

Central Administrative Tribunal, Principal Bench

O.A.No.1216/95

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 25th day of July, 1997

1. Shri Nav Rattan Lal, H.G.
s/o Shri Ram Chander
r/o H.No.556, Gali No.13
Swatantra Nagar
Narela, Delhi - 40.
2. Shri Satbir Singh, HG
s/o Shri Kanahya Lal
r/o H. No.1969
Railway Board
Narela, Delhi - 40.
3. Shri Mehatab Singh, H.G.
s/o Shri Fateh Singh
r/o H.No.1142-C
Panapaposyon, Narela
Delhi - 40
4. Raj Kumar - I , H.G.
s/o Shri Prem Kumar
r/o H.No.631, Paravdyan
Narela
Delhi - 40.
5. Shri Raj Kumar - II, H.G.
s/o Shri Hazari Lal
r/o H.No.13, Vill. P.O. Bakner
Narela, Delhi - 40.
6. Shri Krishan Kumar, H.G.
s/o Shri Ramdhan Sharma
r/o H.No.M-45, Panaudyen
Narela, Delhi - 40.
7. Shri Joginder Singh, H.G.
s/o Shri Ram Pal
r/o H.No.40, V.P.O. Auchandi
Delhi - 39.
8. Shri S.K.Kaushik, H.G.
s/o Shri Dalip Singh
r/o H.No.R-15, Gali No.15-A
Swantana Nagar, Narela
Delhi - 40.
9. Shri Suresh Kumar, H.G.
s/o Shri Mange Ram
r/o New Basti, Pana Mamer Pur
Narela, Delhi - 40.
10. Shri Ram Pal, H.G.
s/o Shri Chander Singh
r/o H.No.438, V.P.O.Achandi, Delhi-39

11. Shri Rajbir Singh, H.G.
s/o Shri Baley Ram
r/o 387, Darya Pur Kailash
Delhi - 39.
12. Shri Siya Ram, H.G.
s/o Shri Phulla Ram
r/o 827, Swantantra Nagar
Gali No.1-A, Narela
Delhi - 40.
13. Shri Laxman Singh, H.G.
s/o Shri Raghubir Singh
r/o T-189, Gali No.4
Shivaji Nagar
Narela, Delhi - 40.
14. Shri Om Prakash, H.G.
s/o Shri Sagar Mal
r/o R-29, Gali No.1
Swantantra Nagar, Narela
Delhi - 40.
15. Shri Bans Bahadur Singh, H.G.
s/o Shri Jittal Singh
r/o F-72, Prem Nagar Colony
Kirari, Nangloi
Delhi - 41.
16. Shri Mohit Yadav, H.G.
s/o Shri Pujan Yadav
r/o E-213, Samaypur, Badli
Delhi.
17. Shri Ram Singh, H.G.
s/o Shri Jage Ram
r/o 242, Mukhmailpur
Delhi - 36.
18. Shri Mohinder Singh, H.G.
s/o Tara Chand
r/o VPO, Mukhmailpur
Delhi - 36.
19. Shri Mohan Lal, H.G.
s/o Shri Shanti Swaroop
r/o S-9, F-467, J.J.Colony
Tigri, New Delhi.
20. Shri Vinod Kumar, H.G.
s/o Shri Mool Chand
r/o 9/2700 Gali No.17
Kailash Nagar
Delhi - 31.
21. Shri Naresh Chand Sharma
s/o Shri Ramesh Chand
r/o 1/4929, Gali No.1
Rajbir Nagar
Delhi - 32.

... Applicants

(By Shri J.C.Madan, Advocate)

Vs.

Y/

1. Govt. of N.C.T. of Delhi through
Chief Secretary
5, Shyam Nath Marg
Delhi.
2. The Director General
Home Guards & Civil Defence Orgn.
CTI Complex, Raja Garden
New Delhi - 27.
3. Shri W. Chauhan
Junior Staff Officer(CD)
Delhi Home Guards
CTI Complex
Raja Garden
New Delhi - 27.

Respondents

(By Advocate - None)

O R D E R(Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

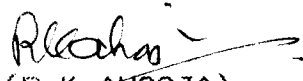
The learned counsel for the applicants has submitted that apart from one applicant at Sr. No. 19, Shri Mohan Lal, the other 20 applicants in this OA have since been taken back in service as Home Guards by the respondents. This fact has also been confirmed by the Departmental Representative, Shri Wadhwa Singh who is present in Court. As regards Shri Mohan Lal, the learned counsel for the applicants submits that in his case a notice was required to be given under Rule 8 of the Delhi Home Guard Rules, 1959 but the same had not been given. He further submits that his case is fully covered by this Tribunal's order in Krishan Kumar and Others Vs. Govt. of NCT, Delhi (OA No.188/95 decided on 1.6.1995).

2. We have perused the records and considered the submissions of both the parties. In view of the facts mentioned above as regards the 20 applicants, other than Applicant 19, nothing survives in this application. As regards Applicant 19, following the judgement in Krishan Kumar's case (supra) and having regard to the provisions of Rule 8 of the Delhi Home Guard Rules, 1959 since

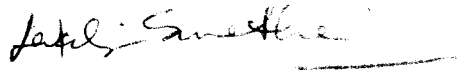
B.

admittedly the applicant has been discharged without giving the required one month notice, the impugned order of discharge cannot be sustained. In the circumstances, the prayer of Applicant 19 succeeds to the extent that the impugned order is quashed and set-aside with liberty to the respondents to pass a fresh order, if so advised, in accordance with the extant rules and instructions.

OA disposed of as above. Parties to bear their own costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)