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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1088/1998

New Delhi, this 10th day of February, 1999

Hon'ble Shri T.N. Bhat, Member(J)  
Hon'ble Shri S.P. Biswas, Member(A)

Ombir Singh  
9/1028, Patel Gali No.2  
Subhash Road, Gandhi Nagar .. Applicant  
New Delhi

(By Shri U. Srivastava, Advocate)

versus

Govt. of NCT of Delhi, through

1. Secretary  
5, Shamnath Marg, Delhi
2. Director General  
Home Guard & Civil Defence  
Nishkam Bhavan, Raja Garden  
New Delhi
3. Commandant General  
Home Guard & Civil Defence  
Nishkam Sewa Bhavan, New Delhi .. Respondents

(By Advocate Shri Rajinder Pandita)

ORDER

Hon'ble Shri S.P. Biswas

The applicant is challenging the order dated 19.1.98 by which he has been discharged from the service of Home Guards. Consequently, he seeks reinstatement in service.

2. We have heard the rival contentions of the parties and perused the records. As a result of several complaints having been received against the applicant, while he was serving as Coy. Commander under respondent-department, for his alleged involvement in corrupt practices, he was issued a show-cause notice, his reply was not found satisfactory and he was discharged from service.

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Applicant preferred an appeal against the same, which has not yielded any response and thus he is before us seeking his reinstatement.

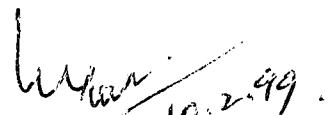
3. We find that the reply filed by the respondents, unfortunately, does not answer properly to the various points raised by the applicant in support of his claim. The reply only elaborates service conditions of Home-Guards to the extent that they are volunteers and that they are not holding any civil posts.

4. The main question that arises in this application is whether persons belonging to Home Guards Organisation can approach the Tribunal against the orders of discharge passed by superior officers of that organisation. Answer to this question need not detain us any longer. Chandigarh Bench of this Tribunal held in a number of cases, notably OA No.1013/CH/98 and 1252/CH/92 and in a bunch of other cases that Home Guard personnel have no right to continue in the organisation if their services were not required. We have recently, while disposing of three OAs, being OA 1169, 1080 and 1079/1998, by a common judgement dated 16.10.1998, held that Home Guards personnel cannot claim regularisation or re-engagement, particularly so if their initial term of engagement of three years is over. A similar view has been taken very

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recently by a coordinate Bench of this Tribunal while disposing of OAs No.2006/98 and 1846/98 decided on 11.1.1999. We notice that the applicant was essentially engaged on voluntary basis and cannot legally claim re-engagement, irrespective of the nature and cause of dis-engagement. It is now well settled that Home Guards do not hold any civil posts and cannot seek any protection by complaining violation of the provisions under Article 311(2) of the Constitution. This OA has no merit and is accordingly dismissed. No costs.

  
(S.P. Biswas)  
Member (A)

  
10.2.99.  
(T.N. Bhat)  
Member (J)

/gtv/