(2007) 04 GAU CK 0020

Gauhati High Court (Imphal Bench)

Case No: None

Malik (Md.) and Others	APPELLANT
Vs	
State of Manipur and Another	RESPONDENT

Date of Decision: April 10, 2007

Acts Referred:

- Constitution of India, 1950 - Article 14, 226

Citation: (2009) 4 GLR 585 : (2007) 3 GLT 634

Hon'ble Judges: B.D. Agarwal, J

Bench: Single Bench

Judgement

B.D. Agarwal, J.

A batch of 42 Home Guards have filed this writ petition seeking a writ of Certiorari so as to quash their suspension/release/discharge orders issued by the Commandant, Home Guard (VA), Government of Manipur on different dates during the period spreading from 1992 to 1997. The impugned orders have been enclosed with the writ petition collectively, which have been marked as Annexure-A/1. Besides this, the petitioners are also seeking a writ of Mandamus so as to direct the respondents to reinstate the petitioners with all conssequential benefits and back-wages.

2. Heard Mr. H.S. Paonam, learned Counsel for the writ petitioners at length. The respondents were represented by Shri Th. Ibohal, learned Addl. Govt. Advocate. To supplement his oral submissions the learned Govt. Advocate has also submitted written submissions. I have also perused the impugned orders and other documents filed with the writ petition. It may be mentioned here that no counter-affidavit has been filed on behalf of the State.

Shri H.S. Paonam, learned Counsel for the petitioners submitted that the respondent No. 2 has adopted the practice of discharging home guards in a routine manner on flimsy grounds with an oblique motive to replace them with new

incumbents of his choice. According to the learned Counsel for the petitioners, although the petitioners were working as Home Guards for more than 10 years without any break or disciplinary action, they have been ousted from the job without any valid ground. It was contended by the learned Counsel for the petitioners that while issuing discharge orders, the respondent No. 2 neither followed the principles of natural justice by way of giving an opportunity of hearing nor followed the statutory provision of holding enquiry. Hence, as submitted by the learned Counsel for the petitioners, the impugned orders are unsustainable in law and are liable to be quashed, with consequential actions.

3. Per contra, the learned Addl. Govt. Advocate submitted that Home Guards constitute a voluntary organization and the home guards are just volunteers to do social services, albeit in a group and disciplined manner. According to the learned Govt. Advocate, because of the nature of the services and their organization, home guards cannot be treated at par with other services, holding civil posts either in the matter of continuation in service, pay or disciplinary proceedings. According to the learned Govt. Advocate, after three years of service, home guards are treated as Reserve Force and whenever their services are required, such home guards are called out. Elaborating his submission, the learned Govt. Advocate submitted that the question of terminating the service, adopting the procedure applicable to persons holding civil posts, does not arise and as such, the actions taken by the respondents do not call for any interference by this Court, sitting in writ jurisdiction.

4. Referring to Section 11(3)of the Manipur Home Guards Act, 1989, the learned G.A. submitted that home guards can be released from the called-out strength at any time and there can be no legal grievance to such action. The learned Govt. Advocate also added that if the petitioners were aggrieved by the impugned orders, they could have preferred appeals before the Commandant General and having not done so, they cannot assail the impugned orders by filing an application under Article 226 of the Constitution of India.

5. For effective disposal of this writ petition, it would be better to know how many writ petitioners have been released from service simpliciter and how many of the writ petitioners have been discharged as a measure of punitive action. This can be ascertained from the following chart:

