

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 3272/2001
MA No. 760/2002

New Delhi this the 3rd day of October, 2002

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

1. Amar Singh Rawat, S/o Shri Bal Singh Rawat,
R/o F-116, Kathwaria Sarai, New Delhi.
2. Bijender Singh, S/o Shri Onkar Singh,
R/o 41/B, Sadh Nagar,
New Delhi-110 045.
3. Sila Verk, S/o Shri Rajender Singh,
R/o B-2/348, Sultan Puri, Near Temple
New Delhi.
4. Anand Kumar, S/o Shri Late Virender Singh,
R/o F-33, Kathwaria Sarai,
New Delhi-110 016.
5. Hari Om, S/o Shri Hori Lal,
R/o F Block, F.214, Aman Vihar,
New Delhi.
6. Shiv Sahaya, S/o Shri Sita Ram,
R/o 9A/572, Lal Bagh, Azadpur,
New Delhi.
7. Doodh Nath, S/o Shri Ram Baran,
R/o 9A/593, Lal Bagh, Azadpur,
New Delhi.
8. Ram Prasad, S/o Shri Nepsari,
R/o 9A/399 Lal Bagh, Azadpur,
New Delhi.
9. Bimla Rani W/o Shri Madan Lal,
R/o 15/242 Dakshin Puri,
New Delhi.

Applicants

(By Advocate: Shri U. Srivastava)

Versus

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

Respondents

(By Advocate: Shri George Parackin)

O R D E R (Oral)

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

When MA No. 760/2002 in OA No. 3272/2001 came up today for directions, learned counsel for the applicant in MA No. 760/2002 in the above OA, sought permission to withdraw the MA. Learned counsel for the respondents has no objection. Permission granted. MA No. 760/2002 is dismissed as withdrawn.

2. 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.

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

4. 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/dis-engagement of the applicants who were serving as Home Guards under the Respondents and that the Tribunal has no

[Signature]

jurisdiction to entertain this OA in view of the aforesaid judgement of the Delhi High Court and the Order of this Tribunal

5. Learned counsel for the applicant, Shri U.Srivastava, and the learned counsel for the respondents, Shri George Parackin, agree that this 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.

6. 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."

7. 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".



8. 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 order of this Tribunal, 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.

A Vedavalli

(Dr. A. Vedavalli)

Member (J)

Mittal