



CWP-9527-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 11.12.2025

Men Pal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 09.02.2023 whereby respondent has re-enlisted few candidates as Home Guards but ignored them.

2. This is second round of litigation. On the earlier occasion petitioners preferred *CWP No.27284 of 2018* which was disposed of vide order dated 15.09.2022. The operative portion of order dated 15.09.2022 reads as: -

“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.



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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.”

3. The respondent re-considered claim of the petitioners in aforementioned petition. Respondent retained 9 out of 31 petitioners. The respondent did not record reason for not retaining present petitioners. As per reply, they were not retained on account of age or height.

4. Learned counsel for the petitioners submits that petitioners are not freshers whereas they had already worked for respondent for more than one decade. The respondent by communication dated 04.03.2020 has increased retirement age from 50 to 58 years. The petitioners who are less than 58 years should be retained. In case respondent has any other opinion, the reasons should be recorded as per Home Guards Act read with rules made thereunder.

5. On being confronted with afore-stated fact and impugned order, learned State counsel submits that competent authority would reconsider claim of the petitioners who are less than 58 years. If they are found eligible, they would be retained and in case authority does not find them eligible/fit, reasons would be recorded and communicated to them.

6. Learned counsel for the petitioners agrees to the aforesaid arrangement.

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7. In the wake of statement of both sides, the petition stands disposed of.

(JAGMOHAN BANSAL)

JUDGE

11.12.2025

Mohit Kumar

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