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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

O.A.No.2444/98

New Delhi: this the 3rd day of June, 1999.

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

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

Shri Yash Pal Sharma,
S/o Shri Hoshia 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, CWP 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 afo resaid 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 O.A.

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 O.A in view of what has been stated in para above. No costs.

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(MRS. LAKSHMI SWAMINATHAN) (S.R. ADIGE)
MEMBER(J) VICE CHAIRMAN(A).

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