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

CWP-27284-2018

Date of decision: 15.09.2022

MENPAL AND OTHERS

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raj Kapoor Malik, Advocate
for the petitioners.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The petitioners herein seek to be taken back in service as Home Guards. The petitioners were working as Home Guards till such time as they were removed from service on account of not having necessary qualification in terms of the letter issued dated 06.11.2008 (Annexure P-2).

It is contended by learned counsel for the petitioners that the matter was considered on 16.01.2018 by the Haryana Vidhan Sabha, wherein it was recommended vide Annexure P-5 that the impugned letter be not made applicable qua qualification to the already recruited volunteers . It is contended that a decision has already been taken by the office of the Director General of Police, Haryana to not give any weightage to the said letter other than allowing Home Guards to work up till the age of 50 years.

Learned State counsel would refer to the latest decision of the State Government taken vide letter dated 12.01.2021 Annexure R-1, whereby it has been decided that recommendations of the Haryana Vidhan Sabha that letter dated 06.11.2018 Annexure P-2 would not be applicable to removed Home Guards may be accepted qua the educational qualifications, however the age limit between 18-50 years needs to be adhered to as prescribed under Rule 8 of the Haryana Home Guards Rules, 1980.

In the light of the aforesaid latest instructions of the Government, as contained in letter dated 12.01.2021 (Annexure R-1), the instant writ petition is disposed of with a direction to the respondents to take a decision regarding re-enlisting the petitioners herein, who were removed from service on account of not having the necessary qualification. The respondent-department is directed to consider the case of the petitioners herein within the period of six weeks from the date of receipt of the certified copy of this order and in case, they fall within the criteria, let a positive decision be taken regarding their re-enlisting.

15.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No