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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

O.A.No.2444/98

New Delhi: this the 3<sup>rd</sup> day of <sup>JUNE</sup> ~~May~~, 1999.

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

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

Shri Yash Pal Sharma,  
S/o Shri Hoshiar Singh,  
R/o 1/4585, Ram Nagar,  
Shahdara,  
Delhi - 32

..... Applicant.

(By Advocate: Shri J.C. Madan )

Versus

Govt. of NCT of Delhi  
through Chief Secretary,  
5, Shyam Nath Marg,  
Delhi.

2. D.G. Home Guards,  
CTI Complex,  
Raja Garden,  
New Delhi-27

..... Respondents.

(By Advocate: Shri Rajinder Pandita)

ORDER

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

Applicant who was appointed as a Home Guard on 3.10.89 seeks reinstatement, grant of temporary status and regularisation.

2. Heard both sides.

3. Respondents' counsel has invited our attention to the order of this very Bench dated 5.4.99 in O A No. 773/98 wherein it had been noted that the question whether Home Guards could approach the Tribunal against their disengagement, was examined by the Tribunal in O A No. 2323/98 Daya Nidhi Vs. Govt. of NCT of Delhi and the Bench in its order dated 18.12.98 relying upon various earlier judgments had concluded that Home Guards could not claim re-engagement or regularisation after their initial 3 year period of engagement was over and dismissed those OAs in limine without considering it

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necessary to issue notice to respondents. Against that order dated 18.12.98, OMP No.4445/99 was dismissed by the Delhi High Court on 6.1.99.

4. As applicant's initial 3 year period is admittedly over, we find ourselves unable to grant the relief prayed for in this OA.

5. During hearing applicant's counsel Shri Madan referred to orders dated 19.11.98 passed by the Delhi High Court in CWP No.5971/98 against an interlocutory order dated 18.9.98 passed by the Tribunal in another case involving Home Guards. In its order dated 19.11.98, the Delhi High Court had taken note of respondents' counsel Shri Pandita's (who is also the respondents' counsel in the present OA) submission that respondents had a policy in the matter, and directing respondents to place that policy before the Tribunal on the next date of hearing. Shri Madan asserted that this OA should be kept pending till that policy decision was placed before the Bench.

6. Shri Pandita however stated that the aforesaid policy referred to was none other than what was contained in the reply to the OA, namely that Home Guards Organisation was a purely voluntary Organisation and no fresh policy decision had been framed by respondents in this regard.

7. During hearing Shri Madan also invited attention to the advertisement dated 25.11.98 (Annexure-A3) issued by respondents and contended that Home Guards on the one hand were being discharged, those who had already been discharged were being offered reenrolment and in the

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process he alleged that illegal and corrupt practices were being resorted to in certain cases. No such averments have however been made in the OA.

8. Without prejudice to applicant approaching the respondents in the event any fresh policy decision is taken by them and/or filing a representation to the concerned authorities in regard to any specific appointment of Home Guards which is made illegally or in contravention of rules and instructions, we dismiss this OA in view of what has been stated in para above. No costs.

*Lakshmi Swaminathan*

( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

*S.R. Adige*

( S.R. ADIGE )  
VICE CHAIRMAN (A).

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