

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

7

OA No. 2514/98 and MA 2657/98
with
OA No. 2373/98

New Delhi, this the 8th day of March, 1999

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

OA No. 2514/98

1. Gauri Shankar s/o Sh. Swamy Dayal,
R/o A-155, K Block, Behind I.T.I.,
Jahangeer Puri, Delhi.
2. Radhey Shyam Singh s/o Shri Ram Pher Singh,
R/o H-1/98, Jahangeer Puri,
Delhi. Applicants

(By Advocate: Shri U. Srivastava)

Versus

Government of N.C.T. of Delhi through

1. 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.
4. The District Staff officer,
Northern Zone, Nishkam Sewa Bhawan,
CTI Complex, Raja Garden,
New Delhi. Respondents

(By Advocate: None)

OA No. 2373/98

Rameshwar Singh s/o Sh. Ved Ram Singh,
r/o A/5/106 Rajbir Colony,
Garhali Vistar, New Delhi. Applicant

(By Advocate: Shri U. Srivastava)

Versus

Government of N.C.T. of Delhi through

1. The Chief Secretary,
5, Sham Nath Marg,
New Delhi.

U. Srivastava
8.3.99



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

... Respondents

(By Advocate: **Sh. Rajinder Pandita**)

O R D E R

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

As the question involved in both these OAs is identical these OAs are being taken up together and are being disposed of by this common judgement.

2. The applicants in OA 2514/98 were appointed as Home Guards initially for three years and have admittedly completed that term. However, they have continued to work as such but have now been served with notices of termination.

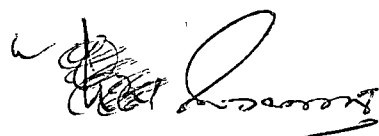
3. Similarly, the applicant in OA 2373/98 was also initially appointed in Home Guards Organisation for a term of three years but even after the expiry of that term he has continued in the service. He has also been served with a notice wherein it is stated that he shall be completing three years' tenure on a particular date in the year 1993 and thereafter his services will no longer be required and that he shall, from that date, stand discharged from the roll of Home Guards.

4. Aggrieved by the notices of termination the applicants in both the OAs have come to the Tribunal.

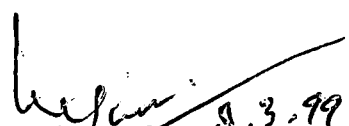
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5. It is now well settled that the service in the Home Guards Organisation is essentially voluntary in nature and that a person recruited in that Organisation has no vested right to continue in service even after the expiry of the initial period of three years. This Tribunal has also held in a number of judgements delivered recently that a Home Guard cannot claim any relief from the Tribunal in the form of regularisation or continuance of his engagement. Those judgements are based upon a judgement of the Apex Court dated 30.7.1991 in R.D.Sharma's case (S.L.P. No. 12465/90) wherein it was held that Home Guards personnel have no right to continue nor can they seek regularisation. We may also mention just one of the recent judgements delivered by this Bench of the Tribunal on 11.1.1999 to support our plea. The judgement dated 11.1.1999 was delivered in OA 2006/98. The Hon'ble High Court of Delhi has also upheld a similar view expressed by this very Bench in Daya Nidhi Vs. Govt. of NCT of Delhi (OA 2323 of 1998) delivered on 18.12.1998.

6. For the foregoing reasons we find no grounds disclosed in these OAs which would warrant even issuance of notice to the respondents. Both these OAs are dismissed in limine. A copy of this order be placed on each of the files.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)