

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1673/2002
M.A. No. 1329/2002

New Delhi this the 23rd day of January, 2003

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

1. Pradeep Kumar S/o Shri Rajender Singh,
R/o H.No.310, Village Aali, Badarpur,
New Delhi
Sanad No. 6812 (SPC)
2. Bhagwan Das S/o Shri Jeewan Ram
R/o H.No. 186, C-II, Madangiri,
New Delhi.
Sanad No. 6323
3. Lalit Kumar S/o Shri Makhan Lal
R/o WZ-101/44, Mohan Nagar, Janak Puri,
New Delhi
Sanad No. 6173
4. Vinod Kumar S/o Shri Ram Avtar Sharma
R/o L-2/4, Police Colony, Andrewes Ganj
New Delhi
Sanad No. 6126(PO)
5. Nand Kishore S/o Shri Ram Prasad
R/o P-14, Servant Quarter, Kirbi Place,
New Delhi
Sanad No. 6233
6. Ramesh Chand Yadav S/o Shri Kaare Singh
R/o Laado Sarai, New Delhi.
Sanad No. 6857
7. Jai Deep Singh S/o Shri Jeet Singh
R/o C-108, Raj Nagar - II
Palam, New Delhi.
Sanad No. 6121.
8. Savita D/o Sh. Aridhan Lal,
R/o Chandi Village,
New Delhi.
Sanad No. 2463.

Applicants

(By Advocate: Shri U.Srivastava)

Versus

Govt. of NCT Delhi, through

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



(2)

3. The Commandant,
Delhi Home Guards, CTI Building,
Raja Garden, New Delhi. Respondents
(By Advocate:Shri Harvir Singh)

ORDER (Oral)

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

Applicants, in this OA, were working as Home Guards under the Respondents. They are aggrieved by the alleged verbal discharge orders passed by the respondents regarding the applicants.

2. When the matter came up for admission today, learned counsel for the applicants and the learned counsel for the respondents agreed that this Tribunal has no jurisdiction to entertain this OA in view of the Delhi High Court judgement dated 29.4.2002 in CWP No. 4388/2001 Rajesh Mishra & Ors. Vs. Govt. of NCT of Delhi & Ors.) which was also followed by this Tribunal in several OAs, including order dated 3.10.2002 in OA No. 1351/2002 (Kusum Lata & Others Vs. Govt. of NCT of Delhi) with OA 1520/2002 (Rishi Pal Tyagi & Others Vs. Govt. of NCT of Delhi).

3. 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."

AV

(14)

(3)

4. As the matter relates to termination/disengagement of Delhi Home Guards and in view of the aforesaid judgement of the Delhi High Court and the orders of this Tribunal passed in the light of the said judgement of the Delhi High Court, I am of the opinion that this Tribunal has no jurisdiction to entertain the present OA under Section 19 of the Administrative Tribunals Act, 1985. OA is, therefore, dismissed as not maintainable.

5. Interim order earlier granted stands vacated.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

/kd/