

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-PIL-4847-2014

Date of Decision: October 30, 2018

Center for Social Change and Equity

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present: Ms. Veena Kumari, Advocate,
for the petitioner.

Mr. Suvir Sehgal, Advocate, for respondent No. 1-UIOI

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. Atul Kaushik, Advocate,
for respondent No. 4.

Mr. J.S. Puri, Advocate,
for respondent No. 5.

Mr. Abhay Gupta, Advocate,
for Mr. Amar Vivek, Advocate,
for respondent No. 7.

Ms. Aakanksha Sawhney, Advocate, and
Mr. Jagdish Rai, Advocate,
for respondent No. 8.

KRISHNA MURARI, C.J. (ORAL)

This petition in the nature of PIL has been filed for a mandamus to command the respondents, namely, Union of India, States of Punjab & Haryana and Union Territory, Chandigarh, to implement the Rashtriya Swasthya Bima Yojna Scheme (for short, '**the Scheme**') in its

true spirit and to provide the benefits to all the workers registered under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Further relief has been claimed to command the respondents to identify the workers from various categories as extended by Annexures P-2 and P-3, to provide the benefit of 'the Scheme' upon the workers from the said categories. Annexure P-2 are the guidelines for merging MGNREGA and BPL data to extend 'the Scheme' to MGNREGA beneficiaries and Annexure P-3 are the guidelines issued by the Ministry of Labour and Employment, Government of India, dated 12.07.2013, for extension of 'the Scheme' for the coverage of certain more categories of workers, such as rickshaw pullers, rag pickers, mine workers, sanitation workers and auto-rickshaw/taxi drivers etc.

Mr. Avinit Avasthi, Assistant Advocate General, appearing for the State of Punjab, on instructions from Mr. Guvinder Pal, Assistant, Punjab Health System Corporation Limited, states that the Union of India has taken a decision to do away with 'the Scheme' and in pursuance to the directions issued by the Hon'ble Apex Court in **Writ Petition (Civil) No. 318 of 2006 (National Campaign Committee for Central Legislation on Construction Labour (NCC-CL) v. Union of India and others)**, a fresh Model Scheme is under consideration of the Union of India and vide letter dated 09.10.2018, information from all the State Governments has been called for in that regard.

It is, thus, apparent that 'the Scheme' has already been scrapped by the Union of India and under the directions issued by the

Hon'ble Apex Court, a new Model Scheme is under active consideration of the Union of India. In our considered opinion this petition for the time being has lost its efficacy, more particularly for the reason that the relief being prayed, i.e. for implementing and extending 'the Scheme', has already been closed. In the circumstances, the proceedings of the present petition stands closed and the same be consigned to records. It is, however, left open to the petitioner to examine the new Model Scheme as and when it is promulgated and in case there is any grievance, the liberty is there to approach the Court afresh.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

October 30, 2018
Pkapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO