliance on the judgment of the Supreme Court in ***Union of India and Others v. Balbir Singh Turn and Another***, (2018) 11 SCC 99. This Court also placed reliance on the judgment rendered by the Bombay High

Court in ***M.P. Joseph v. Union of India and Others*** in W.P. No.1763/2013 dated 15.10.2018.

4. It is further submitted that, challenging the judgment dated 15.10.2018 passed by the Bombay High Court in W.P. No.1763/2013, the Union of India had preferred Civil Appeal No.1644/2021 arising out of SLP (Civil) Diary No.12114/2019 before the Supreme Court. The said appeal was pending consideration before the Supreme Court when this Court passed the judgment dated 24.03.2021 in W.P. No.1879/2021. Subsequently, the Supreme Court allowed Civil Appeal No.1644/2021 arising out of SLP (Civil) Diary No.12114/2019 vide judgment dated 28.04.2021. In view of the subsequent judgment of the Supreme Court, learned counsel submits that an error has crept into the judgment under review.

5. We have considered the submissions made by learned counsel for the review petitioner and perused the material on record.

6. As on the date of passing of the judgment under review, i.e., 24.03.2021, the Supreme Court had not rendered

its judgment in Civil Appeal No.1644/2021. The change in law would not entitle the party to seek review of the judgment in order which has attained finality between the parties.

7. The review petitioner did not approach the Supreme Court against the judgment passed by this Court in W.P.No.1879/2021. Therefore, the subsequent judgment of the Supreme Court cannot be a ground to seek a review of the judgment dated 24.03.2021 passed in W.P. No. 1879/2021.

8. We, therefore, find no ground to review the judgment and order dated 24.03.2021 passed in W.P.No.1879/2021, accordingly, the review petition is dismissed as not maintainable as lacking merit or substance.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK/RKA
List No.: 1 Sl No.: 4