

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1394/99

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New Delhi, this the 21st day of September, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

1. Syed Saud Ziad
S/o Syed Qasim Ali
r/o 343, Jama Masjid,
Delhi-6.
2. S.C. Kotwal
s/o Sh. Harbans Lal,
r/o 940/2A, Bhola Nath Nagar,
Delhi.
3. J.P. Sharma
S/o Sh. Ram Narain
r/o Rohini Sector-5,
B-5/336, 337,
Delhi.
4. Umesh Kumar
r/o 1222, Ram Nagar,
New Delhi.
5. Dr. Mathews
r/o Marcos Paist Control
Jhandewalan, New Delhi.

(By Advocate: Sh. U. Srivastava)

VS.

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

(By Advocate: Sh. Rajinder Pandita)

ORDER (ORAL)

By Mr. Justice V. Rajagopala Reddy,

Heard counsel for the applicant and the respondents.

2. The OA is filed against the order dated 31.5.99 by which the order of appointment of the applicants as Additional District Commandant and Battalian Commanders was quashed and they were directed to deposit their identity cards and other articles.

3. The applicants submit that they were working with the respondents as volunteers and have been designated as Battalian Commanders, in case of applicants No.1,2,3 & 4 and in case of Applicants No.5 & 6 as Additional District Commandants, in 1998. Learned counsel for the applicant Sh. Srivastava submitted that the order is vitiated for want of notice and it is also illegal on the ground that no reasons have been assigned in the order or removal.

4. Learned counsel for respondents Sh. Rajinder Pandita, however, submits that the OA is not maintainable as no representation was filed as required under Sections 19,20, 21 of the AT Act, 1985 and on that ground, the OA is liable to be dismissed. It is also contended that applicants are volunteers and are not paid by the Government and hence they cannot maintain the OA. He relies upon the judgment of the Tribunal as well as the judgment of the Supreme Court in this regard.

5. We are of the view that the OA has to be thrown out at the threshold as no representation has been made by the applicants. Admittedly, the applicants are volunteers and are not under regular pay of the Government. After the impugned orders have been passed, the applicants should have represented to the Government instead of rushing to this Court by filing this OA, as required under the provisions of the AT Act.

6. The OA is disposed of with the direction that ²²if any representation is made by the applicants within a period of one month from today, Resp. No.2 shall dispose of the same within a period of one month thereafter. No costs.

(GOVINDAN S. TAMPI)
Member (A)

'sd'

(V. RAJAGOPALA REDDY)
Vice Chairman (J)