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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1094/2002

MA 833/2002

New Delhi this the 3rd day of September, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Hon'ble Shri S.A.T.Rizvi, Member (A)

1. Gambhir Singh
S/O Bau Lal,
Saraswati Bhandar,
Gandhi Nagar, Delhi
2. Vishist Singh
S/O Bachu Singh
129, Gautampuri-II,
I.T.O. New Delhi
3. Shankar Prasad Sharma
402, Gautampuri-II,
I.T.O., New Delhi.
4. Jai Tilak
S/O Shri Sant Lal
H.No.90-B, New Hira Park,
Dr. Chau Road, Najafgarh,
New Delhi.
5. Hari Shankar
S/O Dharam Nath Singh
Plot No.33, Ashok Vatika,
Ghaziabad.
6. Shiv Prasad
S/O Hakhu Prasad,
H.No.83, Raj Ghat, Power
House, Kanchanpuri, Baila Road,
New Delhi-2
7. Puran Singh
S/O Banshi Singh
B-1202, Metro Vihar,
Delhi-82
8. Ramvir Singh
S/O Natha Singh
534/A, Indra Camp, S.R.Marg,
New Delhi.
9. Bhubneshwar Rai
S/O Chander Shekhar Rai,
H.No.B-87, Ram Nagar, East
Mandoli, Near DDA, Mansarovar
Park, Shahdara-32

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Jodhu Singh
C 8 C/133, Gautampuri-II
ITO, New Delhi

..Applicants

(By Advocate Shri Bal Raj Dewan)

VERSUS

1. Govt.of NCT of Delhi through Secretary (Home) Govt.of NCT of Delhi, 5th Floor C-Wing Delhi Sachivalaya, N/Delhi.
2. Commissioner of Police, Delhi MSO Building, Police Headquarters, ITO, New Delhi
3. Director General, Delhi Home Guard, CTI Complex, Raja Garden, New Delhi.

.. Respondents

O R D E R (ORAL)

(Hon'ble Shri S.A.T.Rizvi, Member (A)

10 ex-Home Guards pray for a direction to ~~the~~ ✓ respondent No.2 (Commissioner of Police, Delhi) to provide 50% reservations in favour of Home Guards in the matter of recruitment of 2539 male constables (Executive) advertised in April, 2002. In support of their claim the applicants have placed reliance on the Circular dated 18.9.1999 (Ann.A.3) issued by the Govt.of NCT of Delhi (Home Department) to all the Principal Secretaries/Secretaries/ Heads of Departments of Delhi Govt./Local Bodies/ Autonomous Bodies/ Delhi Govt. and Institutions which, inter alia, provides as under:

" Ministry of Home Affairs has appreciated the steps taken by various state government like Government of Bihar and Madhya Pradesh is providing for 50 % vacancies to be reserved for Home Guards in Group 'C' and 'D' in the

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Police Armed Police, Jail etc. And have directed that their examples need to be emulated by the other State Governments. It has, therefore, been decided that if need be, the existing Recruitment Rules may be suitably amended to give similar concession to Home Guards and Civil Defence Volunteers".

2. The last date for filing applications in response to the advertisement expired on 27.4.2002. However, none of the applicants herein has preferred an application for appointment as Constable (Ex.). Learned counsel appearing on their behalf submits that unless concessions such as age relaxation together with 50 % reservations in favour of ex-Home Guards are made available, the applicants will not be able to qualify. That is why they have chosen not to prefer an application.

3. We find that despite three adjournments given to enable the applicants to file certain additional documents in support of the present OA, ^{& They are} They have not been able to do so and ~~is~~ now before us with the plea that the matter be decided on the basis of the documents available on record.

4. We have considered the submissions made by the learned counsel and have perused the crucial Circular dated 18.9.1999 on which reliance has been placed by the learned counsel in support of the case put forward by the applicants. The aforesaid Circular takes note of the fact that the Ministry of Home Affairs has appreciated the steps taken by various State Governments in providing 50 % reservation in favour of the Home Guards for appointments in Group 'C' and 'D' vacancies in certain organisations such as Police,

Armed Police, and Jail etc. The said Circular further notes that the Ministry of Home Affairs has directed that the examples set by the aforesaid States would need to be emulated by the other State Governments. Having noted the position as above, the aforesaid circular ends up by conveying the decision of the Govt. of NCT of Delhi that the existing Recruitment Rules (RRs) ~~may~~ be suitably amended to provide similar concessions to Home Guards and Civil Defence Volunteers. The implication obviously is that the various Departments of Govt. of NCT of Delhi will ~~perhaps~~ ^{proceed to} take action regarding amendment in the existing RRs, after ~~appropriate~~ consideration of the matter. There is no direction ~~contained~~ in the aforesaid Circular that the various Departments of ^{The Govt. of} NCT of Delhi will, in any case, amend the RRs to provide for reservations in favour of the Home Guards and Civil Defence Volunteers. The Learned counsel appearing on behalf of the applicants is not aware of further action, if any, taken by the various Departments of the Govt. of NCT of Delhi ~~in~~ follow up of the aforesaid Circular. We note, therefore, that the amendments contemplated in the aforesaid Circular have not ~~been~~ so far materialised which appears to be the reason why there is no mention of reservations in favour of the ex-Home Guards in the aforesaid advertisement which was issued in April, 2002.

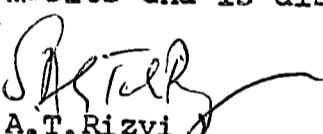
5. Apart from ~~the~~ reservations, the applicants in the present OA also seek age relaxtion on par with ex-servicemen etc. The aforesaid Circular dated 18.9.1999 does not provide

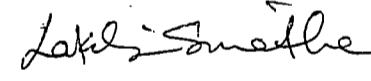
for age relaxation and there is no mention of it in the aforesaid advertisement either. We have already noted that the applicants have not filed applications in response to the aforesaid advertisement.

6. In the light of the foregoing ~~paragraph~~, we find no merit in the present OA. There is no case for issuing directions to respondent No.2 to amend the RRS to provide for reservations in favour of Home Guards nor for introducing age relaxation for these persons.

In our view, ~~as~~ ^{it is} a matter of policy ~~it is~~ ^{which is best} left to the State Government to take ^a decision on ~~it~~. Moreover, the existing rules are not under challenge in the present OA.

7. For the reasons given ~~above~~, the OA is ^{found to be} devoid of merits and is dismissed in limine.


(S.A.T. Rizvi
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (W)

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