

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 2422/1998

New Delhi, this the 25th day of May, 2001

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

Shri Ram Darash s/o Sh. Sahdeo
aged about 29 years, and
r/o NA 28/280 Wazirpur Indl. Area,
Delhi - 110 052, and
working as Home Guard, at
P.S. Adarsh Nagar, Delhi-33

- APPLICANT

(By Advocate: Shri Gyan Parkash)

Versus

1. Lt. Governor,
N.C.T. of Delhi
through : Chief Secretary
N.C.T. of Delhi,
5, Shamnath Marg, Delhi.
2. Director General
Home Guards & Civil Defence,
C.T.I. Complex,
Raja Garden,
New Delhi-110027.
3. District Staff Officer (North Range)
Directorate General of Home Guards,
C.T.I. Complex,
Raja Garden,
New Delhi-110027.
4. Company Commandant,
Home Guards,
P.S. Adarsh Nagar,
Delhi-110033.

- RESPONDENTS

(By Advocate: Shri Rajinder Pandita)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member(Judl):

The applicant was engaged as Home Guard under the Bombay Home Guards Act, 1947 on 8.12.1989 and he has worked with the respondents for about 9 years. It is, further, submitted that for all purposes, they are public/civil servants and they have been declared civil servants by some previous decision of the Hon'ble High Court itself and as such there services cannot be terminated: It is submitted by the applicant that he had

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been disengaged, verbally informed the applicant on 5.12.1998 that his services are no longer required and he will be discharged from Home Guards Roll early next week, on 12.12.1998. They have, therefore, prayed the following reliefs as under:-

- a) Since the applicant has been a member of Home Guards Delhi since last 9 years, the respondents may be directed to quash the verbal orders of discharge/termination of appointment/continuation as member of Home Guards Delhi specially when his juniors is continuing;
- b) Respondents may be directed to continue his membership as Home Guard Delhi since the work of Home Guards is continuing in Delhi and his juniors are continuing as members of Home Guard Delhi; and
- c) Any other relief which Hon'ble Tribunal may deem fit and proper keeping in view of the facts and circumstances of the case.

2. The OA is being contested by the respondents, they have submitted that the applicant was employed as Volunteers and Home Guards is the Voluntary Organisation with the motto of 'NISHKAM SEWA' having no statutory rights and obligations either on the respondents or the applicant regarding their service conditions. They have further submitted that they can put the Volunteers off at any time if there assistance is not required and they



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have relied on various judgements to substantiate their claim. It is further submitted by the respondents that the Home Guards do not fall within the jurisdiction of this Tribunal as they do not hold civil posts and has referred to a number of judgments such as OA 493/2000, OA 852/2000, OA 377/2001 and OA 376/2001.

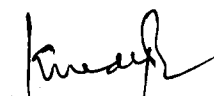
3. The learned counsel for the respondents has also relied upon the judgement in OA No. 1974/2000 in which it was held as follows:-

"15. From the above discussion, it will be clear that the Home Guard Volunteer cannot be equated to Govt. servants etc. covered by Section 14 of the A.T. Act, 1985. As a class, therefore, the Home Guards cannot approach this Tribunal for relief in the circumstances in which the applicants have done so in the present case.

"The Govt. of N.C.T. of Delhi has already issued a policy circular for giving employment to Home Guard Volunteers as security personnel/Guard in Govt. Departments, Govt. aided Institutions/ Autonomous Bodies etc."

On going through all these judgments, I find that all these judgments in one voice say that the Home Guards do not fall within the jurisdiction of this Tribunal and as such I think that there is no reason to differ with the reasoning given in the aforesaid judgments.

4. In view of the above, nothing survives in the OA which is accordingly dismissed. No Costs.


(KULDIP SINGH)
MEMBER(JUDL)

Rakesh