

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

554939

CIVIL APPEAL NOS. OF 1994
(arising out of SLP (C) Nos. 4307-08 of 1993 and
15206-07 of 1992)

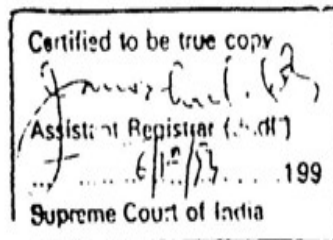
Shri Raj Kumar Sharma & Ors. etc.etc. ...Appellants

Verus

Union of India & Ors. etc.etc. ...Respondents

ORDER

Leave granted.



The Madras Bench of the Central Administrative Tribunal decided O.A. No. 654 of 1989 by judgment dated 29.6.1990 against which Union of India came to this Court by filing a special leave petition which was dismissed by this Court on 7.1.1991 (Page 44 of the paper book). Union of India then filed a review petition which too was dismissed by this Court on 16.7.1991 (Page 45 of the paper book). Strangely enough, the Union of India thereafter filed Review Petition No. 4 of 1992 before the Madras Bench of the Central Administrative Tribunal for the review of its main judgment dated 29.6.1990. This review petition has been allowed by the Tribunal by the impugned order dated 10.6.1992. The operative part of the impugned judgment is as under:

"In the result, the operative portion of the judgment dated 29.6.1990 in O.A. 654 of 1989 is rescinded and the original application stands dismissed.The Review Petition is allowed as above."


This appeal by special leave is against the said order dated 10.6.1992 passed by the Tribunal allowing the review petition in these circumstances.

We have no doubt that the Tribunal was in error in examining the review petition and then allowing it after the special leave petition against its main judgment had been dismissed by this Court and the review petition filed in this Court against the dismissal of the special leave petition had also been dismissed. It is undisputed that the ground on which the review was sought before the Tribunal was a ground taken in the special leave petition as well as in the review petition filed in this Court. In such a situation it was, to say the least, wholly inappropriate for the Tribunal to sit in judgment on the merit of this Court's order dismissing the special leave petition giving finality to the

Tribunal's main order dated 29.6.1990. This alone is sufficient to set aside the impugned order dated 10.6.1992 made by the Tribunal allowing the review petition. Accordingly, the appeals are allowed. No costs.


.....J.
(J. S. Verma)

New Delhi
November 25, 1994.


.....J.
(K.S. Paripooman)
