

ITEM NO.4+36 Court 4 (Video Conferencing) SECTION XI-A

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

W.P.(C) 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.

Mr. Rahul Thawani, Adv.

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
India and Employees' Provident Funds
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
Mr. A. Venayagam Balan, AOR

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

Mr. Nishe Rajen Shonker, AOR
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

Mr. Sushil Kumar Singh, AOR(R5&6)

Mr. Ajit Pudusser, AOR

M/S. Khaitan & Co., AOR

Mr. Satish Kumar, AOR

Mr. Rajivkumar, AOR

Mr. Anil Nag, AOR

Mr. Mohan Parasaran, Senior Advocate.

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.

M/S. Karanjawala & Co., AOR

**Mr. Raghenth Basant, Advocate
Ms. Mahamaya Chatterjee, Advocate
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
O R D E R**

**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