

ITEM NO.4+36

Court 4 (Video Conferencing)

SECTION XI-A

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).16721-16722/2019

(Arising out of impugned final judgment and order dated 12-10-2018 in WPC No. 602/2015 12-10-2018 in WPC No. 13120/2015 passed by the High Court Of Kerala At Ernakulam)

UNION OF INDIA

Petitioner(s)

VERSUS

SUNIL KUMAR B. & ORS.

Respondent(s)

(IA No. 6498/2021 - EX-PARTE STAY  
IA No. 109139/2020 - INTERVENTION/IMPLEADMENT  
IA No. 109137/2020 - INTERVENTION/IMPLEADMENT  
IA No. 6497/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND  
GROUNDS)

WITH

W.P. (C) No. 233/2018 (X)

W.P. (C) No. 69/2018 (X)

(IA No. 14965/2018 - EX-PARTE STAY)

W.P. (C) No. 141/2018 (X)

(IA No. 26357/2018 - EX-PARTE STAY)

W.P. (C) No. 118/2018 (X)

W.P. (C) No. 250/2018 (X)

W.P. (C) No. 372/2018 (X)

W.P. (C) No. 368/2018 (X)

W.P. (C) No. 369/2018 (X)

W.P. (C) No. 367/2018 (X)

W.P. (C) No. 371/2018 (X)

No. 380/2018 (X)

W.P. (C) No. 374/2018 (X)

W.P. (C) No. 385/2018 (X)

W.P. (C) No. 393/2018 (X)

W.P. (C) No. 395/2018 (X)

W.P. (C) No. 406/2018 (X)

W.P. (C) No. 360/2018 (X)  
(FOR ADMISSION)

W.P. (C) No. 411/2018 (X)  
(FOR ADMISSION and IA No.63451/2018-APPROPRIATE ORDERS/DIRECTIONS)

W.P. (C) No. 466/2018 (X)

W.P. (C) No. 804/2018 (X)

W.P. (C) No. 594/2018 (X)  
(IA No.79752/2018-PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

W.P. (C) No. 884/2018 (X)  
(IA No. 170508/2019 - INTERVENTION/IMPLEADMENT  
IA No. 146221/2019 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 778/2018 (X)  
(IA No. 69081/2019 - INTERVENTION/IMPLEADMENT  
IA No. 170449/2018 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 874/2018 (X)  
(IA No. 44627/2019 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 1149/2018 (X)  
(IA No. 117553/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 144028/2018 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No. 1167/2018 (X)

CONMT.PET.(C) No. 1917-1918/2018 in C.A. No. 10013-  
10014/2016 (XIV-A)  
(IA No. 85695/2019 - DELETING THE NAME OF PETITIONER/RESPONDENT  
IA No. 147085/2018 - EXEMPTION FROM FILING O.T.  
IA No. 147082/2018 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

W.P. (C) No. 1430/2018 (X)

W.P. (C) No. 1433/2018 (X)

W.P. (C) No. 1428/2018 (X)

W.P. (C) No. 390/2019 (X)  
(IA No. 43954/2019 - EX-PARTE STAY)

W.P. (C) No. 269/2019 (X)  
(FOR ADMISSION)  
W.P. (C) No. 875/2019 (X)

W.P. (C) No. 349/2019 (X)  
(FOR ADMISSION)

W.P. (C) No. 327/2019 (X)  
(IA No. 43329/2019 - EX-PARTE STAY  
IA No. 84636/2019 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 466/2019 (X)

W.P. (C) No. 352/2019 (X)  
(IA No. 46449/2019 - STAY APPLICATION)

W.P. (C) No. 512/2019 (X)  
(IA No. 92886/2019 - INTERVENTION APPLICATION) W.P. (C) No. 511/2019  
(X)

W.P. (C) No. 500/2019 (X)  
(IA No. 62534/2019 - EX-PARTE STAY  
IA No. 86926/2019 - INTERVENTION/IMPLEADMENT  
IA No. 86923/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET. (C) No. 619-620/2019 in C.A. No. 10013-10014/2016 (XIV-A)  
(FOR ADMISSION)

W.P. (C) No. 601/2019 (X)  
(IA No. 73827/2019 - EX-PARTE STAY)

R.P. (C) No. 1430-1431/2019 in SLP(C) No. 8658-8659/2019 (XI-A)  
(FOR ADMISSION and IA No.72854/2019-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.72855/2019-  
APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT)

W.P. (C) No. 1312/2019 (X)

W.P. (C) No. 832/2019 (X)  
(IA No. 98935/2020 - EARLY HEARING APPLICATION)

Diary No(s). 22242/2019 (XIV-A)

W.P. (C) No. 1218/2020 (X)  
(FOR ADMISSION and IA No.107579/2020-EXEMPTION FROM FILING O.T.)

