

117 to 121.

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

1 (117)

CWP-19744-2022

Date of Decision: 05.09.2022

PARVEEN KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

2 (118)

CWP-19758-2022

RAMESH CHANDER

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

3 (119)

CWP-19770-2022

RAKESH KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

4 (120)

CWP-19782-2022

SURINDER PAL

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

5 (121)

CWP-19800-2022

VIJAY KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Deepak Arora, Advocate,
for the petitioner(s).

Ms. Deepali Puri, Additional Advocate General, Punjab.

JAISHREE THAKUR.J (Oral)

By this common order, this Court proposes to dispose of five writ petitions i.e. CWP Nos.19744, 19758, 19770, 19782 and 19800 of 2022 filed by erstwhile Home Guards, who had been appointed between the years 1991 to 1993 and now seeking re-enlistment as such.

Learned counsel appearing on behalf of the petitioners herein would contend that the petitioners herein had worked and served under various battallions as Punjab Home Guards and were allotted belt numbers. Though worked with diligence during the period when the State of Punjab was facing with terrorism, however, they came to be discharged from service thereafter. It is contend that most of the persons discharged have been taken back in service and, therefore, the petitioners herein would be entitled to the same relief.

I have heard learned counsel for the petitioners and have also perused the pleadings as set out.

The petitioners claim to have worked as Home Guards, however, neither their appointment letter is on the record nor the order of discharge.

Taking the petitions at their face value, considering the petitioners having worked as Home Guards, their order of discharge from

duty is still not available. It can safely be presumed that the petitioners herein have not approached the Court immediately after their discharge and have sat back having accepted the same. Merely because some persons were taken back in service in the year 2017 would not give the petitioners herein any cause of action to approach this Court at this stage.

A Division Bench of this Court in LPA No.1088 of 2018 and other connected matters has categorically held that the Home Guards are volunteers and the writ petition filed after an inordinate length of time seeking to challenge their orders of discharge is unsustainable.

In view of the authoritative pronouncement, these writ petitions are dismissed on the ground of delay keeping in view the fact that the petitioners stood discharged as far back as in 1994 or there about.

(JAISHREE THAKUR)
JUDGE

05.09.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No