List-I
Chart of the Discharged/Suspended
Petitioners

Sl. No.	Name of the Petitioners who have been discharged suspended released as	Date of Order	Remarks

	a measure of punitive action		
1.	Md. Abdul Malik	3.4.95	Released c to unauthor absence.
2.	Md. Matalip	25.4.91	-do-
3.	H. Tombi Singh	9.6.94	-do-
4.	Md. Samad	16.5.94	-do-
5.	Md. Tomba	29.6.94	-do-
6.	O. Dhiren Singh	1.6.94	-do-
7.	Th. Jugeswar Singh	24.7.92	Discharged from call o for breach discipline.
8.	Kh. Guna Singh	16.5.94	Released c to unauthor absence.
9.	T. Shyamkishore Singh	5.10.92	Discharged from call o for unautho absence.
10.	Lanjapao	30.6.92	Discharged from call o for breach discipline.
11.	Md. Sirojahmad	11.6.92	Discharged from call o for unautho absence/mis
12.	L. Achou Singh	22.4.97	Suspended for unautho

			absence.
13.	Md. Manir Khan	3.11.92	Released f indisciplin misconduct.
14.	Th. Basanta Singh	18.2.97	Suspended unauthorize absence.
15.	L. Mohan Singh	20.2.97	-do-
16.	N. Nabachandra	20.2.97	-do-
17.	Md. Sanayai	16.11.96	Suspended for furnish fake docume
18.	Md. Islauddin	17.12.96	-do-
19.	Kh.Manglem Singh	31.7.97	Suspended for unautho absence

List-II

Chart of the Petitioners, Released Simpliciter

Sl. No.	List of Petitioners who have been released simpliciter	Date of Order	Remarks
1.	I. Jugindro Singh	27.11.92	Released simpliciter
2.	L. Krishnamohon Singh	-do-	-do-
3.	A. Tomba Singh	-do-	-do-
4.	M. Ibochouba Singh	-do-	-do-
5.	O. Ibungo Singh	-do-	-do-

6.	Md. Ziauddin	-do-	-do-
7.	N. Nimaichand Singh	-do-	-do-
8.	Kh. Gulapi Singh	-do-	-do-
9.	Md. Sirajuddin	-do-	-do-
10.	N. Nimai Singh	-do-	-do-
11.	Kh. Gyanendro Singh	31.12.92	-do-
12.	Md. Amjad Ali	-do-	-do-
13.	R.K. Angou Singh	-do-	-do-
14.	Md. Thambou	-do-	-do-
15.	Md. Jamin	31.12.91	-do-
16.	N. Ibohal Singh	20.11.96	-do-
17.	Ksh. Lokhon Singh	25.10.94	-do-
18.	Kh. Ingobi Singh	31.8.92	-do-
19.	I. Bijando Singh	15.6.93	-do-
20.	L. Hemanta Singh	30.3.93	-do-
21.	A. HariSharma	20.11.96	-do-
22.	S. Bihari Singh	06.2.91	-do-
23.	Sh. Jugindro Singh	03.11.92	-do-

6. The services of the Home Guards were codified in the State of Manipur by exacting the Manipur Home Guards Act, 1966 (shortly the ''1966 Act''), The Act was enacted, interalia, to lay down the procedure of appointment of home guards, their training and duties, control by officers of police force, punishment and penalties for negligence and breach of duties. This Act was subsequently superceded by the

Manipur Home Guards Act, 1989 (the'' 1989 Act'' in brief) and the provisions of 1966 Act were repealed.

7. Section 10 of the 1966 Act deals with punishment for negligence of duties etc. and Section 11 prescribes inflicting of penalties, if a home guard is convicted in a criminal trial, for willfully neglecting or defying lawful orders or directions. Relevant parts of Sections 10 and 11 of the 1966 Act are necessary to be incorporated in the judgment, hence, reproduced below:

10. Punishment for neglect of duty, etc.

(i) The Commandant or the Commandant General shall have authority to suspend, to reduce or to dismiss or to fine not exceeding fifty rupees, any Home Guard under his control, if such Home Guard, on being called out u/s 6, without reasonable cause neglects or refuses to obey such order or refuses to discharge his functions and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his functions and duties or is found guilty of any misconduct or breach of discipline.

(2) The Commandant General shall have authority to dismiss any Home Guard on the ground of conduct which has led to his conviction on a criminal charge.

(3) When the Commandant or the Commandant General passes after inquiry an order suspending, reducing, dismissing or fining any Home Guard under Sub-section (1) he shall record such order or cause the same to be recorded together with the reasons therefore and a note of the inquiry made, in writing, and no such order shall be passed unless the person concerned has been given an opportunity to be heard in his defence.

