

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A No. 1915/95

Date of decision 16-1-97

Sh. Charan Singh & Ors

.... Petitioner

Sh. S.K. Gupta

.... Advocate for the
Petitioner(s)

Versus

Commandant Delhi
Home Guards and ors.

.... Respondent

Sh. Surat Singh

.... Advocate for the
Respondent(s)

CORAM

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

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other
Benches of the Tribunal? *X*

B. Swathe
(Smt. Lakshmi Swaminathan)
Member (J)

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

DA NO.1815/95
MA NO.2403/95

HON. SMT. LAKSHMI SWAMINATHAN, MEMBER 'J'
HON. SHRI R.K. AHOOJA, MEMBER 'A'

NEW DELHI, THIS 16TH DAY OF JANUARY, 1997.

1. SHRI CHARAN SINGH
2. SHRI NAIN SINGH
3. SHRI NARESH PAL SINGH
4. SHRI ARUN KUMAR
5. SHRI SUBHASH PANWAR
6. SHRI INDER PAL SINGH

Constables Delhi Home Guards
'North-East District'
C/o New Delhi General Mazdoor Union
R-89 Gulmohar Park
NEW DELHI-49.

...APPLICANTS

'By Advocate - Shri S.K. Gupta'

VERSUS

1. The Commandant
Delhi Home Guards
Central Office
Raja Garden
NEW DELHI.
2. The Secretary 'Home
Govt. of NCT Delhi
Old Secretariat
DELHI

..RESPONDENTS

'By advocate - Shri Surat Singh'

js

contd. ... 2/-

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O R D E R

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

The applicants who had been engaged by the respondents as Home Guards during various periods between 4.7.1986 to 19.2.1993 are aggrieved by the termination orders by which their services were terminated w.e.f. 23.5.1995. According to them, thereafter they were **refused** duty by the respondents as they had not filled up the declaration form regarding their employment. The applicants have also submitted that although they had rendered service as Home Guards for the month of April and May, 1995, that is, up to 22.5.1995, they have not been paid the allowances due to them under the Home Guards Rules read with the Delhi Home Guards Act 1959. In the O. A. they had sought a direction to the respondents to reinstate them in service with continuity or service with full back wages. At the time of hearing, Shri S.K. Gupta, learned counsel, however, submitted that the applicants have now been re-engaged as Home Guards by the respondents and he does not wish to pursue this application with regard to the other reliefs.

2. Respondents have filed a reply in which they have denied the above facts. They have also submitted that the organisation of Home Guards being voluntary in nature, there is no relationship of employer and employee. They have also raised a preliminary objection regarding the jurisdiction of this Tribunal to entertain the matter.

3. We have carefully perused the pleadings and considered the submissions made by the learned counsel for both the parties.

4. Regarding the question of jurisdiction, in Krishan Kumar & Ors V. Govt. of NCT of Delhi & Ors (OA No.188/95 decided on 1.6.1995) (in which one of us, Smt. Lakshmi Swaminathan, Member (J) was a party) this Tribunal had examined similar rival contentions and it was observed as follows:-

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"5. In OA No.1356/91 V.K.Jain v.Delhi Administration & Ors decided on 14.8.1992, a Single Bench of the Tribunal has held that Home Guards being paid out of Union of India Funds and the duties being assigned to them being in the public interest and for the welfare of the public in general, they hold a Civil post under the UOI and come within the Tribunal's jurisdiction. This view was reiterated in the Tribunal's Division Bench judgement dated 8.9.1993 in OA No.118/92 Gopi Chand v.UOI. Recently, the Delhi High Court in CWP No.5596/93. Man Sukh Lal Rawal v.UOI & Ors decided on 25.4.1995, have held that it is CAT which is the proper forum for adjudicating on service grievances of Home Guards employees working under Delhi Administration."

Hence it was held that the Tribunal had jurisdiction in the matter.

5. Shri Surat Singh, learned counsel for the respondents has relied on the judgment of the Hon. Supreme Court in Rameshwar Dass Sharma & Ors V. State of Punjab and Ors. (SLP 12465/1990 dated 30.7.1991). The judgment of the Supreme Court relates to the question of regularisation of Home Guards and does not as such deal with the question of jurisdiction of this Tribunal. Having, therefore, regard to the order of this Tribunal in Krishan Kumar's case (supra) and the facts in this case, we as a co-ordinate Bench respectfully agree with that order. The learned counsel for the respondents has also stated that no SLP has been filed so far against the judgment of the Tribunal in OA 188/95 dated 1.6.1995. Therefore, the plea of the respondents that this Tribunal does not have jurisdiction in the matter is rejected.

6. Shri Surat Singh has submitted at the bar that the respondents have no objection in making payments of any dues of allowances for the period the applicants have worked in April and May. We note this submission and accordingly direct the respondents to make the payments due to the applicants in

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accordance with the extant rules within a period of one month from the date of receipt of a copy of this order.

7. The O.A. is disposed of as directed above. No costs.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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