

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, Panaudyan  
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

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11. Shri Rajbir Singh, H.G.  
s/o Shri Baley Ram  
r/o 387, Darya Pur Kalan  
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 Raghbir 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 Jagdish 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 1/4029, Gali No.1  
Balbir Nagar  
Delhi - 32.

Applicants

(By Shri J.C. Madan, Advocate)

VS.

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.

(39)

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 Smt. 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

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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  
(R.K. AHOOJA)  
MEMBER(A)

/rao/

Lakshmi Swaminathan  
(SMT. LAKSHMI SWAMINATHAN)  
MEMBER(J)