



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

CWP-12013-2020 (O&M)

Date of Decision: 15.12.2025

Dharam Chand

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sarthak Gupta, Advocate (*Amicus Curiae*).

Mr. Ravi Partap Singh, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 18.09.2019 and 19.09.2019 whereby he was terminated from the post of Home Guard.

2. The petitioner joined Haryana Home Guard in 2012. He was terminated vide order dated 18.09.2019 passed by District Commandant, Haryana Home Guard, Palwal. He filed **CWP No. 36157 of 2019** which was disposed of vide the order dated 17.02.2020 with a direction to respondent to treat petitioner's representation as appeal and decide within two months. The petitioner remained non-cooperative before Appellate Authority, thus, his appeal was dismissed vide the order dated 16.06.2020.

3. Learned counsel for the petitioner submits that petitioner was terminated without following procedure contemplated by Rule 25 of Haryana Home Guard Rules, 1980 (for short '1980 Rules'). He was not issued any chargesheet. No inquiry was conducted. No opportunity of

hearing was granted and straightway impugned order of termination was passed. He made allegations of corruption against respondent No.6. Two FIRs were registered against respondent No.6 including one in 2022. He was convicted by trial Court in FIR registered in 2002, though later on was acquitted by this Court by granting benefit of doubt.

3. *Per contra*, learned State counsel submits that petitioner was always disobedient to orders of superior Officers. He used to circulate abusive audios on social media. The authorities under compelled circumstances dismissed him from service.

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

5. The termination of Home Guards is governed by Rule 25 of 1980 Rules which is reproduced as below:

25. Offences and punishment.-

(1) The following shall be deemed to be offences on the part of the members when undergoing a course of training or performing duty, namely:-

(a) failure to respond to call up notices without any responsible cause;

(b) failure to report for training/duty at the proper time and at the specified place;

(c) disobedience of orders of lawful command given by superior officers;

(d) threatening or using of violence or improper language against any member;

(e) being found in a state of intoxication;

(f) misuse or illegal disposal of any property belonging to the State or Home Guards;

(g) knowingly furnishing a false report in regard to Home Guards under his command or charge or any money, arms, ammunition, clothing, stores, or other property in his charges;

(h) failure to return property or any weapon or uniform issued to him;

(i) failure to show proper courtesy towards public;

(j) conduct or behaviour prejudicial and disgraceful to the Home Guards.

(2) The following punishments may be imposed by the appointing authority on members for any offence, namely:-

(a) reprimand;

(b) extra duty;

(c) suspension;

(d) reduction of rank;

(e) dismissal;

(3) The penalties indicated above shall be imposed after proper proceedings by the District Commandant.

(4) The members on whom any of the aforesaid punishment is imposed may, within a period of thirty days of the communication of the orders to him, appeal to the office, immediately superior to the authority imposing the punishment.

(5) The proceedings for the investigation of the offences shall be regulated under the general orders of the Government unless special orders, if any, are issued in this respect.”

6. As per aforesaid Rule, the petitioner could be dismissed for disobedience of orders of lawful command given by superior officers. The respondents dismissed him from service invoking Rule 25(1)(c) of 1980 Rules, however, did not follow procedure contemplated under Sub-Rules (3) and (5) of Rule 25 of 1980 Rules. There was allegation against the petitioner that he had circulated abusive audio on social media. The petitioner is claiming that if it is proved that it was petitioner's voice or

he had made said audio, he may be dismissed from service. The respondent had framed him. The alleged audio did not belong to him.

7. The respondent was duty bound to conduct inquiry to find out whether petitioner had actually circulated or made alleged audio. The matter was referred to Chandigarh Police, however, there is no report of Chandigarh Police. In these circumstances, the impugned order of termination from service cannot be justified. The respondent should conduct inquiry to find out whether petitioner had ever circulated abusive audio on social media or not. If it is found that he was mastermind for creating or circulating alleged audio, he would be liable to be dismissed from service. In the absence of evidence of his involvement, he should not be awarded punishment of dismissal from service.

8. The respondent as noted above would conduct inquiry to find out the truth. It would be completed within three months from today. It is made clear that during the pendency of aforesaid inquiry, the petitioner shall not be deemed to be reinstated. He would be permitted to join the inquiry. He would cooperate in the inquiry and shall not seek adjournment or avoid proceedings on one or another ground.

9. ***Disposed of.***

10. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.12.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No