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

Date of Decision:29.09.2025

CWP No. 8476-2020 (O&M)

Balbir Singh and others

....Petitioners

VS.

State of Haryana and others

....Respondents

CWP No. 22882-2021

Amrit Lal and others

....Petitioners

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Narinder Pal Bhardwaj, Advocate
for the petitioners in CWP- 8476 of 2020

Mr. Pankaj Bali, Advocate
for the petitioners in CWP- 22882 of 2020

Mr. Ravi Partap Singh, D.A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No.8476 of 2020 and CWP No. 22882 of 2021 are hereby adjudicated as common questions of law and facts are involved.



2. The petitioners through instant petitions under Article 226 of the Constitution of India are seeking setting aside of order dated 04.03.2020 (Annexure P-1) whereby Director General, Home Guards-cum-Managing Director Civil Defence, Haryana has declared that retirement age of the volunteers would be 58 years.

3. Mr. Narinder Pal Bhardwaj and Mr. Pankaj Bali, Advocates for the petitioners submit that as per Rule 29 of The Haryana Home Guards Rules, 1980 (for short '1980 Rules'), a member of Home Guard may be discharged on account of grounds mentioned in the said Rules. Physical fitness is prime criteria to be retained in Home Guard. Age is no bar. The respondent has wrongly fixed 58 years outer limit whereas physically fit persons should be retained even beyond 60 years. There is no rationale to fix outer limit of 58 years. The respondent has wrongly declared 58 years as age of retirement. There is no question of retirement. As long as a member is physically fit, he is entitled to continue as member of Home Guards.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. Underpinning of claim of petitioners is Rule 29 of 1980 Rules. For the ready reference, the said Rule is reproduced as under:-

“Discharges. [Section 11(2) (b)]. - (1) A member shall be discharged on completion of the following grounds or may extend the period or his appointing authority may discharge him earlier on any one of the following grounds or may extend the period of his membership :-

(a) physical unfitness;

(b) attaining the age of fifty years;



(c) commission of an act detrimental and prejudicial to good order, welfare or discipline of the Home Guards;

(d) his request with the due notice; provided that a change of residence from one district to another shall not necessarily be a valid ground for discharge and the member concerned shall form part of the Home Guards Unit functioning in the district to which he moves.

(2) Every discharged member shall receive from the appointing authority a discharge certificate in the form specified in Appendix-C.”

6. From the perusal of above-quoted Rule, it is evident that a member is liable to be discharged on attaining the age of 50 years. Physical unfitness is one of the ground to discharge, meaning thereby, a member may be discharged even prior to attaining age of 50 years if he is physically unfit. The said age is not absolute because authorities carry right to extend said period. The authorities by way of impugned communication as per their wisdom have fixed outer limit of 58 years. As per 1980 Rules, standard age is 50 years which may be extended and respondent as per its opinion has fixed 58 years.

7. Use of expression ‘retirement’ in impugned communication does not make any difference. Rule 29 of 1980 Rules provides that a person shall be discharged on attaining the age of 50 years. The member of Home Guards are volunteers, thus, there is no question of retirement, however, Rules have prescribed outer limit to retain anyone as a member of Home Guard.



8. The contention of petitioners that physical fitness is the sole criteria to retain anyone as member of Home Guards is misconceived. Age is also one of the ground to discharge a member. Physical fitness is prime ground which may make anyone ineligible for the post even prior to 50 years. The Rules have contemplated 50 years as outer limit, however, authority exercising its discretion has extended said age to 58 years. The authorities for the purpose of uniformity have opted outer limit of 58 years.
9. There seems no infirmity in the impugned communication. The petitions deserve to be dismissed and accordingly dismissed.
10. The Court is also conscious of the fact that all the petitioners are more than 60 years and few of them are even more than 70 years.
11. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.09.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	