(emphasis mine)

(4) Any Home Guard aggrieved by such order of fee Commandant may appeal against that order to the Commandant General and any Home Guard aggrieved by such order of the Commandant General may appeal against that order to the Government, within thirty days of the date on which he was served with notice of the concerned order; and thereupon the Commandant General or the Government, as the case may be, may pass such orders as the or it thinks fit.

(5) The Commandant General or the Government may at any time call for and examine the record of any order passed by the Commandant or Commandant General, as the case may be, under Sub-section (1) for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order in revision with reference thereto as he or it thinks fit.

(6) Notwithstanding anything contained in any other law--

(a) Any order passed in revision under Sub-section (5),

(b) Subject to such order in revision, any order passed in appeal under sub.-s. (4) and

(c) Subject to the orders in revision and appeal aforesaid, any order passed by the Commandant or Commandant General under Sub-section (3), shall be final.

(7) *** *** ***

(8) *** *** ***

11. Penalties for breach of duties etc.

(1) If any Home Guard, on being called out u/s 6, without reasonable excuse neglects or refuses to turn up for training, or refuses to discharge his functions and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his duties and functions, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred any fifty rupees, or with both.

(2) *** *** ***

(3) *** *** ***

(4) *** *** ***

8. As noted earlier the 1966 Act has been replaced by the Manipur Home Guards Act, 1989, published in the year 1997. This new Act has elaborated the procedure for inflicting punishment. The procedure to be followed for inflicting punishment for negligence of duties etc. has been incorporated in Section 11 of the 1989 Act. For better appreciation of the rival contentions of the parties, the entire Section 11 is extracted below in extenso:

11. Punishment for neglect of duty etc.--

(1) The Commandant shall have the power to suspend, reduce or dismiss or to impose fine not exceeding a sum of rupees two hundred and fifty on any member of the'' Home Guards under his control, if such member neglects or refuses to discharge his functions and duties as a member of the Manipur Home Guards or disobeys any lawful order or direction given to him for the due performance of his functions and duties or is guilty of any breach of the discipline or misconduct.

(2) The Commandant General may in respect of any member of Home Guards appointed to a post immediately under his control impose any penalty specified in Sub-section (1) and may also dismiss any member of the Manipur Home Guards on the ground of conduct which has led to his conviction on a criminal charge.

(3) Notwithstanding anything contained in this Act, the Commandant General or the Commandant may discharge any member of the Home Guards at any time subject

to such conditions as may be prescribed, if in the opinion of the Commandant General or the Commandant, as the case may be, services of such member are no longer required.

(4) When the Commandant General or the Commandant passes an order suspending, reducing, dismissing or imposing fine on any member of the Manipur Home Guards, under Sub-section (1) or Sub-section (2) he shall do so only after due enquiry and shall record such order together with the reasons therefore and no order shall be passed by the Commandant General or the Commandant unless person concerned is given a reasonable opportunity to be heard in his defence.

(emphasis is supplied by me)

(5) Any member of the Manipur Home Guards aggrieved by an order of the Commandant may appeal against such order to the Commandant General and, if aggrieved by an order of the Commandant General, may appeal against such order to the State Government. The appeal shall be filed within forty-five days from the date on which the order is received by such aggrieved person.

(6) The Commandant General or the State Government may, either suo motu or on application call for and examine the records of any order passed by any officer subordinate to him or it under this Act for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order with reference thereto as he or it thinks fit.

(7) Notwithstanding anything contained in any other law&#65533;

(a) Any order passed in revision under Sub-section (6);

(b) Subject to such order in revision any order passes in appeal under Sub-section (5);

(c) Subject to the orders in revision and appeal aforesaid, any order passed by the Commandant General or the Commandant under Sub-section (1) and (2); shall be final.

(8) Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1973 for the recovery of fine imposed by a Court as if such fines were imposed by a Court.

