

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

CWP No.19007 of 2018

Date of Decision:-29.10.2018

Nirbhai 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)

Three petitioners, namely, Nirbhai Singh, Ramesh Kumar @ Harmesh Kumar and Kamarjit Singh were engaged as Home Guard Volunteers on Daily wage basis on payment of fixed duty allowance for the different periods between 1988 to 1994. 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 case some of the discharged Home Guards 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 trial for withdrawing

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 Home Guard Volunteers, who were re-engaged in the year 2010 as per the details at P-2 were never removed from the rolls of the Home Guard Volunteers 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 for the charges of raising fake bills for incorporating fake names as Volunteer Home Guards and as such for 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.

October 29, 2018

Vinay

(JASWANT SINGH)
JUDGE

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