



CWP-31307-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-31307-2025

Date of Decision: 11.11.2025

Pawan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Veena Hooda, Advocate for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. On 27.10.2025, this Court passed the following order: -

“The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 09.09.2025 (Annexure P-9) whereby respondent has rejected his request for enlistment.

The petitioner, in 2007, joined as Member of Home Guards. He underwent training from 15.01.2014 to 20.01.2014. One person namely Prem Singh lodged complaint against SPO Sunehra and the petitioner. The said complaint was filed on 29.05.2017 and immediately he was removed from service. He claims that he should be reinstated. He was not served any show cause notice or granted opportunity of hearing. He filed representation on 18.09.2020 seeking reinstatement. DSP, Safidon conducted inquiry and vide report dated 22.08.2023 opined that petitioner was not at fault and was wrongly dismissed from service. Respondent No.3 directed the respondent No.4 to upload data/information of the petitioner. He preferred CWP No.19176 of 2025 before this court which was disposed of vide order dated 11.07.2025 on the basis of statement of respondent that competent



authority would consider case of petitioner and pass an appropriate order in the light of inquiry report dated 22.08.2023 of DSP, Safidon. The respondent by impugned order has rejected claim of the petitioner on the ground that he has exceeded maximum age of 50 years, thus, cannot be enlisted as member of Home Guards.

Learned State counsel seeks short accommodation to ascertain whether member of Home Guards may be retained upto 55 years or 58 years.

Adjourned to 11.11.2025.”

2. Learned State counsel submits that as per applicable Rules, a member of Home Guard may be retained till the age of 58 years, however, the petitioner cannot be retained because he has already turned 50 and as per Rule 8 of Haryana Home Guards Rules, 1980 (for short ‘**1980 Rules**’), no person can be enlisted as member unless he has attained age of 18 years and is below 50 years.

3. On being asked, learned State counsel confirmed that petitioner was found innocent in the investigation conducted by Deputy Superintendent of Police with respect to complaint of Prem Singh.

4. The respondent is relying upon Rule 8 of 1980 Rules while denying re-enlistment of the petitioner. Rule 8 reads as: -

“8. No person shall be enlisted as a member unless he has attained the age of eighteen years and is below fifty years:

Provided that the age limit prescribed above may be relaxed by the Commandant-General in suitable cases.”

5. From the perusal of Rule 8 of 1980 Rules, it is evident that it is applicable at the stage of enlistment. It is not a case of enlistment. Question

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of enlistment is at the first stage i.e. first appointment. It is a case where petitioner was working with respondent since 2007 and was discharged in 2017 on the basis of a complaint which was ultimately found false. Case of the petitioner is not covered by Rule 8 of 1980 Rules. If he is not enlisted merely on the ground of age, it would be grave injustice with him because it would amount to holding him guilty in a false complaint.

6. There is another aspect of the matter. The petitioner filed representation seeking re-enlistment on 18.09.2020. At that point of time, he was not 50 years old. The respondent did not consider his claim despite favourable report. The respondent has passed impugned order on the direction of this Court. Now the petitioner has crossed age of 50 years. The respondent can retain members of Home Guards till the age of 58 years. Claim of petitioner should be considered in the light of report of Deputy Superintendent of Police and representation dated 18.09.2020.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Order dated 09.09.2025 (Annexure P-9) is hereby set aside. The respondent is directed to consider the petitioner for enlistment. Let the needful be done within four weeks from today.

(JAGMOHAN BANSAL)
JUDGE

11.11.2025*Mohit Kumar*

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