

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 20502 of 2020

Date of Decision: 01.12.2020

Jagjit Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.L.Chander Shekhar, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The petitioner claims that he was appointed as Home Guard in the year 1991, as his father was killed by the terrorists. He absented from the duties w.e.f. 12.04.1994 on account of threats from the terrorists. The petitioner prays that he be permitted to rejoin the duties. Previously, the petitioner, filed Civil Writ Petition No. 984 of 2020 (“Jagjit Singh v. State of Punjab and Others”), which was disposed of, on 17.03.2020, with the following order:-

“Without commenting on merits of the case, this Court deems it appropriate to dispose of the writ petition with the directions to respondent No.3-Director General of Police (Home Guards) to consider and decide the demand stated in legal notice of the petitioner within the period of three months from the date of receipt of certified copy of this order”.

Pursuant thereto, the Commandant General, Punjab Home Guards and Director, Civil Defence, Punjab, has passed a detailed order on

27.07.2020, noticing that the Home Guards is a voluntary citizens' force constituted to help the police to maintain law and order. The Home Guards are not the employees of the State and they are enrolled to perform duties whenever required. It has further been observed that the petitioner remained continuously absent for a period of 26 years. Therefore, he has no right to claim recall on duty.

The petitioner, now, claims that he has filed a departmental appeal against the order passed on 27.07.2020.

Keeping in view the facts of the case, it is apparent that the petitioner is trying to flog a dead horse. Once, the petitioner was never in the employment of the State and he was merely a member of voluntary citizens' force and has remained absent for a period of 26 years, this Court does not find it appropriate to issue any direction. With these observations, the writ petition is dismissed.

(Anil Kshetarpal)
Judge

December 01, 2020

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No