

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-25100-2016 (O&M)
Date of Decision: 15.1.2020

Gurmej Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanjeev Patiyal, Advocate for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Pleadings on record would indicate that petitioner was enrolled as a Volunteer Home Guard in the year 1989 and was assigned duty on 17.1.1990. He performed duty up to 7.2.1990 and thereafter did not report. Vide order dated 21.10.2014 (Annexure P-2) petitioner as also certain other Home Guards were recalled and posted with Battalions in different districts across the State. Name of the petitioner figures at Sr. No.21 in the order dated 21.10.2014.

Grievance raised in the petition is that petitioner has not been permitted to join back on the ground that he has attained the age of 58 years.

The precise case projected on behalf of the petitioner is that when he was enrolled initially as a Volunteer Home Guard in the year 1989, he had submitted his date of birth to be 2.6.1963 in the application form and which had been accepted. It is argued that pursuance to recall vide order dated 21.10.2014 (Annexure P-2) the respondent authorities cannot take his date of birth otherwise and to hold him to have exceeded the age of superannuation i.e. 58 years.

Learned State counsel has justified the action in not permitting the petitioner to join back on duty by submitting that at the stage of initial enrollment in the year 1989 as a Volunteer Home Guard there was no insistence upon furnishing of proof of date of birth and the particulars furnished by a candidate in the application form had been accepted. Further contended that after issuance of order dated 21.10.2014 (Annexure P-2) petitioner had been called upon to furnish proof of date of birth. Petitioner at that stage had furnished his Voter I.D Card issued by the Election Commission of India at Annexure P-5 (colly) and which recited his age as on 1.1.2006 to be 50 years. Furthermore, petitioner has also placed on record copy of the Ration Card issued on 1.4.2011 and which reflects age of the petitioner to be 60 years.

In the reply filed on behalf of respondents no.1 to 3, it has been categorically averred in para 2 of the preliminary submissions that 58 years is the maximum age for retention of Home Guard. It has further been averred that the petitioner himself had submitted a copy of the Voter Card in support of his date of birth and which reflected his age as on 1.1.2006 to be 50 years. As such, petitioner was viewed to have completed 58 years of age as on 1.1.2014 i.e. prior to issuance of order dated 21.10.2014 (Annexure P-2). There is no rebuttal at the hands of the petitioner to such averments made in the written statement by way of filing of a replication.

During the course of hearing counsel has placed heavy reliance upon the Aadhar Card at Annexure P-4 issued by the Unique Identification Authority of India showing his date of birth to be 2.6.1963. Counsel is not in a position to inform this Court as regards the date of issue of such Aadhar Card.

Be that as it may, there are different documents placed on record reflecting varying age of the petitioner. In any case there is no dispute that pursuant to the order dated 21.10.2014 (Annexure P-2) having been issued and the petitioner being called upon to furnish proof as regards date of birth, the solitary document furnished by the petitioner was his Voter I.D. Card and which reflected his age as on 1.1.2006 to be 50 years.

In view of the above, This Court does not find any infirmity in the decision taken by the respondent authorities in having not permitted the petitioner to join back as a Volunteer Home Guard on the premise that he had already attained the age of 58 years prior to issuance of the order dated 21.10.2014 (Annexure P-2).

No interference in the matter, as such, is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

15.1.2020

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No