

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C)No.15804 of 2017

ROJER MATHEW

Petitioner(s)

VERSUS

SOUTH INDIAN BANK LTD AND ORS.

Respondent(s)

O R D E R

In continuation of Order dated 7th May, 2018, we have further heard Mr. K.K. Venugopal, learned Attorney General, and learned amicus, Mr. Arvind P. Datar.

In terms of order dated 7th May, 2018, we direct that a committee be constituted. We, however, clarify that a former Judge of this Court need not have worked in a Tribunal as earlier directed.

We further direct that wherever qualification required for appointment to a Tribunal/Commission is of a former Chief Justice or a former Supreme Court Judge, and no suitable person of that category is available, it will be open to make appointment of any suitable former Judge of a High Court till any legislative amendment in that regard is brought out so that a Tribunal/Commission may not remain headless.

Subject to above, the constitution of the Committee is left to the Government. The Committee may be constituted within two months and may give its report within three months thereafter. Union of India may take a call thereon and take such further action as found appropriate. An affidavit of

further developments be filed in this Court by 31st October, 2018. Learned amicus will be at liberty to put forward his view-point before the said Committee.

List again on 13th November, 2018 to consider any further direction.

As far as the petitioner is concerned, we have not examined the merit of his grievance. We give him liberty to move the High Court again. The matter be considered by the High Court on its merit in accordance with law. The special leave petition is disposed of as withdrawn.

If the petitioner is aggrieved of the order which may be passed by the High Court, he will be at liberty to take his remedy in accordance with law including filing a petition in this court.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(INDU MALHOTRA)

New Delhi,
May 16, 2018.

ITEM NO.4

COURT NO.10

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15804/2017

(Arising out of impugned final judgment and order dated 20-01-2017 in WA No. 2349/2016 passed by the High Court Of Kerala At Ernakulam)

ROJER MATHEW

Petitioner(s)

VERSUS

SOUTH INDIAN BANK LTD AND ORS.

Respondent(s)

(With Interim Relief and
IA No.110266/2017-INTERVENTION/IMPLEADMENT)

Date : 16-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MS. JUSTICE INDU MALHOTRA

Mr. Arvind P. Datar, Sr. Adv. (A.C.)
Ms. Kanika Kalaiyarasan, Adv.
Ms. Lakshmi N. Kaimal, Adv.
Mr. Anubhav Anand Pandey, Adv.
Mr. Krishnadas Villadath, Adv.
Mr. Suchindran B.N., Adv.
Mr. R. Chandrashekar, Adv.

For Petitioner(s) Ms. Lakshmi N. Kaimal, AOR

For Respondent(s) Mr. K.K. Venugopal, AG
Mr. Maninder Singh, ASG
Ms. V. Mohana, Sr. Adv.
Mr. R. Balasubramanian, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Prabhas Bajaj, Adv.
Mrs. Anil Katiyar, AOR

Mr. P. I. Jose, AOR
Ms. P.S. Chandralekha, Adv.
Mr. Shashank Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, while disposing of the special leave petition and issuing certain directions in the matter, the special leave petition is to be listed on 13th November, 2018 for further Direction.

All Pending applications shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed order is placed on the file)