

Central Administrative Tribunal
Principal Bench : New Delhi

O.A.No. 1351/2002
with
O.A. No. 1520/2002

(7)

New Delhi this the 3rd day of October, 2002

Hon'ble Dr. A. Vedavalli, Member (J)

O.A. No. 1351/2002

1. Kusum Lata, W/o Late Shri Shiv Kumar,
R/o RZ-17F, Nangli Diary, B Block, Ishwar Colony,
Najafgarh, New Delhi.
Sanad No. 2324
2. Jai Singh, S/o Jai Lal
R/o F-374, Mahipal Pur,,
New Delhi.
Sanad No.
3. Chandra Gupta Tanti, S/o Shri Prabhu Lal Tanti
R/o H.No. 14, Jamrudh Pur, Greater Kailash-I,
New Delhi.
Sanad No. 6538
4. Ram Vachan S/o Shri Ramayan Ram
R/o House No. 1030/11 Street No. 44,
Moad, Band Vistar, Badarpur,
New Delhi-44.
Sanad No. 6770
5. Ram Ashish S/o Shri Ram Sanjivan
R/o O Block, 4/3 Police Colony,
Andrews Gang, New Delhi.
Sanad No. 6115
6. Mahender Kumar S/o Shri Shiv Narain
R/o B 99 Chatterpur Pahari,
New Delhi.
7. Kumar Pal Singh, S/o Shri Bansidhar
R/o 43-44 Sawosala,
Mehrauli, Kishangarh,
Sanad No. 6949

Applicants

(By Advocate: Shri U. Srivastava)

Versus

Govt. 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

By



3. The Commandant,
Delhi Home Guards, CTI Buildings,
Raja Garden, New Delhi. Respondents

(By Advocate: Shri Harvir Singh)

O.A. No. 1520/2002

1. Rishi Pal Tyagi (C./C) S/o Shri R.S. Tyagi,
R/o A 53 Chatter Pur, New Delhi.

Sanad No. 6987

2. Udai Nath Singh S/o Shri Moti Nath,
R/o H.No. 133/9 Kishan Ganj,
Vasant Kunj, New Delhi

Sanad No. 551

3. Madan Gopal, S/o Shri Babu Lal,
R/o H.No. 18, Gaon Satbadi,
New Delhi.

Sanad No. 7005

4. Binod Kumar S/o Shri Chhuni Singh
R/o H.No. E 177/27 C Ward No. 2
Mehroli, New Delhi.

Sanad No. 543

5. Sunder Singh S/o Shri Phool Singh
R/o H.No. Z-10 Village Aaya Nagar Colony,
Post Arjun Nagar, New Delhi

Sanad No. 7067

6. Chander Pal S/o Shri Moihan Lal
R/o Barinj Sunlight Choki,
Rani Bagh Delhi

Sanad No. 9012

Applicants

Versus

Govt. 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)



O R D E R (Oral)Hon'ble Dr. A. Vedavalli, Member (J)

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Learned counsel for the respondents submits that he will not be filling any detailed reply in this case and that the short reply filed by the respondents may be treated as the main reply.

2. Rejoinder to the short reply has already been filed by the applicants. In the circumstances, pleadings are treated as complete.

3. When the matter came up for possible final hearing today, learned counsel for the respondents has produced copies of the Judgement of the Delhi High Court dated 29.4.2002 in CWP No. 4388/2001 Rajesh Mishra & Ors. Vs. Govt. of NCT of Delhi & Ors.) and also an Order of this Tribunal dated 11.9.2002 in CP No. 341/2002 in OA No. 2539/2001. He submits that the present case deals with termination of dis-engagement of the applicants who were serving as Home Guards under the Respondents and that the Tribunal has no jurisdiction to entertain this OA in view of the aforesaid judgement of the Delhi High Court and the Order of this Tribunal

4. Learned counsel for the applicant, Shri U.Srivastava, and the learned counsel for the respondents, Shri Harvir Singh, agree that this Tribunal has no jurisdiction to entertain this OA in

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view of the aforesaid judgement of the Delhi High Court and the Order of this Tribunal.

5. Para 50 of the aforesaid judgement of the Delhi High Court dated 29.4.2002 is as under:

"In view of the aforementioned binding precedents of this Court, we are of the opinion that the petitioners cannot be said to be the civil servants and as such the Tribunal has rightly held that they have no jurisdiction to entertain the application under Section 19 of the Administrative Tribunal Act."

6. Relevant portion of the order of this Tribunal dated 11.9.2002 in CP No. 341/2002 in OA No. 2539/2001 which is as follows:

"In view of the findings of the High Court of Delhi in Rajesh Mishra & Ors. Vs. Government of NCT Delhi and others, 98 (2002) Delhi Law Times 624 (DB) where this court has been held to have no jurisdiction to entertain the service matter of Home Guards, as not being civil servants under Section 19 of Administrative Tribunal's Act, 1985, CP filed by the applicants is not maintainable and is accordingly dismissed. Notices issued are discharged".

7. As the matter relates to termination/dis-engagement of Delhi Home Guards and in view of the aforesaid judgement of the Delhi High Court and the order of this Tribunal, I am of the opinion that this Tribunal has no jurisdiction to

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entertain the present OAs under Section 19 of the Administrative Tribunals Act, 1985. OAs are therefore, dismissed as not maintainable.

8. Interim Order earlier granted stands vacated.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

Mittal