

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 608 of 2020**

Mahendra Kumar Dubey S/o Shri Ramjharokha Dubey Aged About 60 Years Home Guard, Bilaspur Chhattisgarh Presently Posted As Home Guard At Jila Khanij Shakha Bilsapur, District : Bilaspur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. 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
3. 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
4. Director General (Home Guard) Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Inspector General Home Guard, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
6. District Commandant Home Guard, District Office, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

**---- Respondents**

**WPS No. 611 of 2020**

Chandram S/o Kariyaram Aged About 60 Years Presently Posted Andd Working As Home Guard, Maa Dindeshwari Devi Temple, Malhar, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. 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
3. 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
4. Director General(Home Guard) Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Inspector General Home Guard, Naya Raipur, Atal Nagar, Post Office

And Police Station Naya Raipur, Atal Nagar, District - Raipur  
Chhattisgarh, District : Raipur, Chhattisgarh

6. District Commandant Home Guard, District Office, Bilaspur, District :  
Bilaspur, Chhattisgarh

---- Respondents

**WPS No. 618 of 2020**

Shamim Mohammad S/o Late Sultan Mohammad Aged About 59  
Years Home Guard, Bilaspur, Chhattisgarh, Presently Posted And  
Working As Nayak At Home Guard Camp Bilaspur, Chhattisgarh.,  
District : Bilaspur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi  
Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station  
Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh., District :  
Raipur, Chhattisgarh
2. 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
3. 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
4. Director General (Home Guard) Naya Raipur, Atal Nagar, Post Office  
And Police Station Naya Raipur, Atal Nagar, District Raipur,  
Chhattisgarh., District : Raipur, Chhattisgarh
5. Inspector General Home Guard, Naya Raipur, Atal Nagar, Post  
Office And Police Station Naya Raipur, Atal Nagar, District Raipur,  
Chhattisgarh., District : Raipur, Chhattisgarh
6. District Commandant Home Guard, District Office, Bilaspur, District  
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

**WPS No. 730 of 2020**

Mathura Prasad S/o Sudarshanlal Aged About 59 Years Home Guard,  
Bilaspur, Chhattisgarh. Presently Posted As Home Guard At Home  
Guard Camp Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi  
Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station  
Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh., District :  
Raipur, Chhattisgarh
2. Secretary Department Of Home, Mahandi Mantralaya, Naya Raipur,  
Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar,  
District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. 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
4. Director General (Home Guard) Naya Raipur, Atal Nagar, Post Office

And Police Station Naya Raipur, Atal Nagar, District Raipur,  
Chhattisgarh., District : Raipur, Chhattisgarh

5. Inspector General Home Guard, Naya Raipur, Atal Nagar, Post Office  
And Police Station Naya Raipur, Atal Nagar, District Raipur,  
Chhattisgarh., District : Raipur, Chhattisgarh
6. District Commandant Home Guard, District Office, Bilaspur, District  
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

**WPS No. 1150 of 2020**

Mohanlal S/o Premlal Aged About 60 Years Presently Posted And  
Working As Home Guard, At Collectorate Office Mungeli  
Chhattisgarh, District : Mungeli, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi  
Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station  
Naya Raipur, Atal Nagar, District Raipur Chhattisgarh, District :  
Raipur, Chhattisgarh
2. 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
3. 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
4. Director General (Home Guard) Naya Raipur, Atal Nagar, Post Office  
And Police Station Naya Raipur, Atal Nagar, District Raipur  
Chhattisgarh, District : Raipur, Chhattisgarh
5. Inspector General, Home Guard Naya Raipur, Atal Nagar, Post Office  
And Police Station Naya Raipur, Atal Nagar, District Raipur  
Chhattisgarh, District : Raipur, Chhattisgarh
6. District Commandant, Home Guard District Office, Mungeli, District  
Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondents

**WPS No. 3229 of 2021**

Basant Lal Shukla S/o Shri Ramshiromani Shukla Aged About 60  
Years Working To The Post Of Platoon Commander ( P C V) At Office  
Of District Commandant Home Guard Bilaspur Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Finance And Scheme  
Department, Mantralaya, Mahanadi Bhawan, Naya Raipur Atal Nagar,  
Raipur Chhattisgarh
2. Secretary Home Department, Mantralaya, Mahanadi Bhawan, Naya  
Raipur Atal Nagar, Raipur Chhattisgarh
3. Director General Of Police Police H Q, Sector 19, Naya Raipur Naya  
Raipur Atal Nagar, Raipur Chhattisgarh Raipur (C. G.)
4. Director General (Home Guard) Naya Raipur Atal Nagar, Raipur

Chhattisgarh Raipur (C. G.)

5. Inspector General (Home Guard) Naya Raipur Atal Nagar, Raipur Chhattisgarh Raipur (C. G.)
6. District Commandant Home Guard And Fire Brigade Officer (Nagar Sena) District Office, Bilaspur Chhattisgarh

---- Respondent

**WPS No. 3761 of 2022**

Dileshwar Ram Rathore S/o Bhukhul Ram Rathore Aged About 60 Years R/o 84/2 Sharda Niwas, Ward No. -06, Bilaspur, District-Bilaspur (C.G.)

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Finance And Scheme Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (C.G.)
2. Secretary Home Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (C.G.)
3. Director General Of Police Police Hq, Sector-19, Naya Raipur, Atal Nagar, Raipur (C.G.)
4. Director General (Home Guard) Naya Raipur, Atal Nagar, Raipur (C.G.)
5. Inspector General (Home Guard) Naya Raipur, Atal Nagar, Naya Raipur, (C.G.)
6. District Commandant Home Guard And Fire Brigade Officer Nagar Sena District Office, Bilaspur (C.G.)

**—Respondents**

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For respective Petitioners	:	Mr. Rakesh Kumar Jha, Mr. Resham Lal Jaiswal and Mr. Ritesh Giri, Advocates
For Respondent/State	:	Mr. Ravi Bhagat, Dy. G.A.

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**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**28.04.2023**

1. These petitioners, who are Home Guards in the State of Chhattisgarh, have filed these petitions 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 counsels for the petitioners would submit that the petitioners are 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 they are discharging their duties similar to other departments like police, CRPF etc. They would also submit that they are governed by Central Provinces and Berar Home Guard Rules, 1947 and according to Rule 15, they are Home Guards and Government servants. They 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, petitioners are 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.

It is informed by learned counsel for the petitioners that some of the petitioners have already been retired from services and they may be given benefits from back date.

3. On the other hand, learned counsel for the State would submit that the petitioners, who are Home Guards, they are not Government servants. 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 petitioners approach

the State authority by making representations, their grievance may be considered.

4. I have heard learned counsel for the parties and perused the documents.

5. Considering the fact that the petitioners were appointed on the post of Home Guards and they are getting meager honorarium of Rs.13,500/-. They are working along with Police Force in all situations as stated above by learned counsel for the petitioners, 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 these petitions, reserving liberty in favour of the petitioners to make detailed representation before respondent No.1 and in turn, respondent No.1 is directed to consider the representation made by the petitioners 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, these petitions are disposed of.

**Sd/-**  
**(Rakesh Mohan Pandey)**  
Judge

Rekha