

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241 (8 cases)

CWP-28754-2022
Date of Decision: 13.01.2026

Satnam Chand and others

...Petitioners

Versus

State of Haryana and another

...Respondents

With

Sr. No.	Case No.	Petitioners	Respondents
2.	CWP-17026-2022	Ram Niwas and others	State of Haryana and others
3.	CWP-2159-2023	Rakesh Kumar and others	State of Haryana and others
4.	CWP-26862-2022	Rambir and others	State of Haryana and another
5.	CWP-7050-2023	Kulwinder Singh and others	State of Haryana and another
6.	CWP-32540-2024	Bhajna Ram and others	State of Haryana and another
7.	CWP-31200-2024	Sarvesh Kumar and others	State of Haryana and another
8.	CWP-12890-2025	Gian Singh and others	State of Haryana and another

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sunil Kumar Nehra (Sirsa), Advocate for the petitioners
(in CWP-28754-2022)

Mr. Manish Dhankar, Advocate for the petitioners
(in CWP-31200-2024 & CWP-12890-2025)

Mr. Ravinder Hooda, Advocate for the petitioners
(in CWP-32540-2024)

Mr. Punit Malik, Advocate for petitioners
(in CWP-12890-2025)

Mr. Manvender Rathi, Advocate for the petitioners
(in CWP-26862-2022 & CWP-7050-2023)



Mr. Anant Singh, Advocate,
Mr. Arun Yadav, Advocate
Mr. Rishab Singh, Advocate and
Mr. Sidharth Sehgal, Advocate for the petitioners
(in CWP-17026-2022 & CWP-2159-2023)

Mr. Partap Singh, Advocate
for petitioner No.2 in CWP-17026-2022
and petitioner No.48 in CWP-2159-2023

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.28754 of 2022*.

2. The petitioners through instant petition under Articles 226 of the Constitution of India are seeking setting aside of order dated 12.09.2022 (Annexure P-14) whereby respondent has rejected their claim for regularization.

3. The State Government in 2004 accorded permission to fill up 819 posts of Constables in Haryana Armed Police. 815 candidates were declared successful by Recruitment Board. 61 candidates were issued appointment letter, however, remaining could not be issued because of effectuating of Model Code of Conduct for Assembly Elections. In 2005 to allay apprehension of illegalities expressed by different quarters, the State Government decided to conduct inquiry with respect to selection of 815 Constables in Haryana Armed Police. In the inquiry, it was found that selection of candidates was made contrary to Rules and Regulations. The Government decided to cancel selection of all the candidates including those who had already joined service. Successful candidates filed writ petitions



before this Court which came to be dismissed. They preferred Intra Court Appeal which further came to be dismissed. In 2017, State Government vide order dated 29.06.2017 decided to engage 100 Special Police Officers out of Ex-Serviceman of Army, Ex-Constables of disbanded Haryana State Industrial Security Force and Haryana Armed Police (2004 batch). The petitioners were selected as Constables in 2004 in Haryana Armed Police and their selection, as afore-stated, was cancelled, thus, they formed corpus for the selection of Special Police Officers as per order dated 29.06.2017 of the State Government. The respondent issued enrollment letter to the petitioners and they joined service in August' 2017. It is apt to mention here that few petitioners of connected petitions joined service in 2016 and they were not appointed pursuant to aforesaid letter dated 29.06.2017. The petitioners are working as Special Police Officers since August' 2017. The respondent time and again has extended their tenure of service. Lastly, their tenure was extended upto 30.06.2027 vide memo dated 12.11.2024. The said memo reads as: -

*"The Director General of Police,
Haryana, Panchkula*

*Memo No.7/16/2016-3HGI
Dated, Chandigarh 12.11.2024*

*Subject:- Sanction for continuation of 11,000
Special Police Officer (SPOs) in Police
Department.*

*Reference your letter no.6852/Acctts-2 dated
26.06.2024 and no.9376/Acctss-2 dated 13.09.2024 on
the subject noted above.*

*2. After careful consideration of the matter,
Government has decided to grant approval to your
proposal for continuation of 11,000 Special Police
Officers (SPOs) coterminous upto 30.06.2027. For
those 9,000 (4500+4500) SPOs extension has already*



been granted by the Government vide letters even no. dated 07/12.03.2024 and 07.08.2024, extension is further granted upto 30.06.2027. For the rest of 2,000 SPOs extension is granted for a period from 15.08.2024 to 30.06.2027.

