

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

(108)

CWP-10471-2024

Date of decision: - 07.05.2024

Sunder Lal and others**....Petitioners****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Bhisham Kumar Majoka, Advocate,
for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

1. Present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned order dated 17.03.2023 (Annexure P-3) passed by respondent No.2, with a further prayer for issuance of a writ in the nature of mandamus directing the respondents to re-instate/re-enroll the petitioners on the post of Home-Guard.

2. Brief facts of the present case are that the petitioners had joined as Home Guards and as per their case, they were relieved from service during the period from 2013 to 2018 and thereafter, they had given a legal notice dated 21.03.2022 (Annexure P-1) and had filed a petition bearing CWP-29965-2022, which was disposed of by a Co-ordinate Bench of this Court vide order dated 23.12.2022 (Annexure P-2)

with a direction to the respondents to take decision on the legal notice dated 21.03.2022 (Annexure P-1) and pass a speaking order on the same. In the said order, it was specifically stated that the same was being passed without commenting on the merits of the case.

3. In pursuance of the said order, a speaking order dated 17.03.2023 (Annexure P-3), which is challenged in the present writ petition, was passed. A perusal of the said order (Annexure P-3) would show that it had been observed in the same that the petitioners had joined their temporary duties voluntarily at various times and the concerned department had already paid the amount to which the petitioners were entitled and nothing was due towards the petitioners. A specific reference was made to the number of days/months for which each of the petitioners had worked. The relevant portion of the order, in which the said details have been mentioned, is reproduced herein below: -

“According to record the aforesaid petitioners had performed their duties on the following dates: -

1. Sh. Sunder Lal provided his temporary services to the concerned department from 03.07.2010 to 07.07.2010, 01.09.2010 to 30.09.2010, 01.10.2010 to 31.10.2010, 10.10.2012 to 15.11.2012, 03.10.2023 to 11.11.2013.

2. Sh. Titu Singh from 14.01.2016 to 17.01.2016 in Panchayat Election.

3. Sh. Vir Singh from 07.01.2016 to 10.01.2016 in Panchayat Election.

4. Sh. Lalaram from 05.10.2009 to 31.10.2009, 01.11.2009 to 30.11.2009, 01.12.2009 to 15.12.2009, 01.06.2010 to 30.06.2010, 03.07.2010 to 07.07.2010, 01.07.2012 to 31.07.2012, 10.10.2012 to 15.11.2012, 01.07.2013 to 31.07.2013, 01.08.2013 to 31.08.2013, 03.10.2013 to 11.11.2013, 11.10.2014 to 15.10.2014.

5. *Sh. Jagan from 17.05.2010 to 20.05.2010, 03.06.2010 to 06.06.2010, 10.06.2010 to 13.06.2010, 30.09.2010 to 01.10.2010, 01.03.2011 to 31.03.2011, 01.04.2011 to 30.04.2011, 08.07.2012 to 17.07.2012, 10.10.2012 to 15.11.2012, 01.01.2013 to 31.01.2013.*
6. *Sh. Deepak from 07.01.2016 to 10.01.2016 in Panchayat Election.*
7. *Nafeesh from 07.01.2016 to 10.01.2016 in Panchayat Election.*
8. *Javed from 07.01.2016 to 10.01.2016 in Panchayat Election.*
9. *Sajid from 07.01.2016 to 10.01.2016 in Panchayat Election as per concerned office record and as per record.*
10. *No record of the Sh. Tejram has been found in the concerned office by the name. So it can be said that Sh. Tejram did not join or provide his services to the concerned department in any manner”*

A perusal of the above would show that petitioners No.3, 7, 8, 9 and 10 had only worked for a few days. Even petitioner No.2 was stated to have worked only from 14.01.2016 to 17.01.2016. It was further observed that the home guards is a voluntary organization and almost all ranks upto company level are volunteers and home guards are only entitled for duty allowance as per the Act, Rules and Regulations applicable and that the petitioners were never appointed/recruited by the concerned department on permanent basis and their duties were temporary. Reliance in the order was placed upon a judgment of the Hon'ble Supreme Court in case bearing ***Civil Appeal No.2759 of 2015***, titled as “***Grah Rakshak, Home Guards Wel. Asso. Vs. State of H.P. and Ors.***”, to reject the case of the petitioners. It is the said order, which has been challenged in the present writ petition.

