



DIRECTORATE GENERAL  
FIRE SERVICES, HOME GUARDS & CIVIL DEFENCE,  
ODISHA

## Home Guards Circular Order No.01/2017

Large number of Home Guards and ex-Home Guards of different districts are appearing in this Directorate in grievance in order to ventilate their grievances, most of which pertain to reappointment after dismissal. It is also seen that on many occasions, Home Guards are being dismissed without due observance of procedure prescribed in Home Guards Act 1961, Home Guards Rule 1962 and Odisha Home Guards (Appeal) Rules 1963. In order to streamline the system and clarify the provisions of law, the following instructions are hereby issued:

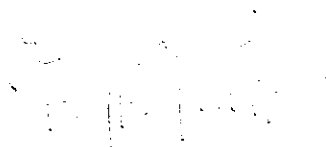
1. As per Section-8 of Odisha Home Guards Act 1961, a Commandant Home Guards has the authority to suspend, reduce in rank, dismiss or penalise up to Rs.50/- any member of Home Guard if he/she neglects or refuses to obey order or to discharge his functions/duties or to obey any lawful order/direction given to him for performance of his/her functions/duties or is guilty of any breach of discipline or misconduct.
2. A Commandant Home Guards also has the authority to discharge any Home Guard if in his opinion, the services of such Home Guard are no longer required.
3. Before punishment as aforesaid are awarded, an opportunity must be given to a Home Guard to put forth his defence in writing.
4. No Home Guard can be imposed a punishment unless an enquiry has been conducted regarding his negligence or misconduct as the case may be and an enquiry report affirming such negligence or misconduct has been submitted.
5. The Commandant must record the reasons for award of punishment in writing in a speaking manner before such punishment is awarded.
6. It is often seen that in case of negligence or misconduct, Home Guards are generally dismissed from service where as the Commandant has the authority also to suspend or reduce in rank or impose a fine up to Rs.50/- on such Home Guards. Commandants are advised to award

the aforesaid punishments, depending on the nature of negligence or misconduct, rather than routinely dismissing Home Guards from voluntary service.

7. It is seen that Home Guards are being dismissed on grounds of absence from duty which amounts to neglect or refusal to obey order of being called out under section 4 of Odisha Home Guards Act, 1961. However, as duration of absence amounting to neglect or refusal to obey order has not been defined in the Act or Rules, there is no uniformity in deciding as to absence of how many days can be considered as a ground for dismissal. Hence, it is hereby ordered that it is only when a Home Guard is continuously absent for a period of 3 months without intimation and reasonable cause, it shall amount to neglect or refusal to obey an order to perform duty and the Home Guard shall be liable for action under section 8 of the Act. Further, in case of absence over a period of one month on health ground, a Home Guard has to produce a medical certificate issued by a competent medical practitioner recommending rest and abstention from duty. Only in exceptional grounds, the Commandant shall have the discretion to treat a period of absence beyond a period of 3 months and up to a period of 6 months as a reasonable cause justifying neglect or refusal to obey order to discharge functions as a Home Guard.
8. As per Rules-3 of Odisha Home Guards (Appeal) Rules 1963, any Home Guard aggrieved by an order of the Commandant imposing punishment, may appeal to the Deputy Commandant General. Further a Home Guard can also file an appeal against the order of Deputy Commandant General to the Commandant General. Whenever the post of Deputy Commandant General is vacant, a Home Guard can file an appeal directly to the Commandant General against the orders of the Commandant.
9. Every appeal, as aforesaid, must be filed within 30 days of the date on which the Home Guard was served a copy of the punishment order.
10. Every appeal petition against the order of punishment of the Commandant shall be presented to the Commandant himself by the aggrieved Home Guards under Rule-4 of Odisha Home Guards (Appeal) Rules 1963.
11. Upon receipt of the appeal petition, the Commandant shall forward the appeal to the Deputy Commandant General or the Commandant General without any delay with his comments on each point in the appeal petition along with his original order, connected papers and service records of the Home Guard.

12. An advance copy of the appeal so preferred can be sent to the Deputy Commandant General or the Commandant General, as the case may be, to save delay on the part of the Home Guard.
13. No copy of the appeal petition shall be entertained by the Deputy Commandant General or the Commandant General unless the original copy is presented to the concerned Commandant, Home Guards as per Rule-4 of Odisha Home Guards (Appeal) Rules, 1963.
14. Against an order passed by the Commandant General, a Home Guard may prefer an appeal to the State Govt. with a copy to the Commandant General.
15. Order passed by the appellate authority on the appeal petition shall be final.

This may kindly be brought to the notice to all concerned and displayed in the Notice Board for information of all Home Guards.



(B.K. Sharma)

Director General of Police,  
Fire Services, Home Guards & Civil Defence  
Odisha, Cuttack.

Memo No. 41315 /HG

Date: 12-12-2017

1. Copy forwarded to All Commandant, Home Guards, Odisha for information and necessary action.

2. Copy forwarded to All Asst. Commandant, Home Guards of districts for information and necessary action.



Director General of Police,  
Fire Services, Home Guards & Civil Defence  
Odisha, Cuttack.