Sd/-

*Superintendent-cum-Section Officer, Home
for Additional Chief Secretary to Govt. Haryana,
Home Department”*

4. Learned counsel for the petitioners submit that petitioners are getting lumpsum salary of ₹20,000/- per month. They are discharging duties of ordinary police officers. They have same powers, privileges and amenities and liable to same duties and responsibilities as an ordinary police officer, however, they are paid meager amount of ₹20,000/- per month which is less than even paid to Home Guard Volunteers. They were appointed in terms of Section 21 of Haryana Police Act, 2007 (for short ‘**2007 Act**’) and have undergone prescribed training. They are working at par with Constables. Neither a Constable can be Investigating Officer nor are they, thus, for all intents and purposes, they are performing duties of Constable still neither assigned constabulary number nor paid salary as payable to Constables. They are not even paid minimum of pay scale as per judgment of Hon’ble Supreme Court in ***Grah Rakshak Home Guards Welfare Association v. State of H.P. and others, 2015 (6) SCC 247***. The State Government has enacted Haryana Contractual Employees (Security of Service) Act, 2024 (for short ‘**2024 Act**’) which came into force w.e.f. 14.08.2024. As per said Act, every employee who has completed 5 years service by appointed date i.e. 15.08.2024 is entitled to security of service. He is entitled to be retained upto the age of 58 years. He cannot be terminated without issuing show cause notice. The petitioners completed 5 years service by 15.08.2024, thus, they should be extended benefit of aforesaid Act.



5. *Per contra*, learned State counsel submits that petitioners were appointed as Special Police Officers under Section 21 of 2007 Act. Their appointment was made under a particular Statute, thus, they cannot claim benefit of 2024 Act. As per Section 21(2)(c) of 2007 Act, they are entitled to honorarium as prescribed by State Government. They cannot claim minimum of pay scale with dearness allowance as paid to Home Guards. They cannot claim regularization because there is no regular or sanctioned post of Special Police Officer. The criteria for appointment of Constables is different from Special Police Officer, thus, they cannot be regularized as Constables. The petitioners, during the course of hearing, have raised claim of salary and security of service whereas in the writ petition they have claimed regularization.

6. Heard the arguments and perused the record.

7. The conceded position emerging from the record is that the petitioners joined Haryana Police Department during 2016-17 as Special Police Officers. They are uninterruptedly working since then. Their service tenure has been extended upto 30.06.2027. They are not involved in any criminal case. No departmental inquiry is pending against them. They were imparted training as per Section 21(2) of 2007 Act. They are discharging duties which are ordinarily discharged by Constables. They are paid lumpsum amount of ₹20,000/- per month. They have same powers, privileges and amenities as are available to ordinary police officers.

8. The petitioners were appointed in terms of Section 21 of 2007 Act which reads as: -

“21. (1) The Superintendent of Police of a district or any officer, specially empowered in this behalf by the State Government, may, at any time by a written order



issued under the hand and seal of such officer, appoint, for a period as specified in the appointment order, any able-bodied, educated and willing person between the age of 18 and 50 years, whom he considers fit to be a Special Police Officer to assist the service.

