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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 2143/2001

NEW DELHI THIS THE 1ST DAY OF APRIL 2002

HON'BLE SH. GOVINDAN S. TAMPI, MEMBER (A)

1. Naresh Bala S/o Sh. Banwari Lal
R/O House No. RZ-3 Arjun Park,
Mangli Chhatrawali,
Najabgarh,
New Delhi
Sanad No.2436.
2. Darshan Kaur, W/o Sh Nirmal Singh,
R/o WZ-283/28, Bishnu Garden, Ext.I,
New Delhi Sanad No.2391
3. Balram Dube S/o Sh. Bhagban Bakh Dube,
R/O A-146, Moti Garden Ext. Uttam Nagar,
New Delhi
4. Ram Sewak Rai, S/o Madhu Rai,
R/o DDA Flat, Pocket No.B, House No.23,
Nasir Pur, Durga Park, New Delhi

(By Shri Sh. U. Shrivastava, Advocate)

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 & Civil Defene, CTI Building, Raja Garden,
New Delhi
3. The Commandant, Delhi Home Guard, CTI Building,
Raja Garden, New Delhi

***** Respondents

(By Shri Vijaya Pandita Advocate)

O.R.D.E.R (ORAL)

Applicants in this OA , four in number , are aggrieved by the action of the respondents in not permitting them to perform their duties.

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2. M.A. No. 1776/2001, for joining is allowed.

3. In the OA filed and pressed through Sh. U Srivastava, learned counsel, the applicants, who have been working as Home Guards with GNCT, challenge the action of the latter in not permitting them to continue with their duties. The action of the respondents was illegal, improper and arbitrary and against the repeated and reiterated decision of the Tribunal, latest being the decision dated 22.3.2002 in OA No.3105/2001 Sh Srivastava therefore, urges the immediate intervention of the Tribunal.

4. Sh. Vijay Pandit, learned counsel ^{for} ~~for~~ ~~the~~ respondents point out that the application is premature and not maintainable in terms of Section 20 of the AT ACT, 1985 in as much as the applicants have not exhausted the remedies available before moving the Tribunal.

5. I have considered the matter. I find that the applicants have a prima facie case. I am equally considered that the objection raised by the respondents can also not be overlooked. In my view the parties should have the issue settled among themselves, before taking recourse to the OA. I order accordingly and direct that the applicants, shall file a representation with the respondents within fifteen days from the receipt of this order, detailing their pleas, placing along with it a copy of this OA and this order. Respondents, shall, within fifteen days from the date of its receipt, consider the request in accordance with law,

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instructions as well as the decision with specific reference to the order of the Tribunal dated 22.3.2002 in OA 3105/2001 and communicate their decision to the applicants. They shall have liberty to come to the Tribunal if they are still aggrieved , and their OA would not be hit by limitation. No costs.

(Govindar S. Tamai)
Member (A)

Patwal/