

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./~~XXX~~ No. 1735/1998
M.A. No. 1839 of 1998

Decided on: 22/9/98

Daya Kishan & AnotherApplicant(s)

(By Shri U. Srivastava Advocate)

Versus

Govt. of NCT Delhi &Respondent(s)

Others
(By Shri _____ Advocate)

CORAM:

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter or not? 75
2. Whether to be circulated to the other Benches of the Tribunal?

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(K. Muthukumar)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1735 of 1998
M.A. 1839 of 1998

New Delhi this the 2nd day of September, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Daya Kishan
S/O Shri Sardari Lal
R/o House No.678/B, Gali No.17,
Adarsh Mohalla, Maujpur,
Delhi-53.
2. Ram Kishan
S/o Guljari Lal Sharma
R/o House No.224/2B, Kadam Nagar,
Gali No.7,
New Delhi-7. ..Applicants

By Advocate Shri U. Srivastava.

Versus

- Government of N.C.T. Delhi through
1. The Chief Secretary,
5, Shamnath Marg,
New Delhi.
 2. The Director General,
Delhi Home Guards and Civil Defence,
CTI Complex, Raja Garden,
New Delhi.
 3. The Commandant,
Home Guards Organisation of Delhi,
C.T.I. Complex, Raja Garden,
New Delhi. ...Respondents

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

Applicants are Home Guards engaged under Rule 3 of the Delhi Home Guard Rules, 1959. Respondents by their impugned notice dated 24.8.1998 purported to ^{have} been issued under Rule 8 of the Home Guard Rules, 1959, have informed them that their services will be no longer required after 17.8.1998/19.8.1998 respectively on completion of their 9 years. It is also stated that notice of one month is given to them prior to the end of their tenure and in

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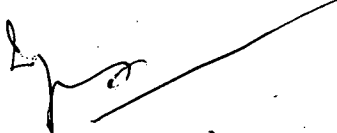
compliance of the direction of the Tribunal in O.A. No. 188/1995 - Shri Krishan Kumar and Others Vs. Government of NCT & Others. Applicants contend that the impugned orders issued on 24.8.1998, to take effect from 19.8.98, by giving prior notice of one month before the end of tenure are prima facie inconsistent and is violative of the provisions of Rule 8. They contend that they were in service as Home Guards for a long number of years. They have also prayed for interim orders not to give effect to the orders.

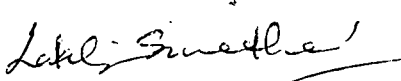
2. We have heard the learned counsel on the interim prayer and perused the order.

3. We find prima facie that the impugned order is not in consonance with Rule 8 of the Delhi Home Guard Rules, 1959. If the tenure of the applicants ended on 17.8.98 (in respect of applicant No.2) and 19.8.98 (in respect of applicant No.1), respondents should have given notice of one month in advance of the above said dates, but the impugned notice itself is dated 24.8.98. In Krishan Kumar and Others (Supra), this Tribunal has held that under Rule 8 ibid, one month notice for termination of appointment is to be given. As the impugned orders are patently not in accordance with the aforesaid Rule, these cannot be sustained. They are accordingly set aside, with liberty to the respondents to pass fresh orders, if so advised. It is also open to the respondents to give the applicants a fresh tenure of appointment, if they are

otherwise eligible under the rules. A copy of the application along with this order may be furnished to the respondents forthwith. The O.A. is finally disposed of on merits.

No order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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