9. It is also necessary to look at relevant provisions of Manipur Home Guards Rules, 1996, regarding the tenure of office of home guards and conditions of discharge. Accordingly, Rule 7 and 9 are quoted below:

7. Term of Office:- The term of Office of a member of the Home Guards shall be 3 years. Provided that a person once appointed shall be eligible for re-appointment. Provided further that the services of a member of Home Guards may be discharged at any time by the Commandant or the Commandant General as the case may be, if

in his opinion the services of such Home Guards are no longer required. The opinion or reasons of such authority shall be recorded in writing and a copy of which is to be furnished to the member whose services have been discharged.

(8) *** *** ***

9. Conditions of Discharge : No member of Home Guard shall be discharged unless the Commandant or the Commandant General in the case may be is satisfied that such member has committed and act detrimental to the good order of welfare of discipline of the Home Guards Organization.

10. A bare comparison of 1966 Act and 1989 Act clearly shows that the requirements of holding an enquiry before suspension, dismissal or discharge of home guards as a measure of punishment not only has been reiterated but the loose ends of the old act have also been tightened in the new law. In Section 10(3) of the 1966 Act also the requirement of holding enquiry was to be supplemented by recording of reasons for the proposed action. Similarly, in Section 11(4), of the new Act, the need for holding an enquiry has been prominently highlighted by inserting the words "he shall do so only after due enquiry". Other requirements for taking punitive action have also been maintained.

11. The learned Counsel for the petitioners contended that Sub-section (4) to Section 11 mandates holding of enquiry before suspending or dismissing any Home Guard on the ground, inter-alia, negligent in duty. The learned Counsel submitted that when the law has laid down a particular procedure for taking disciplinary action, the competent authority is bound to follow the same, in addition to following the principles of natural justice. In support of this submission, the learned Counsel cited two judgments of the Hon''ble Supreme Court, rendered in the case of Babu Verghese and Others Vs. Bar Council of Kerala and Others, and the case of Bhavnagar University Vs. Palitana Sugar Mill Pvt. Ltd. and Others,

12. In the case of Babu Verghese (supra), their lordships have restated the principles of administrative law in the following words:

31. It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any statute, the act must be done in that manner or not at all. The origin of this rule is traceable to the decision in Taylor v. Taylor which was followed by Lord Roche in Nazir Ahmad v. King Emperor who stated as under:

(W)here a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all.

32. This rule has since been approved by this Court in Rao Shiv Bahadur Singh v. State of U.P. and again in Deep Chand v. State of Rajasthan. These cases were considered by a three-Judge Bench of this Court in State of U.P. v. Singhara Singh and the rule laid down in Nazir Ahmad case was again upheld. This rule has since

been applied to the exercise of jurisdiction by Courts and has also been recognized as a salutary principle of administrative law.

13. Identical view has been taken in the case of Bhavnagar University (supra) wherein also their Lordships have laid down the following legal proposition:

It is well settled that when a statutory authority is required to do a thing in a particular manner, the same must be done in that manner or not at all. The State and other authorities while acting under the said act are only creature of statute. They must act within the four corners thereof.

14. In the case before me, the respondents have blatantly violated Sub-section (4) to Section 11 of the 1989 Act. Even if it is presumed that the provisions of 1966 Act would be applicable, then also the respondents cannot escape from the requirement of holding of enquiry as the old law had also mandated this. As could be gathered from the relevant provisions of law not only the enquiry was necessary but the Commandant General or the Commandant of home guards was duly bound to follow the principles of natural justice by affording an opportunity of hearing to the delinquent home guards in their defence. Be that as it may, from the written argument of the learned G.A., I find that he is relying upon the provisions of 1989 Act, and this law has also reiterated the doctrine of audi alteram partem in Section 11(4). It may be mentioned here that under 1966 Act also, identical procedure was laid down u/s 10, for imposing any punishment. The same provision has been reproduced, albeit in widened form, in the 1989 Act. It may be mentioned here that neither the respondents produced any record nor filed any affidavit to reiterate that any enquiry preceded passing of the impugned punitive orders of release, suspensions and discharge, etc. Even otherwise, the impugned orders of discharge/termination are silent to give any indication of enquiry of any nature, before taking punitive action against the petitioners, shown in List-I. Hence, I do not find any difficulty to hold that the impugned orders, which relate to suspension, dismissal and termination of services, do not stand scrutiny of law and these are liable to be quashed, on this score alone.

