# IN THE HIGH COURT OF MANIPUR
# AT IMPHAL

## WP(C) No.670 of 2020

Nameirakpam Ratankumar Singh, aged about 59 years, S/o (L) N. Babudhon Singh of Kongpal Mamang Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur, now working as Home Guard under the Home Department, Government of Manipur being HG No. 80408.

**……. *Petitioner/s***

**– Versus –**

State of Manipur & 2 Ors.

***…Respondent/s***

BEFORE
**HON'BLE MR. JUSTICE M.V. MURALIDARAN**

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| For the Petitioner/s | : | Mr. M. Hemchandra, Sr. Advocate |
| For the Respondent/s | : | Mr. H. Samarjit, GA |
| **Date of hearing and Judgment & Order** | : | **18.12.2020** |

## JUDGMENT & ORDER
## (ORAL)

Heard Mr. M. Hemchandra, learned Senior Counsel for the petitioner and Mr. H. Samarjit, learned Government Advocate for the respondents. Both

the counsels agreed for final disposal of the writ petition in the admission stage itself.

[2] This writ petition has been filed by the petitioner seeking to consider the service utilization/extension after retirement in respect of the Home Guard personnel, who are in the verge of retirement, in view of the High Court's observation made in W.P.(C) No.191 of 2018 dated 22.1.2020 read with Clause 1.10 of Home Guards Enrolment Policy incorporated under Compendium of Instructions, Home Guards - 1985.

[3] The petitioner was appointed on 6.11.1980 as member of the Home Guard and he was assigned number as HG No.80408 and he is a member of Manipur Home Guards Employees Welfare Association.

[4] The grievance of the petitioner is that the Home Guard personnel who are in the verge of their retirement, on attaining the age of Superannuation which is normally 60 years of age, have been discharging their duties as members of Home Guards sincerely and dedicated their whole life in the service as Home Guards with a meager amount as honorarium for almost 30-40 years. Now many of the Home Guard personnel in the State of Manipur are in the verge of their retirement.

[5] The further grievance of the petitioner is that the service of the Home Guards has to be utilized after retirement in view of the observation of this Court made in W.P.(C) No.191 of 2018 dated 22.1.2020 read with Clause 1.10 of the Compendium of Instructions, Home Guards 1985. The petitioner also alleged that since the service length of hundreds of Home Guards are very short, they are very unfortunate and helpless if the authority has not considered their service utilization/extension after retirement on attaining the age of superannuation.

[6] On 20.5.2020, four Home Guard personnel, who are in the verge of retirement, have submitted a representation to the respondent authorities for consideration of service utilization after retirement on attaining the age of superannuation in recognition of their allegiance towards Home Guards Organization read with Home Guards Compendium in view of the requirement of their service, on humanitarian ground to meet the ends of justice. On 8.7.2020, similar prayer was made by the Home Guard Association before the competent authorities by way of representation, however, the said representation dated 8.7.2020 was not considered till date.

[7] The learned counsel for the petitioner submitted that this Court vide order dated 22.1.2020 in W.P.(C) No.191 of 2018 clearly observed that the State of Manipur may consider increasing the strength of the Home Guard

Force in proportion to the need as on date, besides giving them specialized training in rescue operations, driving work, managing the traffic and various other programmes on par with police personnel. The learned counsel further submitted that in compliance of the order of the Hon'ble Apex Court in Civil Appeal No.2759 of 2015, dated 11.3.2015 and the order of this Court dated 22.1.2020 in W.P.(C) No.191 of 2018, the State Government vide its order dated 29.2.2020 enhanced the duty allowance in respect of the Manipur Home Guard Volunteers to Rs.18,689/- per month.

[8] The learned counsel for the petitioner further submitted that on 20.5.2020, four Home Guard personnel who are in the verge of retirement have submitted representation to the respondent authorities for consideration of service utilization after retirement on attaining the age of superannuation. Similarly, the Home Guard Association has also submitted a representation on 8.7.2020 seeking consideration of service utilization after retirement. Despite the receipt of the said representations, the respondent authorities have not considered the same till date. Hence, a direction may be issued to the authorities to consider the representation dated 8.7.2020.

[9] Heard the submissions of the learned Government Advocate appearing for the respondents and the submissions of the learned counsel for the petitioner.

[10] This Court considered the submissions raised by the learned counsels for the parties and also perused the materials available on record.

[11] The working of the petitioner as Home Guard and the pendency of the representation dated 8.7.2020 of the Home Guards Association for consideration of the service utilization after retirement and the receipt of the representation by the respondent authorities are not in dispute.

[12] Earlier, the Manipur Home Guards Employees Welfare Association filed W.P.(C) No.582 of 2020 for consideration of the service utilization after retirement in respect of Home Guard personnel, who are in the verge of retirement. By the order dated 23.11.2020, after considering the submissions made by the learned counsels for the parties, this Court disposed of W.P.(C) No.582 of 2020 directing the respondents to consider the representation dated 8.7.2020 by giving personal opportunity to the petitioner Association by considering Clause 1.10 of Home Guards Enrolment Policy and the order passed in W.P.(C) No.191 of 2018.

[13] Admittedly, the petitioner Ratankumar Singh has not submitted any separate representation with a prayer for consideration of his service utilization after retirement on attaining the age of superannuation. However, he has referred to the representation dated 20.5.2020 submitted by the similarly situated four Home Guards and the representation dated 8.7.2020 of the Home

Guards Association. Since the grievance of the petitioner for consideration of the service utilization after retirement on attaining the age of superannuation is common to Home Guards in the State of Manipur who are in the verge of retirement, this Court consider it appropriate to entertain the present writ petition.

[14] During the course of arguments, the learned Government Advocate agreed that if this Court directs, they are ready to consider the representation dated 8.7.2020 of the Home Guards Association in terms of the Home Guards Enrolment Policy and also as per the order dated 22.1.2020 passed in W.P.(C) No.191 of 2018. That apart, the matter is covered by the decision in W.P.(C) No.582 of 2020 dated 23.11.2020.

[15] Considering the facts and circumstances of the case, this Court is of the view that if the respondents are directed to consider the representation dated 8.7.2020 submitted by the Home Guards Association, the same would meet the ends of justice. Therefore, without going into the merits and demerits of the case, this Court is inclined to direct the respondents to consider and dispose of the representation dated 8.7.2020 in terms of the Home Guards Enrolment Policy stipulated under Clause 1.10 as well as the order passed in W.P.(C) No.191 of 2018 dated 22.1.2020 and W.P.(C) No.582 of 2020 dated 23.11.2020.

[16] In the result, the writ petition is disposed of and the respondents are directed to consider the representation dated 8.7.2020 submitted by the Home Guards Association in terms of Clause 1.10 of the Home Guards Enrolment Policy and the order of this Court dated 22.1.2020 passed in W.P.(C) No.191 of 2018 and W.P.(C) No.582 of 2020 dated 23.11.2020 after affording sufficient opportunity to the parties concerned and pass orders within a period of 8 (eight) weeks from the date of receipt of a copy of this order. No costs.

[17] Registry is directed to issue copy of this order to both the parties through their whatapp/e-mail.

**JUDGE**

**FR/NFR**

***-Larson***

Yumkham Rother

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