(2) *Every special police officer so appointed –*

- (a) *shall on appointment, undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf;*
- (b) *shall have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer;*
- (c) *shall be honorary. However the State Government, may be special order, prescribe the honorarium to be paid to such special police officers;*
- (d) *who refuses to act as a special police officer or neglects his duties, shall be liable on conviction by a court to a fine of minimum of one thousand rupees.”*

9. Home Guard Volunteers are appointed as per Haryana Home Guards Act, 1974 read with Haryana Home Guard Rules, 1980. As per said Act and Rules, Home Guards are volunteers. They can do private job besides service with the State Government. They are primarily recruited to meet with emergent situations like flood, fire and famine. Even Government employee or student can join as member of Home Guards. Question of regularization and salary of Home Guard Volunteers came up for consideration before the Supreme Court in ***Grah Rakshak (supra)***. The Supreme Court held that Home Guards cannot claim regularization because



of their nature of job, however, they are entitled to minimum of pay scale including dearness allowance. Relevant extracts of the judgment read as: -

“37. It is not the case of the State Government that enrolment/appointments of the Home Guards were back door engagement and illegal made in violation of Articles 14 and 16 of the Constitution of India. Therefore, the decision of this Court in State of Karnataka v. Umadevi (3)(2006) 4 SCC 1 is not applicable in the case of the appellant Home Guards. Admittedly, there is no concept of wages. These volunteers are paid duty allowance and other allowances to which they are entitled. There is nothing on the record to suggest that they performed duties throughout the year.

38. On the other hand, it is the specific case of the State that as and when there is requirement they were called for duty and otherwise they remained in their homes. Therefore, in absence of any details about continuity of service, month-to-month basis or year-to-year basis, the duties and responsibilities performed by them throughout the year can neither be equated with that of the police personnel.

39. In view of the discussion made above, no relief can be granted to the appellants either for regularisation of services or for grant of regular appointments, hence no interference is called for against the judgments [Grah Rakshak Home Guards Welfare v. State, WP (C) No. 645 of 2005, order dated 26-5-2008 (HP); Hardev Singh v. State of Punjab, 2013 SCC OnLine P&H 2918; Daya Singh v. State of Punjab, WP (C) No. 7365 of 2013, order dated 8-4-2013 (P&H); Balbir Singh v. State of Punjab, WP (C) No. 12859 of 2013, order dated 31-5-2013 (P&H); Anant Prasad v. Union of India, 2013 SCC OnLine Del 314; Surender Kumar v. Govt. (NCT of Delhi), WP (C) No. 3007 of 2010, order dated 20-5-2013 (Del)] passed by the Himachal Pradesh, Punjab and Delhi High



Courts. However, taking into consideration the fact that Home Guards are used during the emergency and for other purposes and at the time of their duty they are empowered with the power of police personnel, we are of the view that the State Government should pay them the duty allowance at such rates, total of which 30 days (a month) comes to minimum of the pay to which the police personnel of the State are entitled. It is expected that the State Governments shall pass appropriate orders in terms of aforesaid observation on an early date preferably within three months.

[Emphasis Supplied]

10. In the aforesaid judgment, the Supreme Court declined prayer of members of the Home Guards to regularize them on the ground that they were called for duty as and when there is requirement otherwise they remain at their home. The Court further directed the respondent to grant duty allowance equal to minimum of the pay to which police personnel are entitled. In the subsequent order dated 04.05.2016 passed in ***Tej Singh and others v. Sarvesh Kaushal and another, 2016 SCC OnLine SC 1985***, Hon'ble Supreme Court clarified that Home Guard Volunteers would be entitled to minimum of pay scale including dearness allowance.

11. In view of directions of Supreme Court, members of Home Guards are getting minimum of pay scale and dearness allowance. The petitioners were appointed in terms of Section 21 of 2007 Act. They are working without interruption since 2017. They are discharging same duties and responsibilities which are discharged by Constables. They are entitled to honorarium as prescribed by the State Government. They are neither part time nor daily wage workers. Their duties and responsibilities as well as nature of job by no means are less than members of Home Guards, thus, they cannot be paid honorarium less than paid to members of Home Guards. It is



apt to mention here that members of Home Guards are also paid honorarium because they are volunteers. The judgment of Supreme Court in ***Grah Rakshak (supra)*** is squarely applicable to the petitioners, thus, they are entitled to minimum of pay scale plus dearness allowance as paid to the members of Home Guards.