15. The impugned orders of discharge have also been assailed yet on the ground of non-observance of the doctrine of audi alteram partem, popularly known as principles of natural justice. In umpteen numbers of judicial decisions, it has been held that the principles of natural justice are part of Article 14 of the Constitution of India. In the case of Kumari Shrilekha Vidyarthi and Others Vs. State of U.P. and Others, the Hon''ble Apex Court has critically analysed the rule of fair play vis-a-vis the import of Article 14 in the following words:

35. It is now too well settled that every State action, in order to survive, must not be susceptible to the vice of arbitrariness which is the crux of Article 14 of the Constitution and basic to the rule of law, the system which governs us. Arbitrariness is the very negation of the rule of law. Satisfaction of this basic test in every State

action is sine qua non to its validity and in this respect, the State cannot claim comparison with a private individual even in the field of contract. This distinction between the State and a private individual in the field of contract has to be borne in the mind.

16. Again, in the case of Canara Bank and Others Vs. Shri Debasis Das and Others, , the Hon''ble Supreme Court, while tracing the history of principles of natural justice has emphasized the need to follow the same, for deciding disputes fairly, in the following words:

15. The adherence to principles of natural justice as recognized by all civilized States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the "Magna Carta". The classic exposition of Sir Edward Coke of natural jusitce requires to "vocate" interrogate and adjudicate". In the celebrated case of Cooper v. Wandsworth Board of Works the principle was thus stated: (ER p. 420).
Even God himself did not pass sentence upon Adam before he was called upon to make his defence, ''Adam'' (says God), where art thou? Hast thou not eaten of the tree whereof, I commanded thee that thou shouldest not eat?

Since then the principle has been chiseled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.

16. Principles of natural justice are those rules which have been laid down by the Courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice.

17. Hence, any infraction of this doctrine, touching the root of the issue, would amount to violation of fundamental right of the citizens and impugned orders would not stand judicial scrutiny. Yet there is another line of cases wherein a theory of

useless formality'' has been evolved. In this second line of proposition it has been held that strict compliance of principles of natural justice can be waived in appropriate cases and the Courts may refuse granting of discretionary writs of certiorari, mandamus etc. In the case of Bar Council of India Vs. High Court of Kerala, , it has been held that principles of natural justice, however, cannot be stretched too far and application of this doctrine maybe subject to the provisions of a statute or statutory rule. Identically in the case of Aligarh Muslim University and Others Vs. Mansoor Ali Khan, , approving the ''useless formality'' doctrine, it has been held that "if upon admitted or indisputable facts only one conclusion was possible, then in such a case, the principle that breach of natural justice was in itself prejudice, would not apply.

18. What crystallizes from the aforesaid authorities is that adherence of principles of natural justice is the law and dispensing of this principle is the exception. In the case before me there are 2 (two) categories writ petitioners. The writ petitioners, who fall in first category (List-I) had been suspended/discharged/terminated from service not only in violation of the principles of justice, but they have been thrown out from the job without holding statutory enquiry, affording an opportunity of hearing and without recording of findings of such enquiry as required both under 1966 as well as under 1989 Act. Consequently, the impugned orders pertaining to List-I writ petitioners cannot sustain under the law and the same are hereby set aside.

19. However, the case of the List-II petitioners stands on a different footing. During the argument, the learned Govt. Advocate submitted that very recently, the Hon''ble Supreme Court has held that the services of Home Guards cannot be equated with other services and Home Guards cannot claim any right to continue in the service for any particular period. This submission was made on the basis of thejudgment of the Hon''ble Apex Court rendered in the case of State of Manipur v. Ksh. Moirangningthou Singh and Ors. (Civil Appeal Nos. 1897-1901 of 2000 D/o. on 26.2.2007).

