

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1906/98 with
OA No. 2439/98 &
OA No. 2537/98

(F)

New Delhi, this the 10th day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

OA No. 1906/98

1. Vinay Kumar,
S/o Shri Yoginder Narayan Singh,
Sanad No. 2233,
R/o A/13, Nehru Wali,
Mandawali,
Fazalpur, Delhi-92.
2. Nand Kishore son of Shri Bhura Ram,
Sanad No. 2144, R/o 15, 361,
Tilokpuri,
New Delhi-91.
3. Ramkri Singh, S/o Shri Ram Nath Singh,
Sanad No. 9158,
R/o Prem Nagar, Plot No. 21,
Nangloi, Mudka,
Delhi-41.
4. Jamia Dass, S/O Shri Khushi Ram,
Sanad No. 9130,
R/O R-2 - 217-B, Raj Nagar-II, Palam.
5. Om Parkash S/O Sh. Rameshwar
Sanad No. 2227,
R/O RZ-217, Rai Nagar, Palam. Applicants
(All the applicants are working with the
Respondent as a Member of Home Guard).

OA No. 2439/98

1. Rajaram Yadav S/o Sh. Pyare Lal
R/o - CS-91/807, Near Shiv Temple
Tajpur Pahari, Badarpur.
New Delhi.
2. Prem Narayan S/o Sh. Suraju Prasad
R/o - B-90/A, Mohan Baba Nagar,
Tajpur Extension, Badarpur.
New Delhi.
3. Sachinder Kumar S/o Sh. Ram Singh
R/o D-660, Tajpur, Pahari, Badarpur
New Delhi-44.
4. Satyabir Singh S/o Sh. Purna Singh
R/o Kat Badiya Sarai (H.No. F-34)
Hauz Khas, New Delhi.

10.3.99.

5. Krishna Chand S/o Sh. Tej Singh
R/o 108 Begumpur. Malviya Nagar,
Delhi.

6. Bhup Dev Sharma S/o Sh. Ganga Prasad Sharma
R/o B-27. New Ashok Nagar,
New Delhi.

..... Applicants

(8)

OA No. 2537/98

1. Kailash Chand S/o Sh. Ram Charan Singh
R/o 44, Mohan Baba Nagar,
Tajpur. Badarpur. New Delhi.

2. Arjun Das S/o Sh. Polo Ram

3. Babu Ram S/o Sh. Paras Nath Mishra
R/o Okhla Phase I Block A
Khugli No. 203, Brijwasi
Kalyan Kender, New Delhi.

4. Om Pal S/o Sh. Sukhan Lal
H.No. 181, Vill. Burari
New Delhi-9.

(By Advocate: Sh. U. Srivastava) Applicants

Vs.

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

2. The Director General
Delhi Home Guards & Civil Defence
CTI Complex, Raja Garden
New Delhi.

3. The Commandant
Delhi Home Guards & Civil Defence
CTI Complex, Raja Garden
New Delhi.

(By Advocate: Sh. Rajinder Pandita) Respondents

O R D E R

delivered by Hon'ble Shri T.N.Bhat, Member (J)

This common order disposes of the above-titled three OAs as the questions involved in all these OAs is identical. The common question involved is as to whether persons appointed as Home Guards have any right of being regularised in the service or even to continue in service

after the expiry of the initial period of three years envisaged in the provisions contained in the Bombay Home Guards Act as applicable to National Capital Territory of Delhi read with the Delhi Home Guards Rules.

2. The above question is no longer res integra, as the same has been settled by a series of recent decisions of this Tribunal which were based upon the judgment of the Hon'ble Supreme Court in R.D.Sharma's case (SLP No.12465 of 1990) delivered on 30.7.1991. It has been held that Home Guards have no right to claim regularisation or any other such relief as their service is essentially voluntary in nature. By a detailed judgment dated 11.1.99 in OA-2006 of 1998, by a co-ordinate Bench discussed the law on the subject and held that a Home Guard cannot claim any relief from the Tribunal after the period of his initial engagement is over. There are several other judgments delivered by this Bench also holding a similar view. We may in this regard refer to our common judgment dated 18.2.98 in OA-2323 of 1998 and another OA which was later upheld by a Division Bench of Delhi High Court.

3. Viewed as such we find no merit in these OA's which have been filed by the respective applicants challenging the termination notices issued to them by the

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respondents. We accordingly dismiss these OAs at the admission stage itself. The last mentioned OA is dismissed in limine.

4. A copy of this judgment be placed on each of the files.

Handwritten signature

(S.P. BISWAS)

Member (A)

sd.

Handwritten signature

(T.N. BHAT)

Member (J)

10.3.99.