



CWP-18981-2024
and other connected cases

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112 CWP-18981-2024
Date of decision: 03.09.2024

DALIP SINGH AND ANOTHERPETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-18988-2024

SATISH KUMAR AND OTHERSPETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-19024-2024

VIJAY KUMAR AND OTHERSPETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Kiranjeet Kaur, Advocate
for the petitioners (in all cases) (through V.C.).

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-18981-2024, CWP-18988-2024 and CWP-19024-2024 are being disposed of since issues involved in all the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-18981-2024.
2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 31.07.2024

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(Annexure P-4) whereby petitioners have been discharged from the roll of Punjab Home Guards Organization on attaining age of 58 years.

3. The petitioner claims that by Union Territory of Chandigarh Employees (Conditions of Service) Rules, 2022, age of employees has been increased from 58 years to 60 years but in the State of Punjab, Home Guards are made to retire at the age of 58 years which is in the teeth of Article 14 of the Constitution of India. It amounts to discrimination between two similarly situated employees.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service and submits that as per Rules and Regulations prevailing in the State of Punjab, no Home Guard can be retained beyond the age of 58 years. The Rules and Regulations applicable in the U.T., Chandigarh cannot be transposed to State of Punjab. The Government of State of Punjab is independent from Government governing U.T., Chandigarh.

6. I have heard counsels for the parties and with their able assistance perused the record.

7. The employees of State of Punjab are governed by Rules and Regulations made by State Legislature as well as Director General of Punjab. The Rules and Regulations in the U.T., Chandigarh are made by Central Government. This Court cannot ask State of Punjab to borrow Rules and Regulations applicable in the U.T., Chandigarh. There is no question of discrimination. The petitioners cannot claim parity with employees working in the U.T., Chandigarh.

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8. In the wake of aforesaid facts and findings, this Court is of the considered opinion that instant petitions deserve to be dismissed and accordingly dismissed.

03.09.2024

[JAGMOHAN BANSAL]

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JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No