12. The petitioners on one hand are claiming regularization and on the other security of service as per 2024 Act. In view of the fact that there are no sanctioned/regular posts of Special Police Officers, the petitioners, who are 11,000 in number, cannot be ordered to be regularized, however, their prayer *qua* security of service as per 2024 Act needs to be considered. As per Section 2(a) of 2024 Act, appointed date means 15.08.2024. As per Section 3, a contractual employee is eligible if he has completed at least 5 years of service in government organization on full time basis as on the appointed date. ‘Government’ as per Section 2(e) means Government of the State of Haryana and ‘Government Organization’ as per Section 2(f) means a Department, Board, Corporation or Authority under which the eligible contractual employee was working on the date of commencement of the Act. Sections 2(a), 2(e), 2(f) and 3 of 2024 Act are reproduced as below: -

“2. In this Act, unless the context otherwise requires,-

(a) “appointed date” means the 15th August, 2024;

XXXX XXXX XXXX XXXX

(e) “Government” means the Government of the State of Haryana in the Human Resources Department;

(f) “Government Organization” means a department, board, corporation or authority under which the eligible



contractual employee was working on the date of the commencement of this Act;

3. The eligible contractual employee shall be an employee who,-

(i) (a) has been engaged on contract by the Government Organization and is in the service of such Government Organization on the appointed date and receiving remuneration upto Rs. 50,000/- per month; or

(b) is deployed by the Haryana Kaushal Rozgar Nigam under the Deployment of Contractual Persons Policy, 2022 and is in the service of a Government Organization on the appointed date;

(ii) has completed at least five years service in the Government Organization on full time basis as on the appointed date.

Explanation 1.- The period of service shall be considered as the period for which remuneration was made, directly or indirectly, by the Government Organization to the eligible contractual employee and shall include the period of any leave approved by the competent authority.

Explanation 2.- For the purposes of calculation of the number of years of engagement, a contractual employee who has received remuneration for at least 240 days in a calendar year shall be deemed to have worked for the entire year,

but shall not include an employee who,-



- (i) *has been engaged under Centrally Sponsored Schemes paid in part or full by the Central Government; or*
- (ii) *has been engaged on honorarium basis; or*
- (iii) *has been paid remuneration for service rendered on a part time basis by the Government Organization; or*
- (iv) *has attained the age of fifty-eight years on the appointed date; or*
- (v) *has been terminated or removed by the appropriate authority on or before the date of commencement of this Act.”*

13. The petitioners are working with Haryana Police which is part of Home Department meaning thereby they are working with a Government Organization. On 15.08.2024, they were in service and had completed 5 years service, thus, they fall within definition of eligible employee. Their claim needs to be considered by the State Government.

14. In the wake of above discussion and findings, this Court is of the considered opinion that petitioners are not entitled to be regularized as Special Police Officers or Constables, however, are entitled to salary as per judgment of Supreme Court in ***Grah Rakshak (supra)*** and their claim of security of service as per 2024 Act needs to be considered. Accordingly, all the petitions are disposed of with a direction to respondents to pay the petitioners honorarium/salary w.e.f. 01.02.2026 as per judgment of Supreme Court in ***Grah Rakshak (supra)*** and consider their claim for security of service in terms of 2024 Act within 6 months from today by passing a speaking and reasoned order.

15. To avoid filing of petitions by similarly situated Special Police Officer(s), it is hereby made clear that above directions shall be applicable to all the Special Police Officers who are working with respondents.

(JAGMOHAN BANSAL)
JUDGE

13.01.2026
Mohit Kumar

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