



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3440 of 2023**

Bhagwat Prasad Soni S/o Late Basdeo Soni Aged About 60 Years
Post Sainik, Batch No. 190 Currently Posted At Nagar Sena Karyalay
(Home Guard), Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through The Secretary Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Director General Home Guard Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh
4. Inspector General Home Guard Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh
5. Divisional Commandant Home Guard, Collectorate Premises Raipur, District - Raipur Chhattisgarh
6. District Commandant Home Guard, District Office, Dhaba Road, District - Rajnandgaon Chhattisgarh

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Sunil Verma, Advocate.

For Respondent-State : Mr. R.M. Solapurkar, Government Advocate.

Hon'ble Shri Rakesh Mohan Pandey, Judge

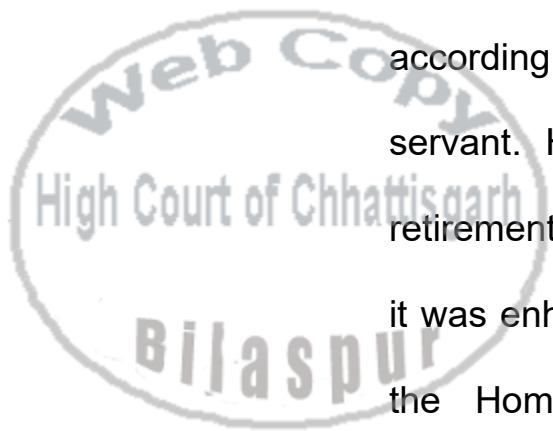
Order on Board**29.05.2023**

1. The petitioner, who is Home Guard in the State of Chhattisgarh, has filed this writ 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 he is governed by Central Provinces and Berar Home Guard Rules, 1947 and according to Rule 15, he is Home Guard and Government servant. 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 Guard 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 petitioners 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 Guard, he is not a Government

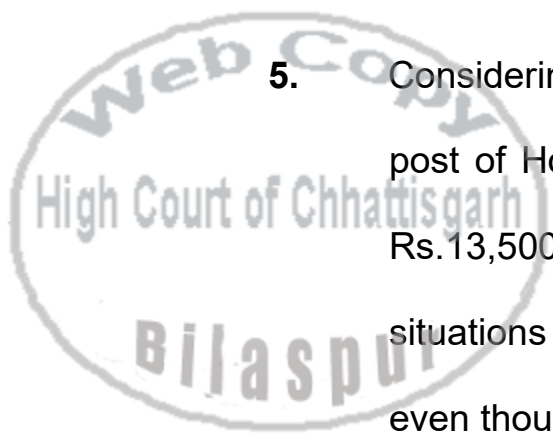




servant. Home Guard is getting honorarium of Rs.13,500/- per month as he is not a Government servant, therefore, he cannot claim parity with the Government servants. He would further submit that a policy decision in this regard may be taken by the State Government, if the petitioner approaches the State 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 was appointed on the post of Home Guard and he is 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 he has not been declared as Government servant. 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 writ petition, reserving liberty in favour of the petitioner to make a 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 / directions, writ petition stands disposed of.
7. In view of above, I.A. No.02, an application for hearing the case during summer vacation and I.A. No.03, an application for urgent hearing, stand disposed of.

Sd/-

(Rakesh Mohan Pandey)
Vacation Judge

Anu