4. A perusal of the impugned order would show that none of the petitioners were stated to have worked beyond the year 2016. In para No.2 of the writ petition, the dates of relieving of the petitioners from

service are mentioned as below:-

Candidates Name	Date of Relieving
Lalaram	2015
Jagan	2013
Sunder Lal	2013
Tejram	2014
Titu	2018
Vir Singh	2018
Deepak	2018
Nafees	2018
Javed	2018
Sajid	2018

5. No document has been annexed by learned counsel for the petitioners to show that any of the petitioners had worked after 2016. Even assuming some of the petitioners had worked up to 2018, then also, there is an unexplained delay in sending the first legal notice dated 21.03.2022 as well as filing the first writ petition, which was filed at the end of 2022 and also the present writ petition. No justifiable reason has been given in approaching the Court after several years of the date of relieving of each of the petitioners and thus, the present writ petition deserves to be dismissed on the said ground alone.

6. The Hon’ble Supreme Court has repeatedly held that a petition filed after an unexplained lapse of time should not be entertained and mere filing of repeated representations or even directions to decide said representations would not give rise to a fresh cause of action. Reference in this respect may be made to the judgment passed by the Hon’ble Supreme Court of India in “*Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu*” reported as *2014(4) SCC 108* in which one of the grounds for setting aside the

judgment of the High Court was the fact that the petitioner therein had approached the High Court after a delay of 4 years and it was observed by the Hon'ble Supreme Court that it was the duty of the Court to scrutinize whether such an enormous delay is to be ignored and the Hon'ble Supreme Court came to the conclusion that interference by the High Court after a lapse of 4 years was unjustified and that the writ petition should not have been entertained.

7. The Hon'ble Supreme Court of India in the case ***“State of Uttaranchal and another v. Sri Shiv Charan Singh Bhandari and others”*** reported as ***2013(12) SCC 179*** had observed that repeated representations or reply to such representations cannot furnish a fresh cause of action or revive a stale or dead claim and that the issue of limitation or delay should be considered with reference to the original cause of action and not with reference to the date on which an order was passed in compliance of the Court's directions and neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

8. In ***“Chairman, U.P. Jal Nigam and Anr. v. Jaswant Singh & Anr.”*** reported as ***2006(11) SCC 464***, the Hon'ble Supreme Court had rejected the claim of the persons who were guilty of delay and had approached the Courts after some years and had sought to raise the plea that similarly situated persons, who had filed the writ petitions earlier, had been granted the relief.

9. The judgment of the Hon'ble Supreme Court in ***“State of***

Uttaranchal's case (supra)” has further been referred to in the latest judgment of the Hon’ble Supreme Court passed in **State of West Bengal Vs. Debabrata Tiwari and Others reported as 2023-SCC-Online-SC-219**. The relevant portion of the same is reproduced hereinbelow:-

*“37. Whether the above doctrine of laches which dis-entitled grant of relief to a party by Equity Court of England, could disentitle the grant of relief to a person by the High Court in the exercise of its power under Article 226 of our Constitution came up for consideration before a Constitution Bench of this Court in **Moon Mills Ltd. v. M. R. Meher, President, Industrial Court, Bombay, AIR 1967 SC 1450. In the said case, it was regarded as a principle that dis-entitled a party for grant of relief from a High Court in the exercise of its discretionary power under A Article 226Â of the Constitution.***

*38. In **State of M.P. v. Nandlal Jaiswal, (1986) 4 SCC 566** this Court restated the principle articulated in earlier pronouncements in the following words:*

"9. ... the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the Petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this Rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction."

