

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2212 of 2020

- Punam Chand Uikey S/o Ramadeen Uikey Aged About 30 Years Presently Posted And Working As Home Guard Rank Sainik B.T. No. 30 (Special Task Force), Attached With The SDRF Durg, Division Durg, District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Director General (Home Guards) Chhattisgarh, Raipur, Chhattisgarh
3. Divisional Commandant (Home Guard And SDRF), Raipur Division Raipur, District Raipur, Chhattisgarh
4. District Commandant Home Guard, Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Varunendra Mishra, Advocate
For State	:	Shri S.C. Verma, Advocate General with Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

03.06.2020

Heard.

1. The challenge in this petition is to the order dated 18.05.2020 (Annexure P-1) whereby the petitioner has been directed to deposit the kit which he was given in capacity of home guard. It is contended that the petitioner is home guard working on honorarium and because of pandemic and lock down the petitioner could not deposit the kit . He further submits that such direction to deposit of kit will amount to termination of service on honorarium by an method otherwise not permitted by the Statute.

2. On the other hand, learned State counsel would submit that the direction is only to deposit certain kit no coercive steps would be taken if it is complied with. It is further contended that if any disciplinary action is contemplated it would be according to the Nagar Sena Kanoon va Niyam, 1947 (Home Guard Law and Rules, 1947) . The counsel would further submit that the petitioner may be directed to deposit the kit and may apprise the authorities with application which would be decided in accordance of law sympathetically and at present the petition is premature as no coercive steps have been taken against the petitioner.
3. Considering the submission of the State, since it has been categorically submitted that the services has not been dispensed with and it is only the administrative order to deposit the kit, in such a situation taking into the lock down which was prevailing as of now the petitioner is directed to submit the kit as directed by the order dated 18.05.2020 (Annexure P-1) within 2 weeks. Since it is stated that deposit of kit would not be treated as termination of the service, it is further directed that the petitioner shall be at liberty to file a representation canvassing his difficulty which would be considered by the respondents sympathetically.
4. The petition is disposed of, however the petitioner shall have the liberty to file a suitable petition in case the cause of action arises against him in future.

Sd/-
Goutam Bhaduri
Judge