W.P. (C) No. 1332/2020 (X)

ITEM NO.36

Writ Petition(s) (Civil) No(s). 1459/2020  
(FOR ADMISSION and IA No.134289/2020-EXEMPTION FROM FILING O.T.)

Date : 29-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Gopal Shankarnarayan, Sr. Adv.  
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Ms. Pooja Dhar, AOR  
Mr. Neeraj Chowdhury, Adv.  
Ms. Rashmi Sharma, Adv.

Mr. Aftab Ali Khan, AOR  
Mr. Somanatha Padhan, AOR  
Mr. Mohit Paul, AOR

Mr. Ritin Rai, Sr. Advocate  
Mr. Udayaditya Banerjee, AOR  
Mr. Ramjee Pandey, AOR  
Ms. Manjula Gupta, AOR

Mr. Rajesh Gupta; Advocate,  
Mr. Harpreet Singh, Advocate,  
Mr. Sumit R. Sharma AOR;  
Mr. Ajay Chandra, Advocate  
Mr. Pranjal Saran, Advocate

Mr Anand Padmanabhan Advocate  
Mr. Purushottam Sharma Tripathi (AOR)  
Mr. Ravi Chandra Prakash (Advocate)  
Mr. Mukesh Kumar Singh (Advocate)  
Mr. Abhishek Tripathi (Advocate)  
Ms. Vani Vyas (Advocate)  
Ms. Sujata Muni (Advocate)  
Mr. Amit (Advocate)

Mr K. K. Venugopal, (AGI) Sr. Adv. for Union of  
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Organisation  
Mr Vikramjit Bannerjee, ( ASG) Sr. Adv.  
Mr C. A. Sundaram, Sr. Adv.  
Mr Siddharth, AOR

Mr Raj Bahadur Yadav, AOR for Union of India  
Ms. Rohini Musa, Adv.  
Mr Siddhant Kohli, Adv.  
Mr Amit Kumar Agrawal, Adv.  
Mr Prashant Rawat, Adv.

M/S Ars Associates, AOR

Mr. Anand Varma, AOR  
Mr. Abhishek Prasad, Advocate

Ms. Madhumita Bhattacharjee,  
AOR Mrs. Lalita Kaushik, AOR

Mr. Shashank Shekhar, Advocate,  
Ms. Sheetal Rajput, Adv.  
Mr. Chander Shekhar Ashri, AOR

Mr. Jagjit Singh Chhabra, Advocate  
Mr. Saksham Maheshwari, Advocate  
Mr. Jagjit Singh Chhabra, AOR

Mr. Rahul Pratap, AOR

Mr. Y. Raja Gopala Rao, AOR  
Mr. Shashi Bhushan Kumar, AOR  
Petitioner-in-person  
Mr. Anil Nag, AOR

Mr Mohan Parasaran, Senior  
Advocate. Mr. Ashwin Kumar DS,  
Advocate. Mr. Vishnu Kumar, Advocate  
Mr. Aditi Dani, Advocate. Mr. Surbhi  
Mehta, AOR.

For Respondent(s) Dr. K. P. Kylasanatha Pillay, Sr. Advocate  
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Mr. Ashok K. Gupta, Sr. Adv.  
Mr. Abhishek Gupta, Adv.

Ms. Ikshita Singh, Adv.

Mr. Gunnam Venkateswara Rao, Adv. (AOR).

M/S. Arputham Aruna And Co, AOR

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Mr. Prakash Ranjan Nayak, AOR

Mr. Eshna Kumar, Advocate

Mr. Siddharth, AOR

Mr. Sameer Parekh, Adv.

Mr. D.P Mohanty, Adv.

Ms. S.Lakshmi Iyer, Adv.

Mr. Ishan Nagar, Adv.

Mr. Sarthak Gaur, Adv.

M/S. Parekh & Co., AOR

Mr. Puneet Taneja, AOR

Mr. Adarsh Tripathi, Advocate

Ms. Laxmi Advocate

Mr. Mohit Rohatgi Advocate

Mr. Rajendra Dangwal Advocate

Mr. Kaustub Narendran Advocate

Mr. Syed Jafar Alam, AOR

Mr. Sachin Datta, Senior, Adv.

