

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI.

O.A.No. 2426 OF 1998.

New Delhi: this the 1st day of September, 1999
IN THE MATTER OF :

Ram Avtar & Ors.

....Applicants

V E R S U S

The Director General

Delhi Home Guards & Ors.

.....Respondents

M E M O O F P A R T I E S

1. Ram Avtar,
S/o Sh. Patraj Singh,
R/o H.No. 184,
Saraipipalthala,
Delhi - 110 003.
2. Rambir Singh Sharma,
S/o Sh. Datta Ram Sharma,
R/o H.No. 174,
Gali No. 2,
East Moti Bagh,
Sarai Rohila,
Delhi - 110 007.
3. Uday Kumar,
S/o Sh. Rameshwar Singh
R/o Qr. No. 9, Block - F,
Khajuri Khas, Delhi - 98.
4. Baldev Singh,
S/o Sh. Munsi Ram,
R/o 208, P & PO,
Pooth Kalan, Delhi.
5. Prahlad Singh,
S/o Sh. Mansukhlal,
R/o H.No. L-80,
Phase-II, Vijay Vihar,
Rohini, Sector-IV,
Delhi - 110 095.
6. Ram Kumar,
S/o Sh. Mahavir Parsad,
H.No. 359, Gali No.5,
Block - A, Sonia Vihar,
Delhi - 110 004.

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7. Rajesh Kumar,
S/o Sh. Har Ram Sharma,
H/o H.No. 345x 47/570,
DESU Colony, Janakpuri,
New Delhi - 110 064.
8. Mahesh Chand,
S/o Sh. Atter Singh
H/o B 1255, Block C,
Sangan Vihar, New Delhi-62,
9. Satender Kumar,
S/o Sh. Phool Singh,
H/o 105-A, Begumpur,
Malavya Nagar, New Delhi.
10. Mukesh Kumar,
S/o Sh. Chandra Kiran Singh
H/o S 385, Gali No. 14,
Mandoli Vistar,
Nand Nagari, New Delhi - 110093.
11. Sat Pal Singh
S/o Sh. Rattan Singh
H/o D-70, Gokulpuri,
Delhi - 110 094.
12. Nahin Khan (CC)
S/o Sh. Rafiq Ahmad
H/o B-369, Old Seemapuri,
Shahdara, Delhi.
13. Ram Avtar Singh,
S/o Sh. Mahabir Singh
H/o 28, Mahshat Khab Road,
New Delhi - 110 002.

44. Anil Kumar,
S/o Sh. Lallan Pd.
R/o E-544, Gali No. 10,
West Vinod Nagar,
Delhi - 110 092.
26. Charan Singh,
S/o Raghubir Singh,
R/o H.No. 285, Gali No. 2,
Rajbur Colony,
Delhi.
15. Kailash Chand,
S/o Sh. B.P. Butt,
R/o 334/2A, Gali No. 1,
Mandwali, Delhi- 92.
27. Sunil Kumar,
S/o Sh. Tilak Ram,
Vill. Kicharipur,
New Delhi - 110 091.
16. Sudhir Kumar,
S/o Sh. Raj Pal Singh
R/o 29/26, Trilokpuri
Delhi - 110 091.
28. Krishan Dev Pd.
S/o Sh. Nand Kishore Pd.
R/o WZ-121/2, Todapur,
New Delhi - 12.
17. Ram Prasad Yadav,
S/o Sh. Ram Achal Pankaj,
R/o 33/19, Trilokpuri,
Delhi - 110 091.
29. Kishan Kant Singh
S/o Sh. Ram Partap
R/o WZ-121/2, Todapur,
New Delhi-12
18. Munna Lal,
S/o Sh. Chotney Lal
R/o 348, Madawali,
Fazalpur, Delhi-92.
30. Ashok Kumar,
S/o Sh. Ram Dass
R/o R-432, Gali No. 9
Narela Delhi -40.
19. Roop Chand,
S/o Sh. Devi Ram,
R/o 15/454, Trilokpuri,
Delhi-
31. Dhamram Pal,
S/o Sh. Ram,
R/o 27/72-A/1,
Jawala Nagar,
Shahdara, Delhi.
20. Vijay Kumar,
S/o Sh. Sarjit Pd.
R/o D-1/126,
Nand Nagari, Delhi-93.
32. Ved Pal,
S/o Sh. Ram Singh,
R/o 279/11-B,
Ashok Nargar,
Mandoli Rd. Shahdara,
Delhi.
21. Joginder Kumar,
S/o Sh. Nawab Singh,
R/o 99-A, MCD Colony
Usman Pur, Delhi.
33. Satish Kumar,
S/o Sh. Roop Chand
R/o B-6/257, Nand Nagari
Delhi.
22. Ram Kishan Gupta,
S/o Sh. Ghamandi
Lal Gupta,
R/o S-200/8,
Kartar Nagar, Delhi-53.
34. Chaman Singh,
S/o Sh. Gyan Chand,
R/o K-21/22, Gali No. 15,
West Gonda, Shahdara,
Delhi .
23. Vinod Kumar,
S/o Sh. Mool Chand
R/o 8/2700, Kailash Nagar,
Gali No. 17.
35. Ganga Charen,
S/o Sh. Ram Chander,
R/o C-43, Jawala Nagar,
Shahdara, Delhi.
24. Suresh Barti,
S/o Sh. Dineshwar Bharti,
R/o L-1206, Mangalpuri,
New Delhi- 83.
36. Attar Singh,
S/o Sh. Busa Ram,
R/o J-73, Khema Kara No. 11,
Kishan Ganj, Delhi-7.
25. Nand Kishore,
S/o Sh. Bhura Ram,
S/o 15/361, Trilokpuri,
Delhi.

