

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF FEBRUARY, 2013

PRESENT

THE HON'BLE MR. JUSTICE K.L.MANJUNATH

AND

THE HON'BLE MR.JUSTICE H.S.KEMPANNA

REVIEW PETITION NO.221/2012

IN

WRIT PETITION NO. 22373/2004 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
M S BUILDING,
BANGALORE.
2. THE PRINCIPAL CHIEF CONSERVATOR
OF FOREST, ARANYA BHAVAN
MALLESHWARAM,
BANGALORE 560 003.
3. THE CONSERVATOR OF FORESTS,
SHIMOGA CIRCLE,
SHIMOGA.
4. THE DEPUTY CONSERVATOR OF FOREST
CHICKMAGALUR DIVISION
CHICKMAGALUR.
5. THE DEPUTY COMMISSIONER
CHICKMAGALUR DIVISION
CHICKMAGALUR-57 ... PETITIONERS

(BY SRI N.S. SAMPANGIRAMAIAH - HCGP)

AND:

SMT. C B VEDAVATHI
D/O BASAVAI AH
AGED 47 YRS,
WORKING AS TYPIST/LITERATE ASSISTANTS,
OFFICE OF THE DEPUTY
CONSERVATOR OF FORESTS,
CHICKMAGLUR DIVISION,
CHICKMAGALUR.

... RESPONDENT

(BY SRI AJAY KUMAR M – ADV.)

THIS REVIEW PETITION FILED UNDER ORDER 47
RULE 1 & 3 OF CPC, PRAYING FOR REVIEW THE ORDER
DATED 24-02-2011 PASSED IN WP NO.22373/2004
(S-KAT), ON THE FILE OF THE HON'BLE HIGH COURT OF
KARNATAKA, BANGALORE.

THIS REVIEW PETITION COMING ON FOR ORDERS
THIS DAY, MANJUNATH J, MADE THE FOLLOWING:

O R D E R

Heard Sri.Sampangiramaiah, HCGP, for the
petitioner and the learned counsel for the respondent.

2. It is noticed by us that W.P.No.22373/2004 was
filed by the Review petitioners being aggrieved by the
order passed by the Karnataka Administrative Tribunal
dated 25.9.2002 in Application NO.3635/1999 wherein
a direction was issued to regularize the services of six
respondents, out of which respondent in the review

petition was the first respondent. Based on the submissions of respondents 3 to 6 in the writ petition, the writ petition has been dismissed as if the services of this review petitioner was regularized by the State. In other words, writ petition has not been disposed of on merits considering the case of the petitioners and the respondent herein. The review petition is filed by the State on the ground that the respondent herein was never appointed in the regular course on daily wages pursuant to any order of the officer who was entitled to issue appointment order. According to the review petitioners the respondent was working under a Range Forest Officer and he in his personal capacity had appointed her and wherever he was transferred, this lady has also been taken to such place and therefore, such appointment cannot be considered as appointment issued by the State or Department.

3. Be that as it may, having seen the order passed by this Court on 24.2.2011, we are of the opinion the case of the petitioners against the respondent has not

been considered on merits and the writ petition is dismissed on the basis of the submission of Sri.S.B.Mukkannappa, learned counsel who was appearing for respondents 3 to 6. In the circumstances, this Court should have dismissed the writ petition insofar as it relates to respondents 3 to 6 are concerned and not in regard to the respondent in the present case. In the circumstances, the order passed in W.P.No.22373/2004 dated 24.2.2011 has to be recalled insofar as it relates to the respondent-Smt.Vedavathi is concerned and the writ petition has to be restored.

4. In the result, we pass the following order :-

- i) The review petition is allowed;
- ii) The Writ petition NO.22373/2004 dated 24.2.2011 is recalled insofar as it relates to the first respondent-Smt.Vedavathi is concerned and the writ petition is restored.
- iii) Post the writ petition before the appropriate bench to consider the case of the State in

regard to the claim of the first respondent-
Smt.Vedavathi.

Sd/-
JUDGE

Sd/-
JUDGE

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