Mr. Rahul Kaushik, AOR

Ms. Bhuvneshwari Pathak, Adv

Ms. Shilpi Satyapriya Satyam, Adv

Mr. Preet Pal Singh, AOR

Ms. Sangeeta Bharti, Advocate

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Mr. Rajivkumar, AOR

Mr. Anil Nag, AOR

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Mr. Ashwin Kumar DS, Advocate.

Mr. Vishnu Kumar, Advocate

Mr. Aditi Dani, Advocate.

Ms. Surbhi Mehta, AOR

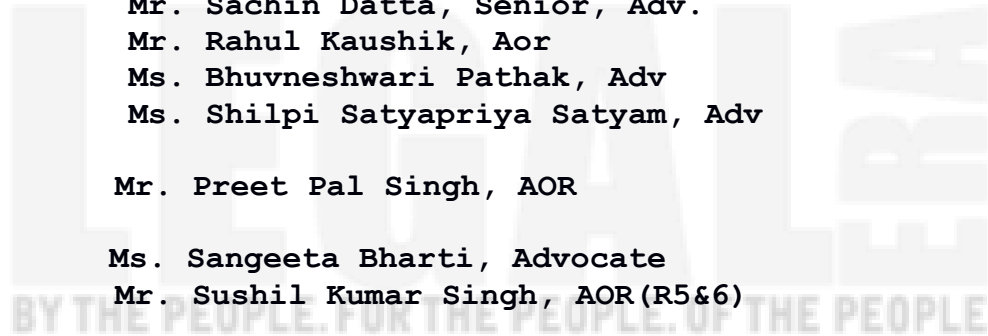
Mr. Rakesh Mishra, AOR

Ms. Nandini Gore, Adv.

Ms. Tahira Karanjawala, Adv.

Ms. Natasha Sahrawat, Adv.

Mr. Raghvendra Pratap Singh, Adv.



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Ms. Liz Mathew, AOR

Mr. Roy Abraham, Adv.  
Ms Reena Roy, Adv  
Mr. Akhil Roy, Adv.  
Mr. Himinder Lal, AOR

Mr. R.K. Kapoor, Advocate  
Ms. Kheyali Singh, (Newly  
Appointed)AOR

UPON hearing the counsel the Court made the following  
ORDER

Review Petition (Civil) Nos. 1430-1431 of 2019 in SLP(C) Nos. 8658-8659  
of 2019

SLP(C) Nos. 8658-59/2019 challenging the judgment and order dated 12.10.2018 passed by the Division Bench of the High Court of Kerala in Writ Petition (C) 602/2015 and 13120/2015 were dismissed by this Court on 1.4.2019.

Thereafter, SLP(C) Nos. 16721-22/2019 at the instance of Union of India challenging the same judgment dated 12.10.2018 came up before this Court on 12.07.2019. While condoning the delay in preferring the SLPs, this Court directed that said SLPs be listed along with Review Petition (C) Nos. 1430-31/2019 (which had since then been preferred against the order dated 01.04.2019 in SLP(C) Nos. 8658-59/2019) in open Court.

Mr. C.A. Sundaram, learned Senior Advocate appearing for the petitioners in said Review Petitions invited our attention to the order dated 21.12.2020 passed by another Division Bench of the High

Court of Kerala by which the correctness of the earlier decision dated 12.10.2018 was doubted and the matter was referred to Full Bench of the High Court.

Mr. Sundaram, also invited our attention to the decision of this Court in *M/s Pawan Hans Ltd. & Ors. vs. Aviation Karmachari Sanghatana & Ors [2020(2)SCALE 194]* and specially paragraph 6.6 of the decision.

It was submitted that as a result of the directions issued by the High Court in its order dated 12.10.2018, benefit would get conferred upon employees retrospectively which, in turn, would create great imbalance.

Having heard learned counsel for the petitioners and perused the relevant material, in our view SLP(C) Nos.8658-59/2019 call for a closer look. We, therefore, allow these review petitions and recall the order dated 01.04.2018 and direct;

(a) Let SLP(C) Nos.8658-59/2019 along with all connected matters be listed for preliminary hearing before the appropriate Court on 25.02.2021.

(b) Learned counsel appearing for the parties are at liberty to file short synopsis before the next date of hearing.

(INDU MARWAH)  
COURT MASTER (SH)

(PRADEEP KUMAR)  
BRANCH OFFICER