

Central Administrative Tribunal, Principal Bench

Original Application No.168 of 2002

New Delhi, this the 18th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. Govindan S. Tampi, Member (A)

Bharat Kumar
Company Commander
Home Guards, Raja Garden,
New Delhi

....Applicant

(By Advocate: Shri R.P.Sharma)

Versus

Union of India, through

1. The Secretary
Ministry of Home Affairs,
North Block, New Delhi-1

2. Lt. Governor
National Capital Territory of Delhi

3. Commandant General
Home Guards and Director Civil Defence
Raja Garden, New Delhi

....Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant who is Company Commander in Home Guards, has instituted the present OA seeking a declaration that the guidelines dated 13.4.2000 (Annexure A-4) and dated 6.9.2000 (Annexure A-6) are ultra vires the provisions of Bombay Home Guards Act No. III of 1947 as extended to the Union Territory of Delhi. As far as the applicant herein is concerned, he has challenged the vires even though no order adverse to him has been issued in pursuance of the aforesaid guidelines. Even though the challenge as raised, may be just, we are afraid we will not be in a position to entertain the same as applicant is not aggrieved by the said guidelines. Section 19 of the Administrative Tribunals Act in so far

M.J.

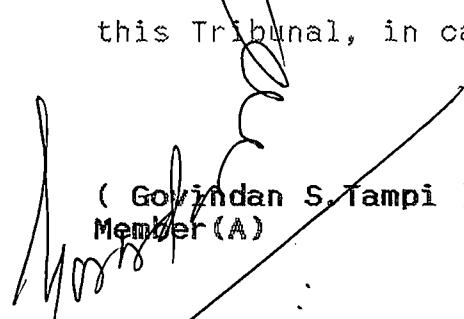
as is relevant on the issue provides as follows:

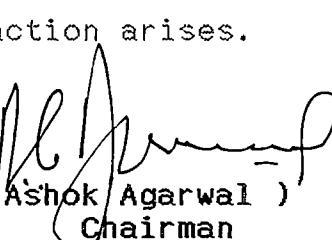
"19. Applications to Tribunals - (1) Subject to the other provisions of this Act a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance." (emphasis supplied)

2. In the present case, since no order adverse to the applicant has been issued, we will have no jurisdiction to entertain the present application. Present application, which in our view is in the nature of Public Interest Litigation, would not lie within our purview. Present OA, in the circumstances, is dismissed in limine.

3. At this stage, Shri R.P.Sharma, learned counsel for the applicant seeks leave to withdraw the OA, with liberty. Present OA, in the circumstances, is dismissed as withdrawn. It is not necessary to grant the liberty claimed as applicant would always be entitled to approach this Tribunal, in case a fresh cause of action arises.

/dkm/


(Govindan S. Tampi)
Member (A)


(Ashok Agarwal)
Chairman