

Supreme Court of India

P. Sambamurthy & Ors vs Union Of India & Ors on 5 May, 1987

Bench: R.S. Pathak (Cj), R. Misra, V. Khalid, G.L. Oza, M.M. Dutt

CASE NO. :

Review Petition (civil) 417-454 of 1987

PETITIONER:

P. SAMBAMURTHY & ORS.

RESPONDENT:

UNION OF INDIA & ORS.

DATE OF JUDGMENT: 05/05/1987

BENCH:

R.S. PATHAK (CJ) & R. MISRA & V. KHALID & G.L. OZA & M.M. DUTT

JUDGMENT:

JUDGMENT 1987(2) JT 627 = 1987(1) SCALE 1305 with Review Petitions Nos. 484, 477-78 and 455 of 1987. Writ Petitions Nos. 90 and 112 of 1977, 3993, 4302 and 4144 of 1978, 815 of 1979, 2432, 970, 3823-25 and 7234 of 1982, 63 and 1218 of 1983, 13407, 13430-46, 873-82 etc. of 1985; 579, 874, 970 etc. of 1986 and Civil Appeal No. 1238 of 1986 and Transfer Case Nos. 27-28 of 1985 and Special Leave Petition No. 10429 of The Order of the Court is as follows

1. We direct that the operation of the judgment and order dated December 20, 1986 [P. Sambamurthy v. State of Andhra Pradesh, 1987 (1) SCC 362 : 1987 (2) ATC 502] pronounced by this Court shall extent to those cases only which were made the subject of consideration by this Court by virtue of these petitions and appeal having been filed in this Court

2. We direct further that in those cases where the petitions were filed directly and without having been processed judicially and decided by the Administrative Tribunal, the order will operate insofar that those cases will now stand remanded to the Administrative Tribunal for judicial consideration in accordance with the observations of this Court in the judgment of December 20, 1986

3. This direction will also cover those writ petitions which were transferred from the High Court to this Court. They shall stand transferred to the Administrative Tribunal and be considered similarly

4. In all those cases where writ petitions were filed against the orders of the State Government modifying or superseding the orders of the Administrative Tribunal, we direct that those cases shall be treated as concluded by the relative orders of the Administrative Tribunal as they stood before the said orders were interfered with by the State Government

5. We may add that Mr. L. N. Sinha, learned counsel appearing for the Union of India in all these case, sought the permission of the court to urge a ground in respect of the interpretation of Article 371-D of the Constitution of India, 1950. he contended that the power of judicial review, even construed as a basic feature of the Constitution, was not precluded by the provisions of Article 371-D

of the Constitution of India, 1950 and therefore the judgment of this Court called for review. We are not satisfied, however, that we should interfere<sup>6</sup>. The review petitions are disposed of accordingly