

SUPREME COURT OF INDIA

Union of India

Vs.

K.Krishnan Pillai

C.A.No.6589-6598 of 2002

(H.K. Sema and Markaandey Katju JJ.)

30.04.2008

ORDER

Heard.

1. These appeals are directed against the judgment and order of the Kerala High Court dated 17.1.2002.
2. In view of the judgment passed by this Court in the case of *Union of India and Another vs. R.Swami Nathan & Others*¹ the order of the High Court is set aside.
3. The problem, however, subsists because against the order of the Tribunal dated 29.10.1993 passed in O.A.No. 1134/1993, the special leave petition No. ...CC. 2293/1995 was dismissed in limine by the two Judge Bench of this Court on 8.5.1995. The special leave petition was dismissed by a non-speaking order. In that view of the matter the judgment rendered by the Tribunal attains finality. We are of the view that the subsequent judgment delivered by three Judge Bench of this Court in R.Swaminathan case (supra) on the same question of law will prevail because it is supported with reasons.
4. In these circumstances we allow the appellant to file a review petition before the Tribunal for review of its order dated 29.10.93. If the review petition is filed within six weeks from today, the Tribunal shall entertain the review petition without raising any objection of limitation. The appellant shall necessarily produce before the Tribunal the judgment of the three Judge Bench of this Court rendered in R.Swaminathan and Others (supra). On considering of the aforesaid judgment the Tribunal may pass an appropriate order in accordance with law. The Tribunal is directed to decide the review petition within three months from the date of the filing of the review petition.

The appeals are disposed of.

¹1997 (7) SCC 690