

ITEM NO.4+36 Court 4 (Video Conferencing) Corrected
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.

Mr. Anip Sachthey, Sr. Adv.
 Mr. Aditya Dhawan, Adv.
 Ms. Anjali Chauhan, Adv.
 Ms. Ria Sachthey, 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. Jamshed Pesi Cama, Sr. Adv.*
Mr. Benny P. Thomas, Adv.*
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 Pudussery, 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 01.04.2019* 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