

Court No. - 20

Case :- WRIT - A No. - 9133 of 2023

Petitioner :- Panchu Prasad And 2 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Guard Deptt. Lko.
And 3 Others

Counsel for Petitioner :- Shyam Mohan Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard learned counsel for petitioners and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed seeking a direction to the opposite parties to consider and decide their representations in the light of government order dated 18th August, 2023 with regard to reinstatement on the post of Homeguard.

It has been submitted that petitioners were earlier appointed in the years 2007, 1992 and 2011 respectively but F.I.Rd. were lodged against them under various sections and therefore due to government order dated 2nd August, 2012 read with government order dated 2nd September, 2013 petitioners were removed from service on the ground of having criminal back ground. It is submitted that subsequently the opposite parties have issued government order dated 18th August, 2023 whereby it has been provided that such homeguards against whom criminal proceedings are pending but with a maximum punishment seven or below years and in which charge sheet has been filed and such person is on bail, can be retained in service.

It is submitted that since the maximum punishment in the F.I.R. registered against petitioners is only up to seven years, they are covered by the aforesaid government order for which they had submitted individual representations dated 21.10.2023 which are still pending consideration. At present learned counsel for the petitioners restricts their prayer for a final decision with regard to representation.

In view of innocuous prayer being made by learned counsel for petitioners and without entering into the merits of the case, opposite party No. 4 i.e. District Commandant Home Guards District Balrampur is directed to decide representation dated 21.10.2023 of petitioners in the light of government order dated 18th August, 2023 within a period of six weeks from the date a certified copy of this order is submitted before him.

With the aforesaid observations, the writ petition stands **disposed of**.

Order Date :- 29.11.2023

prabhat