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40. Further, simply because the Respondents-Writ Petitioners submitted their applications to the relevant authority in the year 2005-

2006, it cannot be said that they diligently perused the matter and had not slept over their rights. In this regard, it may be apposite to refer to the decision of this Court in *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, wherein the following observations were made:

"19. From the aforesaid authorities it is clear as crystal that even if the court or tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action. The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time."

10. It would also be relevant to take note of the judgment of the Hon'ble Division Bench dated 07.07.2022 passed in ***LPA-1088-2018*** titled as ***"State of Punjab and others vs. Shingara Singh and others"*** and other connected matters. The said case was with respect to the Home guard Volunteers who had worked in the State of Punjab and in the said case two primary issues were framed. The first being with respect to the maintainability of the writ petitions at belated stage after several years on account of legal notices having been served and the directions having been issued by the Court to consider the same and as to whether the claim would stand barred by delay and laches or not. The second issue which was framed was on the aspect as to whether the Home Guards have any indefeasible right to be recalled for duty on account of certain persons having been taken back or recalled. The Hon'ble Division Bench after considering the law laid down by the Hon'ble Supreme Court in various judgments including that of ***C.Jacob vs. Director of Geology & Min. Indus. Est. and another*** reported as ***2008 (10) SCC 115*** as well as in the ***State of Uttar Pradesh and others vs. Arvind Kumar Srivastava*** reported

as **(2015) 1 SCC 347** observed that the litigation had been initiated at a belated stage and after considering the said aspect set aside the judgment of the learned Single Judge who had entertained and allowed the writ petitions inspite of delay. The relevant portion of the said judgment is reproduced hereinbelow:-

*“2. The present set of appeals arise out of the three different judgments passed by three different learned Single Judges. The relief has been granted vide judgment **dated 23.02.2017 in CWP No. 23475 of 2015, Jarnail Singh vs. State of Punjab and others**. Similarly, in **CWP No. 22640 of 2011, Shingara Singh and others vs. State of Punjab and others dated 25.01.2018**, the relief has been granted to the extent that the learned Single Judge has directed the State to consider the case of the petitioners in terms of cases of Shingara Singh and Paramjit Kumar, who had been recalled on duty as Home Guards Volunteers. The relief has been declined in **CWP No. 19229 of 2018, Joginder Singh and others vs. State of Punjab and others alongwith 17 other cases on 06.06.2019**.*

4. Similarly, CWP Nos. 34587, 21455, 33866, 33579, 33572, 33571, 33565, 33514, 33587, 33508, 32987, 21442, 12888 of 2019 and 672 of 2020 are also placed before us wherein, relief is sought for reemployment as Punjab Home Guards.....

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5. A perusal of the pleadings in CWP No. 22640 of 2011, out of which LPA No. 1088 of 2018 has arisen, would go on to show that the prayer was for absorbing and re-employing the 9 writ petitioners as Home Guards Volunteers as they claimed that they have served for 1 year to 10 years from 1992 and also as Special Police Officers. Their services had been terminated without following proper procedure and without serving any notice....

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*11. Counsels for the Home Guards-writ petitioners have accordingly argued that they were only seeking parity with persons who have been recalled and, therefore, the orders of the learned Single Judge allowing the writ petitions could not be said to be suffering from any illegality which would warrant interference. Reliance was placed upon the judgment in **Sengara Singh and others vs. The State of Punjab and***

others, 1983 (4) SCC 225, wherein, reinstatement had been directed of the Members of the Police Force.

12. *Keeping in view the above, the following two issues would arise for consideration:*

(i) As to whether the writ petitions were maintainable at the belated stage after 15 years, only on account of legal notices having been served and directions issued by this Court to consider the same and whether the claim stood barred by delay and laches?

(ii) That on account of certain persons being taken back or recalled would entitle the persons employed earlier as Home Guards to have any indefeasible right as such to be recalled for duty?

