

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

(248)

CWP-21024-2022

Date of decision: - 15.02.2024

Khurshid

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nafeesh Ahmed, Advocate,  
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

Mr. Aditya Narayan Arya Garg, Advocate  
for Mr. Rahul Sharma, Advocate  
for respondent No.6.

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**VIKAS BAHL, J. (ORAL)**

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to reinstate the petitioner on the post of home guard/volunteer.

2. Learned counsel for the petitioner has submitted that the petitioner wishes to file an appeal before respondent No.2-Commandant General of Home Guards and Director Civil Defence, Haryana against his dismissal from service and prays that he would be satisfied, at this stage, in case respondent No.2 considers the said appeal, in accordance with law, in a specified time frame. It is further prayed that in case the said

appeal is filed by the petitioner within a period of one month from today, then, respondent No.2 be directed not to dismiss the said appeal solely on the ground of limitation.

3. Learned State counsel has submitted that in case any such appeal is filed by the petitioner within a period of one month from today, the same would be considered and decided by respondent No.2, in accordance with law within a period of two months from the date of receipt of the appeal.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to file an appeal before the respondent No.2 within a period of one month from today.
- (ii) In case the petitioner files any such appeal before the respondent No.2 within a period of one month from today, then, respondent No.2 would consider and decide the same, in accordance with law, within a period of two months from the date of receipt of the said appeal and would not dismiss the same solely on the ground of limitation.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.2 would consider and decide the matter independently, in accordance with law.

**February 15, 2024**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No