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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of Decision: - 12.8.2015

(1) ***CWP No. 25284 of 2014***

Vijay Kumar and others .....Petitioners

vs.

State of Punjab and others .....Respondents

(2) ***CWP No. 23191 of 2014***

Sukhdev Singh and another .....Petitioners.

vs.

State of Punjab and others ....Respondents.

**CORAM: - HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: - Mr. Gagneshwar Walia, Advocate for the petitioners.

Ms. Puneet Sethi, Addl. AG, Punjab

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**Rajiv Narain Raina, J (Oral)**

This order shall dispose of above mentioned two writ petitions bearing CWP Nos. 25284 and 23191 of 2014 as common question of law and fact are involved in both the cases.

Learned counsel for the petitioners submits that the present petitions are covered by the judgment of Division Bench of this Court in ***Harbans Lal vs. State of Punjab and others***, CWP No. 2371 of 2010, decided on 31.8.2010, wherein it has been held that all employees who are in service on daily wage basis appointed prior to January 1, 2004 would have a right to be declared as members of the General Provident Fund and accordingly vested with a consequential benefits on retirement.

Reliance is also placed on a Single Bench judgment of this Court in CWP No. 23606 of 2012, Suresh Kumar and others vs. State of Punjab and others decided on 10.8.2014 following the decision taken in **Harbans Lal's case (supra)**. It may be noted that the decision in **Harbans Lal's case (supra)** has been upheld by the Hon'ble Supreme Court. However a review petition filed by the State of Punjab is stated to be pending before Supreme Court.

In *para 5* of the written statement, the State has not disputed the said fact of dismissal of the Special Leave Petition but a prayer has been made that the present writ petition may not be decided during the pendency of the Review Petition No. 2038 of 2013 and connected SLP No. (Civil) (CC) No.15975 of 2013 arising out of contempt proceedings in the High Court. I am afraid this request cannot be acceded to since the review application before the Supreme Court is not a regular remedy and once the view of the Division Bench of this Court has been upheld then the judgment of the Supreme Court holds the field and has to be implemented as is the mandate of Article 144 of the Constitution of India that all civil and judicial authorities are to act in aid of the Supreme Court and to faithfully implement the direction issued by it or by upholding the judgment and orders of the High Court.

Consequently, both petitions are allowed in terms of **Harbans Lal's case (supra)** but it goes without saying that they will remain subject to outcome of the review petition and the pending SLP if they are adverse to the petitioner.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

12.8.2015  
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