

Central Administrative Tribunal
Principal Bench: New Delhi

OA 333/99 MA 347/99

New Delhi, this the 20th September, 1999

Hon'ble Shri S. R. Adige, Vice Chairman (A)
Hon'ble Shri Kuldip Singh, Member (J)

1. Dori Lal s/o Lala Ram,
R/o E-1672, Jahangir Puri,
Delhi.
2. Suraj Pal s/o Laxman Singh,
R/o WP- 39, Vill. Wazirpur,
Delhi.
3. Om Prakash s/o Khajan Singh,
R/o H.No. 1019, Block - I,
Jahangirpuri, Delhi.
4. Raj Kanwar s/o Sh. Singh Ram,
r/o H.No. 42, Ram Gargh,
Jahangirpuri, Delhi.
5. Satish Babu s/o Asharfi Lal,
r/o D-794, Jahangirpuri,
Delhi.
6. Ved Ram
r/o 63, Sanjay Nagar,
Jahangirpuri, Delhi.
7. Maya Shankar s/o Ram Lochan,
R/o N-49/196, Haider Pur,
Delhi.
8. Mahavir Singh s/o Chander Lal,
r/o H.No. 425/1, Village Burari,
Delhi.
9. Raj Bir Singh,
r/o H.No. 115, Rajpura,
Gurmandi, Delhi.
10. Lallan Jha s/o Hariwansh Jha,
r/o A-152, Kirari Karan Vihar,
Delhi.
11. Govind Jha s/o Baldev Jha,
r/o S-391, Shakurpur,
J.J.Colony, Delhi.
12. Baidyanathan Singh s/o Mahindar Singh,
R/o A-1059, Jahangirpuri, Delhi.
13. Ashok Pal s/o Sada Ram,
r/o RZ-121/6, Street No. 5,
Main Sagar Pur, Delhi.
14. Satpal Singh s/o Ballam Singh,
r/o E-27, Jeewan Park, Uttam Nagar,
Pankha Road, New Delhi.

9

15. Madan Lal s/o Shiv Lahori,
r/o 304/7, Railway Colony,
Rani Bagh, Delhi.

16. Udal Singh s/o Jabar Singh,
r/o A-318, Budh Vihar,
Shyam Colony, Phase-II,
Delhi.

17. Ved Nath,
r/o A-1059, Jahangirpuri,
Delhi.

... Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of N.C.T. of Delhi
through the Chief Secretary,
5, Sham Nath Marg, Delhi.

2. Commandant General,
Home Guards & Civil Defence,
CIT Building, Raja Garden,
New Delhi.

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

... Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R (Oral)

By Hon'ble Shri S.R. Adige, Vice Chairman (A):

1. Applicants, who are Home Guards, impugn respondents' verbal orders discharging them from their duties by issuing notice of discharge [Annexure A-1(A)] and seek a direction to keep them on the roll and allow them to perform their duties.


2. We have heard Shri S.K. Gupta, counsel for applicants and Shri Rajinder Pandita, counsel for respondents. Shri Gupta has submitted that applicants No. 13 & 14, namely, Shri Ashok Kumar and Sh. Satpal Singh respectively, are not pressing this O.A.

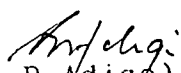
10

3. The Delhi High Court in its judgement dated 26.05.1999 in CWP No. 4286/97 (Mansukh Lal Rawal & Ors Vs. Union of India & Ors) has held that the Home Guards who have completed their tenure have no enforceable right to compel respondents to regularise them, or to continue their 3 year period of tenure, even if it may be the 5th or 6th such tenure. However, upon it being brought to the notice of the Delhi High Court that respondents were framing a Scheme in regard to these Home Guards who were to be enrolled/re-enrolled and those whose tenure was not to be extended, the High Court of Delhi has expressed the expectation and hope that such a Scheme will be a transparent and workable one and shall be framed within a period of six months.

4. If after framing of the aforesaid Scheme any cause of action is available to applicants, it will be open to them to agitate their grievances before the competent Forum in accordance with law, if so advised.

5. Subject to the above, this O.A. is disposed of. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

na