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15. *A co-ordinate Bench, of which one of us was a member, G.S. Sandhawalia, J., had dismissed LPA No. 73 of 2021, Jagjit Singh vs. State of Punjab and another on 30.11.2021 wherein also, there was absence from 1994 after a service of less than 3 years. It had been noticed that the order under challenge passed by the Commandant General, Punjab Home Guard was dated 27.07.2020 whereby, the legal notice dated 06.11.2019 was being rejected in view of the orders passed by the writ Court in CWP No. 984 of 2020 on 17.03.2020. The same was dismissed on 30.11.2021 while also taking into account the judgment of the Apex Court in C. Jacob vs. Director of Geology & Min. Indus. Est. and another, 2008 (10) SCC 115 that the cause of action does not get revived. The relevant portion of the judgment reads thus:-*

“6. Let us take the hypothetical case of an employee who is terminated from service in 1980. He does not challenge the termination. But nearly two decades later, say in the year 2000, he decides to challenge the termination. He is aware that any such challenge would be rejected at the threshold on the ground of delay (if the application is made before Tribunal) or on the ground of delay and laches (if a writ petition is filed before a High Court). Therefore, instead of challenging the termination, he gives a representation requesting that he may be taken back to service. Normally, there will be considerable delay in replying such representations relating to old matters. Taking advantage of

this position, the ex-employee files an application/writ petition before the Tribunal/High Court seeking a direction to the employer to consider and dispose of his representation. The Tribunals/High Courts routinely allow or dispose of such applications/petitions (many a time even without notice to the other side), without examining the matter on merits, with a direction to consider and dispose of the representation. The courts/tribunals proceed on the assumption, that every citizen deserves a reply to his representation. Secondly they assume that a mere direction to consider and dispose of the representation does not involve any 'decision' on rights and obligations of parties. Little do they realize the consequences of such a direction to 'consider'. If the representation is considered and accepted, the ex-employee gets a relief, which he would not have got on account of the long delay, all by reason of the direction to 'consider'. If the representation is considered and rejected, the ex-employee files an application/writ petition, not with reference to the original cause of action of 1982, but by treating the rejection of the representation given in 2000, as the cause of action. A prayer is made for quashing the rejection of representation and for grant of the relief claimed in the representation. The Tribunals/High Courts routinely entertain such applications/petitions ignoring the huge delay preceding the representation, and proceed to examine the claim on merits and grant relief. In this manner, the bar of limitation or the laches gets obliterated or ignored.

7. Every representation to the government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the department, the reply may be only to inform that the matter did not concern the department or to inform the appropriate department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.

8. When a direction is issued by a court/tribunal to consider or deal with the representation, usually the directee

(person directed) examines the matter on merits, being under the impression that failure to do may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor amount to some kind of acknowledgment of a jural relationship' to give rise to a fresh cause of action.

9. When a government servant abandons service to take up alternative employment or to attend to personal affairs, and does not bother to send any letter seeking leave or letter of resignation or letter of voluntary retirement, and the records do not show that he is treated as being in service, he cannot after two decades, represent that he should be taken back to duty. Nor can such employee be treated as having continued in service, thereby deeming the entire period as qualifying service for purpose of pension. That will be a travesty of justice. Where an employee unauthorizedly absents himself and suddenly appears after 20 years and demands that he should be taken back and approaches court, the department naturally will not or may not have any record relating to the employee at that distance of time. In such cases, when the employer fails to produce the records of the enquiry and the order of dismissal/ removal, court cannot draw an adverse inference against the employer for not producing records, nor direct reinstatement with backwages for 20 years, ignoring the cessation of service or the lucrative alternative employment of the employee. Misplaced sympathy in such matters will encourage indiscipline, lead to unjust enrichment of the employee at fault and result in drain of public exchequer. Many a time there is also no application of mind as to the extent of financial burden, as a result of a routine order for back-wages.”

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17. The said principles, thus, would squarely apply to the present litigation which has been initiated at a belated stage and both the learned Single Judges have failed to advert to this fact. It is also settled principle that Article 14 of the Constitution of India does not apply in the negative context and there is no negative equality and a wrong benefit cannot be allowed to multiply. Reliance can be placed upon judgment of the Apex Court in R.

