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Central Administrative Tribunal
Principal Bench

O.A. No. 334 of 1999

New Delhi, dated this the 22nd September, 1999

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

S/Shri

1. Om Pal,
S/o Shri Ram Sarup Sharma,
R/o 315/3, Nehar Bazar, Main Road,
Maujpur, Delhi-110053.
2. Anand Kumar,
S/o Shri Daya Chand Sharma,
R/o 315/3, Nehar Bazar, Main Road,
Maujpur, Delhi-110053.
3. Sri Krishan,
S/o Shgri Kadam Singh,
R/o 3/72, Gali No. 15, Gurdwara Mohalla,
Maujpur, Delhi-110053.
4. Vinod Kumar,
S/o Shri Jagdish Singh,
R/o 3660/L/2, Gali No. 4,
Shanti Mohalla, Gandhi Nagar,
Delhi-110032. Applicants

(By Advocate: Dr. J.C. Madan)

Versus

1. Union of India through
the Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.
2. D.G. Home guards, I.T. Complex,
Raja Garden,
New Delhi-110015. Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants who were appointed as Home Guards
between 1989 and 1993 challenge respondents' oral

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notice threatening to terminate their Membership and pray for grant of temporary status followed by regularisation.

2. Heard both sides.

3. The Delhi High Court in its order dated 26.5.99 in CWP No. 4286/97 M.S. Rawat & Others Vs. U.O.I. & Others while dismissing the CWP has held that Home Guards are not entitled to regularisation, and also cannot complain if respondents terminate their membership as Home Guards on the completion of their present tenure of three years (even though it may be the 5th or 6th such tenure). While dismissing the CWP the Court took note the statement of Respondents' counsel that a policy was being framed to ensure that there was no pick and choose with regard to those persons who were to be enrolled/reenrolled and those whose tenure were not to be extended, and expressed the hope that a transparent and workable policy in that regard would be framed within six months.


4. In this connection respondents' counsel Shri Rajinder Pandita has handed over a copy of the Hon'ble Supreme Court's order dated 28.2.95 in SLP No. 4550/95 against the CAT, Chandigarh Bench's order dated 31.1.95 in O.A. No. 1013/CH/88. Raj Kamal Belt No.62 & Others Vs. UOI & Others which is extracted below:


"The Petition for special leave is dismissed."

The representation must be made to the Government and not to the Court."

5. On this basis Shri Pandita asserts that Tribunal has no jurisdiction even to entertain this O.A.

6. In the light of the foregoing this O.A. is dismissed. If the formulation of the policy referred to in Para 3 above, gives applicants any cause of action, it will be open to them to agitate the same before the appropriate forum in the manner prescribed by law if ^{so} advised. No costs.


(Kuldip Singh)
Member (J)


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

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