

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA NO. 2331/1999

New Delhi this the 17th day of May, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Durga Prasad S/o Sh. Badlu Ram (Sanad No.
R/O - C-8/233, Sultanpuri, New Delhi-41
Sanad No. 5522
Rank : S.L.
2. Mangal Singh S/o Sh.
R/O - H.No. P2/332
Sultanpuri, New Delhi-41
Sanad No. 5226
Rank : H.G.
3. Ram Avatar S/o Sh. Meku Lal
R/O - S-431, Mangolpuri, New Delhi
Sanad No. 1546
Rank : P.H.
4. Ram Ashray S/o Sh. Banarsi
R/O - S-498, Mangolpuri, Delhi
Sanad No. 5408
Rank : H.G.
5. Dhanush Dhari S/o Sh. Ram Das
R/O - 474, S-Block, Mangolpuri, Delhi
Sanad No. 5224
Rank : H.G.

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6. Barkhu Prasad S/o Sh. Felau Ram
R/O-S-501, Mangolpuri, New Delhi-83
Sanad No. 5227

Rank : H.G.

7. ~~Ramdev Kumar S/o Sh. Raghbir Singh~~
Ramesh Kumar S/o Sh. Inder Lal
R/O - B-428, Sultanpuri, Delhi
Sanad No. 1990

Rank : S.L.

8. Girja Shankar S/o Sh. Mukh Lal
R/O - S-1080, Sultanpur, New Delhi
Sanad No. 1711 (Repeat) 1711
Rank : H.G.

9. Jagannath S/o Shri Miloo Ram
R/O - T-246 Mangolpuri, Delhi
Sanad No. 1682
Rank : H.G.

10. Ganga Ram S/o Sh. Kanchan Ram
R/O - S- 893 , Sultanpuri, New Delhi
Sanad No.
Rank : H.G.

11. Nathu Ram Kannujia S/o Sh. Machai Ram
R/O L-Block, W 33/14 , Mangolpuri
New Delhi
Sanad No.: 1508
Rank : H.G.

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12. Ram Sunder S/O Sh. Kariya
R/O - H.No. 160, O-Block, Mangolpuri

New Delhi-83
Sanad No. 1698

Rank : H.G.

13. Banke Lals/O Sh. Moti Ram
R/O - E-515 Mangolpuri, New Delhi

Sanad No. 1632

Rank : H.G.

14. Gulab Singh S/O Sh. Ghuraee
R/O - 34/668 Mangolpuri ,New Delhi

Sanad No. :- 1630

Rank : H.G.

15. Qunai Ram S/O Sh. Antu
R/O - N-Block, Jhuggi Jhopri, Mangolpuri

New Delhi

Sanad No. 1691

Rank : H.G.

16. Birender Kumar S/O Sh. Hukum Singh
R/O - E-1/101 Sultanpuri, Delhi

Sanad No. : 5481

Rank : H.G. (P.S. Sultanpuri)

17. Mohan Chand S/O Sh. Bastam Ram
R/O - 6/63 Sultanpuri, Delhi

Sanad No. 903

Rank : H.G.

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18. Murari Lal S/O Sh. Ram Chander
R/O E-1/199, DDA Flat Sultanpuri, Delhi
Sanad No. CA-427
Rank :- H.G.

19. Pawan Kumar S/O Sh. Hukum Singh
R/O - E-1/101 Sultanpuri, Delhi
Sanad No. 9484
Rank : H.G.

(By Advocate: Shri J. Srivastava)
versus

... Applicants

Govt. of NCT Delhi, through

1. The Chief Secretary,
5, Sham Nath Marg,
New Delhi

2. The Commandant General ,
Home Guards, and Civil Defence
C.I.T. Building, Raja Garden
New Delhi

3. The Commandant,
Delhi Home Guards,
C.I.T. Building, Raja Garden
New Delhi

(BY Advocate Shri A. Pandita)

... Respondents

O R D E R

Hon'ble Shri Kuldip Singh, Member (J):

The applicants were engaged under the Bombay Home Guards Act, 1947 and they have worked with the respondents for more than 10 years. It is, further, submitted that for all purposes, they are public/civil servants and they have been declared civil servants by some previous decision of the Hon'ble High Court itself and as such their services cannot be terminated. It is submitted by the applicants that they had been disengaged vide orders dated 7.5.2000 (applicant Nos.1 to 6), 23.12.2000 (applicant No.7) and 14.7.2000 (applicant Nos.8 to 19). They have, therefore, prayed the following reliefs as under:-

- (a) declaring the actions of the respondents discharging the applicants in such a manner is as illegal as the applicants are being discharged before completion of tenure as mentioned in their Identity Cards;
- (b) to declare the action of the respondents in discharging the applicants by way of mentioning the date in the Identity cards or any other illegal means as illegal and also declare the action of the respondents for not allowing the applicants to perform their duties after the date as mentioned in Identity Cards, as alleged;
- (c) to direct the respondents to allow the applicants to perform their duties peacefully.

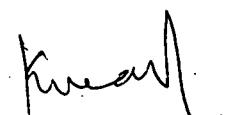
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(d) to direct the respondents to frame the policy as per the directions of the Hon'ble High Court; and

(e) to pass such other and further order which this Hon'ble Tribunal may deem fit and proper .

2. The OA is being contested by the respondents, they have submitted that the applicants were employed as Volunteers and Home Guards is the Voluntary Organisation with the motto of 'NISHKAM SEWA' having no statutory rights and obligations either on the respondents or the applicants regarding their service conditions. They have further submitted that they can put the Volunteers off at any time if there assistance is not required, and they have relied on various judgements to substantiate their claim. It is further submitted by the respondents that the Home Guards do not fall within the jurisdiction of this Tribunal, as they do not hold civil posts and has referred to a number of judgments such as OA 493/2000, OA 852/2000, OA 377/2001 and OA 376/2001. On going through all these judgments, I find that all these judgments in one voice say that the Home Guards do not fall within the jurisdiction of this Tribunal and as such I think that there is no reason to differ with the reasoning given in the aforesaid judgments.

3. In view of the above, nothing survives in the OA which is accordingly dismissed. No Costs.


(KULDIP SINGH)
MEMBER (J)

Rakesh