Muthukumar and others vs. The Chairman and Managing Director, Tangedco and others, 2022 LiveLaw (SC) 140 wherein, it was noticed that certain set of persons were already in Court and a compromise was effected on the basis of which, claiming parity, other petitions had been filed. Therefore, while rejecting the said claim of parity, the SLP was dismissed where the benefit had not been granted and allowed where the benefit had been granted by setting aside the judgments of the Madras High Court.”

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20. *The Apex Court in State of Gujarat vs. Akshay Amrit Lal Thakkar, 2006 SCC (L&S) 290, was examining the issue of disengagement of the Home Guards. It was accordingly held that the services were as such honourary and no civil consequences were involved. A similar view was also taken in Jiban Krishna Modal and others vs. State of West Bengal and others, (2015) 12 SCC 74, wherein, also similar observations came and it was held that the organization of Home Guards is a voluntary organization and they could not be regularized in service. Reliance was placed upon the earlier view in State of Manipur vs. Ksh. Moirangninthou Singh and others, (2007) 10 SCC 544, that it was a voluntary citizen force and the view taken by the Delhi High Court in Rajesh Mishra vs. Government of NCT of Delhi, 2002 (4) SCT 249, was approved that there was no master servant relationship and they are not civil servants. The Division Bench of the Delhi High Court in the said case had come to the conclusion that Home Guards could not be said to be civil servants and applications could not be entertained under the Administrative Tribunals Act, 1985.*

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22. *In such circumstances, we are of the considered opinion, by answering the questions above that the writ petitions were reviving a dead cause which was burdened with delay and laches and were not liable to be entertained by the learned Single Judges. The view taken by the learned Single Judge in CWP No. 19229 of 2018, Joginder Singh and others Vs. State of Punjab, decided on 06.06.2019, is a more acceptable view since there is no legal right as such of the writ petitioners whereby they could*

ask for consideration for being recalled as held by the Apex Court that they are volunteers and not regular employees of the State. In the absence of any such legal right, the learned Single Judges were not correct in issuing the necessary directions. As noticed above, the two learned Single Judges as such, while deciding the cases in Jarnail Singh and Shingara Singh, have not taken into consideration the status as such of the Home Guards and their entitlements and their right as such to claim recall specially after a period of over two decades. However, the said respondent has also passed an order in three cases as such considering the claim and rejecting the same on 31.05.2017 (Annexure R-2) which has apparently also not been challenged. Even otherwise, we are of the considered opinion that the said order has kept in mind the factum of the status of the writ petitioners as such and even on merits otherwise not found them fit as such to perform the duties of constabulary having been out of service for the last two decades. The public interest element has also been kept in mind and the fact that they had absented on their own account and duly discharged.

23. In such circumstances, we are of the considered opinion that the reasons given as such are well justified and, therefore, the writ petitions filed for similar relief are also not liable to be allowed.

24. Accordingly, LPA Nos.1088, 1089, 1885, 1886 and 1887 of 2018 of the State are allowed and LPA Nos. 1567, 1571, 1573, 1599, 1624, 1656, 1814, 1815, 1818, 1673, 1754 and 1855 of 2019 of the writ petitioners stand dismissed and CWP Nos. 34587, 21455, 33866, 33579, 33572, 33571, 33565, 33514, 33587, 33508, 32987, 21442, 12888 of 2019 and 672 of 2020 stand dismissed.”

11. A review petition was filed against the said judgment i.e., RALP-15-2022 which was dismissed vide order dated 11.11.2022. The Special Leave Petition (Civil) Diary no.4592/2023 filed against the said judgment dated 07.07.2022 and 11.11.2022 was also dismissed by the Hon’ble Supreme Court vide order dated 13.03.2023.

12. Thus, in view of the above-said facts and also in view of the law laid down in the above-said judgments, the present writ petition deserves to be dismissed on the ground of delay and laches alone.

