



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2781 of 2021

Dhanraj Das Sahu, S/o Laxman Das, Aged About 60 Years
Presently posted and working as Home Guard (VPC- Volunteer
Platoon Commandant) Batch No. 100, Home Guard
Headquarters, Sector-19, Atal Nagar, Raipur Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Secretary, Department Of Home, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director General of Police, Police Headquarters, Sector-19, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Director General (Home Guard), Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Inspector General, Home Guard, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Division Commandant, Home Guard, Division Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
6. District Commandant, Home Guard, District Office, Kabeerdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondents

For Petitioner : Mr. Varunendra Mishra, Advocate.

For State : Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

25.05.2023

1. The petitioner, who is Home Guard in the State of Chhattisgarh, has filed this petition claiming relief to extend the age of retirement from 60 years to 62 years at par with the other similarly situated employees of the State Government.
2. Learned counsel for the petitioner would submit that the petitioner is serving as auxiliary Force to the Police in maintenance of internal security situations, help the community



in any kind of emergency, promote communal harmony and assist the administration in protecting weaker sections and he is discharging his duties similar to other departments like police, CRPF etc. He would also submit that his services are governed by Central Provinces and Berar Home Guard Rules, 1947 and according to Rule 15, he is Home Guards and Government servants. He would also submit that prior to 1998, age of retirement of Government servant was 58 years and thereafter, it was enhanced to 60 years and same benefit was granted to the Home Guards and now, age of retirement of the Government servants has been extended from 60 to 62 years, therefore, petitioner is also entitled to get same treatment and same benefit. Thus, learned counsel for the petitioner would submit that a writ of mandamus may be issued in favour of the petitioner directing therein the State Government to amend the Rules and extend the age of retirement from 60 to 62 years.

3. On the other hand, learned counsel for the State would submit that the petitioner, who is Home Guards, he is not Government servant. Home Guards are getting honorarium of Rs.13,500/- per month as they are not Government servants, therefore, they cannot claim parity with the Government servants. He would further submit that a policy decision in this regard may be taken by the State Government, if the petitioner approaches the State authority by making representations, his grievance may be considered.
4. I have heard learned counsel for the parties and perused the documents.
5. Considering the fact that the petitioner were appointed on the post of Home Guard and he is are getting meager honorarium of Rs.13,500/-. He is working along with Police Force in all situations as stated above by learned counsel for the petitioner, even though they have not been declared Government servants. Considering the fact that the State Government can take any policy decision with regard to extension of age of retirement from



60 to 62 years, it would be appropriate to dispose of this petition, reserving liberty in favour of the petitioner to make detailed representation before respondent No.1 and in turn, respondent No.1 is directed to consider the representation made by the petitioner in objective manner and to pass order(s) strictly in accordance with law preferably within a period of 60 days from the date of receipt of copy of this order.

6. With the aforesaid observations and directions, the petition stands disposed of.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge

