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

**CWP-12507-2021
Date of decision: 21.10.2022**

KARAMVIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. C. Arora, Advocate
for the petitioner.
Ms. Deepali Puri, Addl. A. G., Punjab.

JAISHREE THAKUR, J.

This is a writ petition that has been filed seeking issuance of a writ in the nature of certiorari for quashing letter dated 20.06.2018 (Annexure P-3) as issued by respondent No.3 and letter dated 31.07.2019 (Annexure P-5) as issued by respondent No.5, whereby the representation filed by the petitioner herein seeking reinstatement in service as Home Guard has been declined.

In brief, the facts as stated are that the petitioner herein joined the Punjab Home Guards Department at Malerkotla on 08.05.1991. During the course of his employment, the petitioner suffered from various kinds of illness and was not able to discharge his duties. The name of the petitioner was struck off from the Rolls during the year 1992-93. As there was a need for more Home Guards, a letter dated 18.04.2012 (Annexure P-2) was issued from the Director

General of Police-cum-Commandant General, Punjab Home Guards and Director Civil Defence, Punjab, Chandigarh to Divisional Commandant, Punjab Home Guards, Ferozepur and Patiala asking for necessary instructions to be issued to reinstate 90 Home Guards and the name of the petitioner was reflected at serial No.9 in the list. The petitioner, however, did not join at the relevant time as he was unaware of the aforesaid letter. Thereafter, the petitioner submitted a representation for reinstatement, however, the same was declined. The petitioner herein submitted another representation to the office of Hon'ble the Chief Minister of Punjab, which was forwarded to the Director General of Police-cum-Commandant General, Punjab Home Guards and Director Civil Defence, Punjab, Chandigarh-respondent No.2, which too came to be rejected. Aggrieved against the action of the respondents, the instant writ petition has been filed.

Learned counsel for the petitioner herein would contend that there is a need for Home Guards and the petitioner herein would be entitled to reinstatement considering the fact that his name was recommended as far back as in the year 2012 for reinstatement. It is also submitted that the similarly situated Home Guards have been taken back in service and, therefore, not considering the request of the petitioner is discriminatory and unfair. He further submits that in a similar case **CWP No.23475 of 2015**, titled as **Jarnail Singh versus State of Punjab and others**, decided on **23.02.2017**, in similar circumstances, this Court allowed the petitioners therein to be called back in service as Home Guards by treating their case to be at parity with the other similarly situated persons.

Learned State counsel would submit that similar contention was raised by many other petitioners, who were also Ex-Home Guards, in a subsequent matter **CWP No. 19229 of 2018**, titled as **Joginder Singh and others versus State of Punjab and other**, decided on **06.06.2019** and this Court rejected their claim along with 17 other writ petitions. She would further submit that the District Commander of the Punjab Home Guards (Enrolling Authority) as per the provisions of para 14.4 of Compendium of Instructions can discharge a volunteer from duty at any time, if in his opinion, the services of such a volunteer are not required. It is contended that the Home Guards are not permanent/temporary/adhoc/daily wager employees but are only volunteers. It is further submitted that the petitioner herein, after a long gap of 30 years or so, has filed the instant writ petition to join the department only because the allowances, which are now being paid to the Home Guard volunteers, have been enhanced by the Government.

I have heard learned counsel for the parties and have perused the impugned letters as issued as well as the orders passed by this Court as relied upon by learned counsel for the parties.

The short question involved in this writ petition is whether the petitioner herein would be entitled to reinstatement in service as a Home Guard or not ?

Admittedly, the petitioner herein worked for a very short period as he was appointed as a Home Guard in the year 1991 and stopped working thereafter, in the year 1992 itself on account of his ill health. He did not rejoin the service in the year 2012 when the orders were passed for reinstatement and it is only as late as in 2019 that he has stepped forward seeking reinstatement in

service as a Home Guard claiming the benefit under the letter issued on 18.04.2012 (Annexure P-2) as well as seeking parity with other similarly situated persons.

The arguments of learned counsel for the petitioner herein for reinstatement in service as a Home Guard has no merit. Even otherwise, a Division Bench of this Court in *LPA No.1088 of 2018*, titled as *State of Punjab and others versus Shingara Singh and others*, decided on *07.07.2022*, has recently held that a Home Guard is only a volunteer and would have no right to be recalled back to work after having sat back and not approaching the department.

Consequently, relying on the law as settled by the Division Bench of this Court in Shingara Singh's case (supra), the instant writ petition is dismissed.

21.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No