13. Additionally, it would be relevant to note that it has been observed in the impugned order that the petitioners were never appointed/recruited in the concerned department on permanent basis and were volunteers, who were called for a specific period only and were entitled to duty allowance alone which had already been paid. The petitioners have not been able to refer to any document or material, much less appointment letter etc., to contradict the said finding. It had been held in the judgment of the Division Bench of this Court in LPA-1088 of 2018, the relevant portion of which, more so para No.20, has been reproduced herein above, that the services of the home guards are honourary and no civil consequences follow on their disengagement and that since the organization of home guards is a voluntary organization, no direction could be given to regularize their services. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in **Grah Rakshak (supra)**, in which, while dealing with the case of the appellant therein, who had raised the plea that they had worked for 10-30 years without any break and their services were required to be regularized, the Hon'ble Supreme Court did not grant the relief of regularization and did not interfere with the judgment passed by various High Courts rejecting the said claim. The relevant portion of the said judgment is reproduced herein below: -

“4. The questions involved in these appeals are whether Home Guards of States of Himachal Pradesh, Punjab and N.C.T of

Delhi are regular appointees in the cadre/services of Home Guards and if not whether they are entitled for regularization of their services.

5. *The learned counsel for the appellants have taken the plea that the appellants are working as Home Guards without any break for about 10 to 30 years. In spite of the same, they were not given any benefits available to regular employees. They have neither been granted regular pay scale, nor have their services regularized.*

6. *Per contra, according to learned counsels for the States, the appellants were appointed as Home Guards volunteers, working on honorary basis and hence are entitled only for duty allowance as per the schemes i.e. Acts and Rules framed for the said purpose.*

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15. xxx xxx xxx *However, such contention has been opposed by the learned counsel for the State(s). They relied upon another decision of this Court in **State of Manipur and another v. Ksh. Moirangninthou Singh and others, (2007) 10 SCC 544**. In the said case, the members of the Manipur Home Guards filed different writ petitions in the Gauhati High Court inter alia praying that their services be regularized in the Home Guards and that they be given regular pay scales. In the said case, the Court noticed that Home Guards have been constituted as a voluntary organization for service in emergencies. Their initial appointment was for three years after which it is at the discretion of the Commandant, subject to approval of the Commandant General to reappoint a member of the Home Guards. The Court further noticed that there was a age limit of 50 years. In the said case, the Court held:*

“7. We are of the opinion that in view of the Constitution Bench judgment of this Court in Secy., State of Karnataka v. Umadevi (3)1 this Court cannot direct regularisation in service. Since the court has no power to direct regularisation, it also follows that it has no power to direct grant of benefits payable to the regular employees.”

The Court further held:

“11. A perusal of the provisions of the Home Guards Act and the Rules show that the Home Guards was meant to be a reserve force which was to be utilised in emergencies, but it was not a service like the police, paramilitary force or army, and there is no right in a member to continue till the age of 55 years. We

approve the view taken by the Delhi High Court in Rajesh Mishra v. Govt. of NCT of Delhi.”

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17. *In the cases before us though some of the Home Guards (Grah Rakshak) produced their appointment letters to show that they are serving as Platoon Havaladar for 10 to 28 years, we find that they have been enrolled and there is no appointment on regular basis.*

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22. *In view of the discussion made above, no relief can be granted to the appellants either regularization of services or grant of regular appointments hence no interference is called for against the judgments passed by the Himachal Pradesh, Punjab and Delhi High Courts.”*

14. Even a perusal of Rule 21 of the Haryana Home Guards Rules, 1980 shows that the service in the Home Guards is voluntary. Further, no Rule, Regulation or judgment has been cited by learned counsel for the petitioners in support of the prayer for directing the respondents to re-instate/re-enroll the petitioners on the post of Home Guards. Thus, the prayer of the petitioners for directing the respondents to re-instate/re-enroll them on the post of Home-Guards is misconceived and has no legal basis and deserves to be rejected both on the ground of delay as well as on merits.

15. Keeping in view the above-said facts and circumstances, the present writ petition is meritless and thus, deserves to be dismissed and is accordingly dismissed.

May 07, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? Yes