20. The aforesaid judgment of the Apex Court cited on behalf of the respondents, is distinguishable on facts. In the aforesaid judgment, the question whether Home Guards can claim regularization of service and other service benefits was involved. After tracing the history and object of constituting the home guard service and also relying upon the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , the Hon''ble Supreme Court has held that Courts cannot direct regularization of services of Home Guards. The relevant observations of the Apex Court given in the, case of Moirangningthou Singh (supra) and applicable in the present case can be reproduced below:

Rule 7 of the Manipur Home Guards Rules 1981 states that the term of office of a member of the Home Guards shall be 3 years, but once appointed he shall be eligible for re-appointment. However, Rule 8 states that a member of the Home Guards can continue to be such a member until he attains the age of 55 years.

Hence, the initial term of appointment of a member of the Home Guards can only be three years, and he can be reappointed from time to time, but he cannot continue after the age of 55 years.

A perusal of the provisions of the Home Guards Act and Rules show that the Home Guards was meant to be reserve force which was to be utilized in emergencies, but it was not a service like the police, para military force, or army, and there is no right in a member to continue till the age of 55 years. We approve the view taken by the Delhi High Court in Rajesh Mishra and Others Vs. Govt. of NCT of Delhi and Others, .

21. Under Rule 7, home guards may have a legal right to be retained on the roll of the organization for a maximum period of three years and thereafter, they can be released simpliciter and can be kept as reserve force. In view of this clear legal position and more particularly after the pronouncement of the Apex Court in the case Moirangningthou Singh (supra) it can not be said that the release of List-II writ petitioners is in the nature of punitive action. Hence, it is a fit case in which the ''useless formality'' theory can be applied; in as much any direction of notice will not serve the purpose, In the light of the observations of the Apex Court and considering the submissions of the learned Govt. Advocate-as well as the provisions of the Act and the Rules I hold that, even after their release, home-guards continue to remain as reserve force and they can be re-instated by way of issuing called-out letters, as and when there is emergency.

22. In view of my reasoning alluded hereinabove, I hold that the writ petitioners (shown in List-I of this judgment), whose services have been discharged/terminated without enquiry can not be upheld as the same are dehors the law. Consequently, these orders are accordingly set-aside. However, no fault could be found in the orders of simpliciter discharge, relating to List-II writ petitioners, as in my view the appointing authority has the requisite power to dispense with the services of home-guards after 3 years both u/s 11(3) of the 1989 Act coupled with Rule 7 of the Manipur Home Guards Rules, 1996, until they are called-out again. I further hold that even the writ petitioners included in List-I also cannot be given any direction of reinstatement or back wages, at this stage, unless the statutory enquiry is held and the result of such enquiry go in their favour.

23. Regarding the question of appeal, I hold that the writ petitioners were not obliged to file the statutory appeal under Sub-section (5) to Section 11 of the 1989 Act, since the discharge orders were issued de-hors the law. There was no effective or speaking order of discharge, which could have been challenged. I further hold that this Court is competent enough to quash the impugned discharge orders in exercise of powers conferred under Article 226 of the Constitution of India on the principle of equity, fair play and also on the ground that the petitioners were deprived of filing statutory appeals in absence of any enquiry.

24. In the result, the writ petition stands partly allowed. The impugned orders pertaining to List-I petitioners are hereby set-aside, whereas the impugned orders concerning List-II petitioners are hereby up-held. Other directions given in this writ petition are summarized below:

(i) The order regarding holding of statutory enquiry and passing appropriate orders by the respondent No. 2 is confined only to the writ petitioners covered under List-I, who were suspended, released, discharged or terminated on the ground of negligence in duty etc.

(ii) The process of enquiry should commence within a period of 2 (two) months from the date of receipt of this judgment and shall conclude in the next 2 (two) months and thereafter the List-I writ petitioners shall be intimated in writing the result and findings of the enquiry.

(iii) The respondents are directed to reinstate List-II writ petitioners, as when there is need of additional force of home-guards, before opting for new recruitment.