

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

RECORD OF PROCEEDINGS

REVIEW PETITION (C) NO.1512 OF 2005 IN CIVIL APPEAL NO.6608 OF 2003

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

RADHEY SHYAM AND ORS.

Respondent(s)

(With appln(s) for c/delay in filing review petition and office report)

With Writ Petition (C) No.400 of 2003

(With office report)

(For Final Disposal)

Cont. Pet. (C) No.326 of 2003 in Writ Petition (C) No.90 of 1997

(With appln.(s) for c/delay in filing rejoinder affidavit and office report)

(For Final Disposal)

Date: 27/02/2006 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Mohan Parasaran,ASG.

In R.P.:

Mr. K. Radhakrishnan, Sr.Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Rudreshwar Singh, Adv.

Mr. B. Krishna Prasad, Adv.

In W.P. & Cont. Pet.: Mr. P.S. Mishra, Sr. Adv.

Mr. Bijan Kumar Ghosh, Adv.

For Respondent (s)

Dr. Sumant Bhardwaj, Adv.

Mr. Mahesh Pandey, Adv.

Mr. S. Dutta, Adv.

Ms. Mridula Ray Bharadwaj, Adv.

Mr. Mohan Parasaran, ASG.

Mr. K. Radhakrishnan, Sr. Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Rudreshwar Singh, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. D.S. Mahra, Adv.

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UPON hearing counsel the Court made the following

O R D E R

R.P. (C) No.1512/2005 in C.A. No.6608/2003:

Delay condoned.

The review petition is allowed to the extent indicated in the signed order.

No costs.

W.P. (C) No.400/2003 and Cont. Pet. (C) No.326/2003 in W.P. (C)

No.90/1997:

It is admitted that the writ petition and the contempt petition

have been wrongly tagged with Review Petition (C) No.1512 of 2005 in Civil Appeal No.6608 of 2003. These petitions are de-linked and would be listed separately in due course.

[ T.I. Rajput ]

[ V.P. Tyagi

]

A.R.-cum-P.S.

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NO.1512 OF 2005

IN

CIVIL APPEAL NO.6608 OF 2003

Union of India & Ors.

...Petitioner(s)

Versus

Radhey Shyam & Ors.

...Respondent(s)

O R D E R

Delay condoned.

By judgement dated 22nd August, 2003, while disposing of

batch of matters, Civil Appeal No.6608 of 2003 was also disposed

of and directions were issued to the Union of India and the

Railway Administration Units for regularisation of parcel porters.

This petition seeks review of the judgement, which is also reported in 2003 (11) S.C.C.590, insofar as the judgement disposes of Civil Appeal No.6608 of 2003. The contention of the petitioner is that the respondent-employees in Civil Appeal No.6608 of 2003 are not parcel porters and instead are substituted porters. It seems clear from the record that the civil appeal in question is to be heard and decided on its own merits. According to the learned counsel

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appearing for the respondents, the case of his clients is also substantially covered by the judgment dated 22nd August, 2003. We, however, express no opinion on either of the contention. It is evident from the judgement that the aspect of the respondents being substituted porters or not or being parcel porters or not and the effect thereof has not been gone into in the judgement of which review is sought. We, therefore, recall the judgement dated 22nd August, 2003, insofar as the present appeal is concerned which would be heard on its own facts and merits. All pleas would be open to both the parties. Parties are also granted liberty to file additional documents within four weeks.

The review petition is, accordingly, allowed to the extent

above noted.

No costs.

.....CJI.

[Y.K. SABHARWAL]

.....J.

[DR. AR. LAKSHMANAN]

.....J.

[G.P. MATHUR]

New Delhi,

February 27, 2006.