

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

CWP No. 6156 of 2018

Date of Decision: 23.4.2018

Amarjit Singh

...Petitioner.

Versus

Union Territory of Chandigarh and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Inderpal Singh Issar, Advocate
for the petitioner.

ARUN PALLI, J. (ORAL)

The petitioner is aggrieved by an order, dated 30.9.2010 (Annexure P-1), and dated 18.1.2016 (Annexure P-4), vide which, he was discharged from the rolls of Chandigarh Home Guards, and subsequently, his representation for re-enrollment was also declined.

The case set out in the petition is; that the petitioner was enrolled as Home Guard Volunteer in the Chandigarh Home Guards Organisation in the year 2000. An FIR No. 353, dated 1.9.2010, under Sections 341/354/506 IPC, was lodged against him, at the instance of one Ms. Ankuna Sharma. And, as a result, he was discharged from the rolls. However, he was subsequently acquitted, vide order and judgment dated 9.1.2012 (Annexure P-2), by Judicial Magistrate 1st Class, Chandigarh. Which is why, he represented to the department, seeking re-enrollment, which has since been declined.

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Ex facie, the petitioner was acquitted, for the complainant as also the other witnesses had turned hostile. Be that as it may, services of the petitioner were dispensed with almost eight years ago, and as indicated in the impugned order, his prayer for re-enrollment was declined: **“Moreover, as on date there is no vacant post of volunteer in the organisation.”** Further, even the order, dated 18.1.2016 (Annexure P-4), has since been assailed after over two years. Ex facie, the petitioner is speculative in nature. Thus, in the circumstances, no ground is made out to interfere in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition is accordingly dismissed.

Though, in the event, the respondents resort to any fresh recruitment/appointment, needless to assert, the petitioner shall be free to apply and compete for selection/appointment.

23.4.2018
AK Sharma

Whether Speaking/Reasoned:
Whether Reportable:

(ARUN PALLI)
JUDGE

YES / NO
YES / NO