

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.18974 of 2018

Date of Decision:-29.10.2018

Jagraj Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Petitioners.

JASWANT SINGH, J.(ORAL)

Four petitioners, namely, Jagraj Singh son of Bhura Singh, Balwinder Singh, Jagdev Singh and Jagraj Singh son of Gurdev Singh were engaged as Volunteer Home Guards on Daily wage basis on payment of fixed duty allowance for the different periods between 1989 to 1992. They were disengaged/removed from the Rolls on different dates between the period 1991-92 on account of either they remained absent for long periods of time or their services not required.

Now after 26 years, the petitioners are seeking Mandamus for recalling of the petitioners as Home Guards as has been done in the case of some of the discharged Home Guard Volunteers in the year 2010, details of whom, are at P-2. Secondly, it is claimed that the officials, who had illegally removed the petitioners in the year 1991-92, had faced a criminal

Home Guards, who were never brought on the rolls or stood discharged from the rolls. It is claimed that since the said officials have now been convicted and sentenced for such a charge, hence it has to be held that the discharge of the petitioners in the year 1991-92 was illegal.

Counsel for the State, on instructions from Mr. Jatinder Kumar, Superintendent office of ADGP Home Guards, Punjab states that discharged volunteer Home Guards, who were re-engaged in the year 2010 as per the details at P-2 were never removed from the rolls of the Volunteer Home Guards and were re-engaged as and when there were requirement for deputing them at the FCI godowns. She, thus, states that there is no similarity of all facts with the Home Guards mentioned in P-2. It is further pointed out that the mentioned officials, who were convicted were charged for raising fake bills by incorporating fake names as Home Guard Volunteers and as such there is nothing to do with the abandonment of engagement of the petitioners way back in the year 1991-92.

For the aforesaid reasons, no case for invoking the writ jurisdiction is made out.

Dismissed.

(JASWANT SINGH)

JUDGE

October 29, 2018

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>