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37. Anil Kumar,
S/o Sh. L.P. Sharma,
39, Layalpur Colony,
Krishna Nagar,
Delhi.
38. Dayanand,
S/o Sh. Raja Ram,
S/o H.No. 172,
Village Kiradi,
Nangeloi, Delhi.
39. Baljit Singh,
S/o Sh. surat Singh,
R/o Vill. & Po. Karala,
Delhi - 81.
40. Satbir Singh,
S/o Sh. Rattan Singh,
R/o Vill. Razpur, R
Rohini, Seftor-9,
Delhi -85.
41. Raj Kumar Sharma,
S/o Sh. Desh Raj Sharma,
R/o I/5047-A, Balbir Nagar,
Shahdara, Delhi-32.
42. Ragav Kumar,
S/o Sh. Shesh Nath, Singh,
R/o H.No. 361, Gali No.5,
Block No. B, Setyavihar,
Delhi.
43. Suraj Pal,
S/o Sh. Nathu Singh,
S/o X-139, Brampuri,
Gali No.1, Shahdara,
Delhi- 53.
44. Mahinder Singh,
S/o Sh. Badian Singh,
R/o A-201, Nehru Vihar,
Gokal Puri, Shahdara,
Delhi.
45. Sunil Kumar,
S/o Sh. Balak Ram,
R/o Vill. Baganer,
Narela, Delhi- 40.
46. Girish Chand,
S/o Sh. Shyamchar,
R/o K-424, Wazirpur,
JJ Colony, Delhi.

47. Ram Kumar Dubey,
S/o Sh. G.P. Dubey,
R/o J-131/1, Kartar Nagar,
Gawdi, Delhi - 53.
48. Virender Kumar
S/o Sh. H.R. Shama,
R/o C-63, Mohan Puri,
Maujpur, Delhi.
49. Sirua Dev Tiwari,
S/o Sh. Badhri P. Tiwari,
R/o R-154/8-B, Shiv Mandir
Gali, Maujpur, Shahdara,
Delhi - 53.
50. Lal Chand,
S/o Sh. R.T. Yadav,
R/o B-67/5, Gali No.6,
Shashtri Park, Delhi-53.
51. Anil Kumar,
S/o S.J. R.S. Sharma,
R/o H.No. F-42, Gali No 10.,
Bharanpuri, Delhi-53.
52. Mahender Kumar,
S/o Sh. Shyam Swroop,
R/o F-42, Gali No. 10
Bharanpuri, Delhi-53.
53. Ram Charan Yadav,
S/o Sh. R.T. Yadav,
R/o B-67/6, Gali No.6,
Shastri Park, Shahdara,
Delhi.
54. Praween Kumar,
S/o Sh. Ram Singh,
R/o Block-J 446,
Purani Seemapuri,
Delhi - 110 095.
55. Ashok Kumar Yadav,
S/o Sh. B.S. ~~Singh~~ Yadav,
R/o H.No. 45, Gali No-3,
Brampuri, Delhi - 110 053.
56. Rajbir,
S/o Sh. Madan Lal,
R/o H.No. A-27,
Gali No. 2,
Brampuri, Delhi - 110 053.
57. Dinesh Chand Gautham,
S/o Sh. Nater Pal,
R/o H.No. 617, Block-49,
DESU Colony, Jankpuri,
New Delhi - 110 058.
58. Gudhu Mehto,
S/o Sh. Hari Kishan,
R/o H.No. A-316,
Hospital Compound,
Hari Nagar,
New Delhi - 110 064.
59. Rakesh Kumar,
S/o Sh. Ram Kishore,
R/o H.No. A-26,
Gali No. 2, Barampuri,
Delhi - 53.
60. Ram Rattan,
S/o Sh. B.L. Sharma,
R/o B-281, Tajpurhadi
Badampur, Delhi-110044.
61. Ram Avtar,
S/o Sh. Ganga Prasad,
R/o H.No 6, Shastri Gali No. 15
Brampuri, New Seelampur,
Delhi -53.
62. Bhagwat Parasad Sharma,
S/o Sh. Kehm Chand Sharma,
R/o C-45, Gali No.7,
Brampuri, Delhi-53.
63. Ravinder Singh,
S/o Sh. Kishan Singh,
R/o C-8-C 107,
Gautampuri- II, I.T.O.
New Delhi - 110 002
64. Bahadur Singh
S/o Sh. Chandempal Singh,
R/o M-193, Shashtri Nagar
Gali No. 13, Delhi -52.
65. Pardeep Kumar,
S/o Sh. R.P. Shukla,
R/o BS-133-B, Janta Falat,
Shalimar Bagh, Delhi-52.
66. Hans Raj,
S/o Sh. Sham Lal,
R/o J-III, -335, JJ Colony,
Wazirpur, Delhi-52.
67. Deep Narain,
S/o Sh. Bishashwar Dass
R/o W-P-90, Vill. Wazirpur,
Ashok Vihar, Delhi- 52.

