

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 253/99

New Delhi, this the 5th day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

1. Anil Kumar No. 9061,
2. Shyam Sunder No. 8981
3. Kumar Pal Singh No. 9048

All c/o A-8/642, East Gokulpuri,
Near Shiv Mandir, Delhi - 32). ... Applicants

(By Advocate: Shri Javed Ahmed

Versus

1. The Directorate General of Home Guards,
& Civil Defence Delhi,
Nishkam Sewa Bhawan,
C.T.I., Raja Garden,
New Delhi.
2. The District Staff Officer,
Nishkam Sewa Bhawan,
C.T.I., Raja Garden,
New Delhi.
3. The Commandant of Home Guards,
Nishkam Sewa Bhawan,
C.T.I., Raja Garden,
New Delhi.

..... Respondents

(By Advocate: None)

O R D E R

Hon'ble Shri T.N. Bhat, Member (J)

We have heard the learned counsel for the applicants and, for reasons that follow, we find that there is no force in this O.A. and the same deserves to be dismissed in limine.

2. The applicants herein joined the Home Guards Organisation a few years back initially for a period of three years which is also the period for which appointments are to be made under the relevant Home Guards

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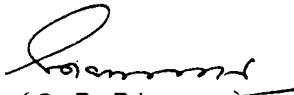
Act. They have now been served with notices of termination of their services and being aggrieved by the same, they have come to the Tribunal seeking the relief that they should be regularised in the said Organisation and that the orders of termination should be quashed. (3)

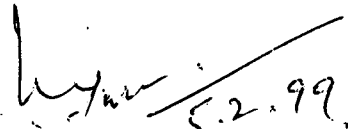
3. A bare perusal of the Bombay Home Guards Act, which has been made applicable to N.C.T. of Delhi, clearly reveals that entry into the Home Guards Organisation is a voluntary act and that a person who joins the Organisation has no right to continue indefinitely or to be regularised. This question has further been settled finally by not one but several judgements passed by this Tribunal as also a judgement of the Apex Court in R.D. Sharma versus State of Punjab and Ors. delivered in S.L.P. (C) No. 12465/90. The Apex Court has in clear terms held that a person who joins the Home Guards cannot ask for regularisation nor is he entitled to continuance or regularisation of his services after the expiry of the initial period of recruitment. This Bench has, relying upon the aforesaid judgement of the Apex Court and several other judgements passed by this Tribunal, held in the common judgement dated 18-12-1998 in OA Nos. 2323/98 and 2486/98 that home guards personnel cannot claim regularisation or even re-engagement, particularly so if their initial engagement of three years is over. This judgement has been upheld by the Hon'ble Delhi High Court. Another Bench of this Tribunal headed by Hon'ble Shri S.R. Adige, Vice-Chairman in its judgement dated 11.1.1999 in OA Nos. 2006/98 and 1846/98 held a similar view.

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4. In view of the above we are convinced that there are no grounds for issuing a notice to the respondents on this OA which is liable to be dismissed at this stage itself.

5. In the result this OA is dismissed in limine.


(S.P. Biswas)
Member (A)


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(T.N. Bhat)
Member (J)

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