

Central Administrative Tribunal
Principal Bench: New Delhi

8
O.A. No. 847/2002 &
O.A. No. 1649/2002

This the 12th day of November, 2002

Hon'ble Shri V.K. Majotra, Member (A)

OA No. 847/2002

Surender Singh,
S/o Shri Charan Singh
R/o: E-177/27A, Ward No. 2,
Mehrauli, New Delhi.

-Applicant

(By Advocate: Shri U. Srivastava)

Versus

Government of NCT Delhi, through

1. The Chief Secretary,
Govt. of NCT Delhi, 5 Sham Nath Marg,
New Delhi.
2. The Commandant General,
Home Guard and Civil Defence,
CTI Building, Raja Garden,
New Delhi.
3. The Commandant
Delhi Home Guards, CTI Buildings,
Raja Garden, New Delhi.

-Respondents

(By Advocate: Shri Harvir Singh)

OA No. 1649/2002

1. Manoj Kumar Yadav,
S/o Shri Raj Kishore Yadav,
R/o H.No. N-412, Seva Nagar,
New Delhi-110003.
2. Balbir Singh
S/o Shri Mohinder Singh,
R/o 1809, Parsadi Gali, Kotla Mubarakpur,
New Delhi.
3. Dharamender Kumar
S/o Shri Lalu Shah
R/o N-206, Seva Nagar,
New Delhi-110003
4. Tilak Raj
S/o Shri Shish Pal
R/o Ranji Puri Pahari,
New Delhi-37.
5. Ram Niwas S/o Shri Vidya Ram
R/o L-142, Jaid Pur, Saurabh Vihar
New Delhi.

6. Bimla Devi W/o Shri Mohar Singh
R/o C-3/379 Sultan Puri,
New Delhi.
7. Kalyan Singh, S/o Shri Surat Singh
R/o Thana Mandir Marg, Barrack No.2,
New Delhi.
8. Dharam Pal Singh, S/o Shri Munshi Ram,
R/o Police Chowki, Sunlight Colony,
Shri Niwas Puri, New Delhi.

-Applicants

(By Advocate: Shri U. Srivastava)

Versus

Govt. of NCT Delhi, through

1. The Chief Secretary,
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-Respondents

(By Advocate: Shri Haryir Singh)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

This common order disposes of both the aforestated OAs as they are founded on common questions of law and fact.

2. Applicants are Home Guards against whom respondents have issued verbal orders that they would be discharged from service from specific dates. The said orders have been challenged by the applicants. The ratio in CWP No.4388/2001 decided on 29.4.2002 by the Hon'ble High Court of Delhi in the matter of Rajesh Mishra and others Vs.



Government of NCT of Delhi & Others and other connected matters is squarely applicable to the facts of the present matter. It has been held in that case that Home Guards cannot be said to be civil servants and as such the Tribunal has no jurisdiction to entertain the application under Section-19 of the Administrative Tribunals Act, 1985.

3. In the light of the High Court's decision (supra), the OAs are dismissed for want of jurisdiction.

Let a copy of this order be placed in OA No.1649/2002.

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.