

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

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**Civil Writ Petition No.14695 of 2015
Date of Decision:23.07.2015**

Mandeep Singhpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.S.L.Chander Shekhar, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the order dated 03.07.2014 (Annexure P10) passed by respondent No.2, vide which claim of the petitioner for appointment on compassionate grounds, on the demise of his father has since been rejected.

Late Mangal Singh, i.e. father of the petitioner was a volunteer in Punjab Home Guards at District Amritsar. He remained absent from duty continuously since 28.04.2004, without any information, least any sanctioned leave. Concededly, father of the petitioner had passed away on 06.05.2004. In view of the instructions dated 17.02.1998, prevalent at the relevant time, those volunteers who continuously absented from duty for more than 6 days, were considered "call off from duty".

An analysis of the order being assailed (Annexure P10), reveals that Punjab Home Guards is purely a voluntary organisation and its part time members are not permanent/temporary/ad hoc/work charge employees of the Government of Punjab. Thus, being a temporary organisation, Punjab Civil Services Rules, also do not apply to the said part time members. As only Punjab Home Guards Rules 1963/compendium of instructions issued by Government of India, is applicable. And departmental rules do not postulate any employment to the dependants of the deceased volunteer on compassionate grounds. And which is why, claim of the petitioner to post him on duty in place of his deceased father was rejected.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by the competent authority in support of its order dated 03.07.2014 (Annexure P10) is either contrary to the position on record, or is erroneous in law. Nothing is pointed out to show that the dependants of a deceased volunteer engaged in Punjab Home Guards is entitled to seek employment on compassionate grounds.

No interference under Articles 226/227 of the Constitution of India, is warranted. The petition being devoid of merit is accordingly dismissed, in limine.

23.07.2015*neenu***(ARUN PALLI)
JUDGE**