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V E R S U S

1. The Director General
(Home Guard & Civil Defence)
Delhi Home Guard,
Nishkam Sewa Bhawan,
Raja Garden, New Delhi.
 2. The Commandant,
Delhi Home Guard,
Nishkam Sewa Bhawan,
Raja Garden, New Delhi.
 3. Union of India,
through its Secretary,
Ministry of Home Affairs,
Department of Internal Security
North Block, New Delhi.
 4. Commissioner of Police,
M.S.O. Building,
Police Head Quarters,
I.T.O., New Delhi.
 5. Govt. of N.C.T. of Delhi
through its
Chief Secretary,
5, Shyam Nath Marg,
New Delhi.
- Respondents.
- APPLICANTS

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Narinder Singh,
S/o Sh. Ilawan Singh,
R/o F-63, Rajpuri Colony,
Loni Boarder,
Ghaziabad (UP)

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2. Mangal Sain,
S/o Sh. Mantori Singh,
R/o C-277, JJ Colony,
Wazipur,
Delhi-52.

3. Ram Kumar,
S/o Shri Nand Lal,
R/o RZ-82 K,
New Roshan Pura,
Najafgarh Road,
New Delhi -43.

4. Pawan Singh,
S/o Sh. Godhu Singh,
R/o B-1/48, Budh Vihar,
Delhi-42.

5. Mohan Lal,
S/o Sh. Babu Ram,
R/o Jaipal Bagichi,
Shri Mandir,
Delhi-6.

..... Applicants.

Versus

1. Director General,
(Home Guard & Civil Defence),
Delhi Home Guard,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi.

2. The Commandant,
Delhi Home Guard,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi.

3. Union of India,
through its
Secretary,
Ministry of Home Affairs,
Department of Internal Security,
North Block,
New Delhi.

4. Commissioner of Police,
MSO Building,
Police Head Quarter,
ITO,
New Delhi.

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

..... Respondents.

BY ADVOCATES:

Shri Rishikesh for applicants.

Shri Rajendra Pandita for respondents.

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

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

ORDER

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

As these two OAs involve common questions of law and fact, they are being disposed of by this common order.

2. Heard both sides.

3. Applicants' counsel Shri Rishikesh has invited our attention to Delhi High Court's order dated 26.5.99 in Civil Writ No. 4286/97 M.S.L. Rawal & others Vs. UOI & others. By that order dated 26.5.99, the aforesaid writ petition against the impugned order dated 21.3.97 passed by CAT, PB deciding seven petitions, being OA No. 2423/95 & 6 other OAs, was dismissed. In the aforesaid order dated 26.5.99, the Delhi High Court held that the applicants in those OAs being Home Guards, were not entitled to regularisation. Even as regards their termination, the Delhi High Court held

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4. In the light of the above orders of the Delhi High Court, these OAs which also relate to Home Guards who have completed their tenure of 3 years, are dismissed with liberty given to applicants that in that event the aforesaid policy to be framed by respondents gives them any cause of action, it will be open to them to agitate the same in accordance with law, if so advised. No costs.

(KULDIP SINGH)
MEMBER(J)

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

/ug/

Captain **Sir** **Rudolf** **Hessing**
Colonel **John** **W. H. W.**
Major **James** **Marg.**
New Delhi-110001