

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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

OA NO. 2512/1996  
WITH O.A. NO. 1775/1996

(10)

NEW DELHI, THIS 6TH DAY OF MAY, 1997.

O.A. No. 2512/96

1. SHRI A.K. PAL  
S/o Sh. D.P. Sharma  
RZ-17, Indira Park  
Uttam Nagar  
NEW DELHI
2. SHRI S.N. MARWAH  
S/o Sh. D.N. Marwah  
D-159 Ekta Enclave, Peera Garhi  
Nangloi Road  
New Delhi
3. SHRI RAM PAT  
S/o Sh. Inder Singh  
Village New Roshanpura  
Najafgarh  
NEW DELHI
4. SHRI PRAHLAD SINGH  
S/o Sh. Hira Lal  
RZ/10-8 New Roshanpura Extension  
P.O. Najafgarh  
NEW DELHI
5. SHRI PANNA LAL  
S/o Sh. Kedar Nath  
D-2/421 Nand Nagri  
DELHI
6. SHRI RAM KISHORE  
S/o Shri Ram Sagar  
B-4/224 Nand Nagri  
DELHI
7. SHRI SODAN SINGH  
S/o Shri Anant Ram Singh  
E-1728 Jahangirpuri  
NEW DELHI
8. SHRI MURARI LAL  
S/o Sh. Prabhu Mal  
7124 Gali Talian  
Pahari Dhiraj  
Sadar Bazar  
DELHI
9. SHRI SHREE BHAGWAN  
S/o Sh. Balwant Singh  
Vill. & PO Holabi Kalan  
DELHI

82

10. SHRI RAM ACHAL  
S/o Sh. Ram Dass  
Jhuggi No.4  
Near Goods Office Subzimandi  
Roshanara Road  
DELHI

11. SHRI BHAGAT RAM  
S/o Sh. Gorik Rak  
H.No.166, Gali No.7  
Gautam Colony, Narela  
DELHI

12. SHRI PARMOD KUMAR Garg  
S/o Sh. P.C. Garg  
H.No.2012 Railway Road  
Narela, DELHI

13. SHRI MOTI LAL  
S/o Sh. Lahori  
39-D/1 Railway Colony  
Punjabi Bagh  
NEW DELHI

14. SHRI RAM YAG  
S/o Sh. Balwanti  
T-718/20 Amar Park  
Zakhira, DELHI

15. SHRI MAHESH SINGH  
S/o Sh. Janak Singh  
A-294 Gali No.8  
Gamdi Extension  
DELHI-53.

16. SHRI MEGH RAJ  
S/o Sh. Uttam Chand  
2/35 Geeta Colony  
DELHI-31.

17. SHRI RAM NARAIN  
S/o Shri Sarjoo Prasad  
Z-A/136, Geeta Colony  
DELHI-31.

18. SHRI BRIJ PAL SINGH  
S/o Sh. Gajiram Singh  
F-2/57 Mangol Puri  
DELHI

19. SHRI NAWAB SINGH  
S/o Sh. Shiv Charan Singh  
F-2/107 Mangol Puri  
DELHI

...Applicants

(By Advocate - Shri J.C. Madan)

18

O.A. No. 1775/96

1. SHRI DONGER SINGH, HG  
S/o Sh. Ratti Ram  
WZ/H-36, Arya Samaj Road  
Uttam Nagar  
NEW DELHI
2. SHRI YOGY NARAYAN PANDEY, HG  
S/o Sh. Kanshi Ram Pandey  
B-58/1044 Rama Road  
Moti Nagar, NEW DELHI
3. SHRI RAM BARAN  
S/o Sh. Ramphar  
L/426 Mangolpuri  
DELHI
4. SHRI LAXMAN SINGH  
S/o Shri Mangal Ram  
I/60 Karampura  
NEW DELHI
5. SHRI RAM NAIN  
S/o Sh. Buduri  
G/T-40, Karampura  
NEW DELHI

(12)

...APPLICANTS

'By Advocate - Shri J.C. Madan'

VERSUS

1. Govt. of NCT Delhi -  
through its Chief Secretary  
5 Shambhavi Marg  
DELHI
2. Director General of Home Guards  
& Civil Defence  
CTI Complex  
Rajouri Garden  
New Delhi
3. Commissioner of Police  
Delhi Police Headquarters  
I.P. Estate  
New Delhi

...RESPONDENTS

'By Advocate - Shri Vijay Pandita  
and Shri Surat Singh'

ORDER (ORAL)

SMT. LAKSHMI SWAMINATHAN

The above two O.A.s, C.A. No. 2512/1996 and 1775/1996, have been taken up together for disposal as the facts and issues involved in these two cases are similar, ~~and~~ with the consent of the 1d. counsel for both the parties.

12

contd..4/-

2. Briefly stated, the applicants in these two O.A.s have challenged the impugned orders passed by the respondents discharging them from service under Rule 8 of the Bombay Home Guards Act 1947 as extended to the Union Territory of Delhi and rules made thereunder. The main challenge to the impugned orders is that the respondents have failed to comply with the requirements under the Rules, viz., giving one month's notice which the ld. counsel for the applicant submits is also against the principles of natural justice. He also relies on a judgement of this Tribunal in the case of KRISHAN KUMAR VS. NCT DELHI (OA NO.188/1995 decided on 1.6.95).

3. The ld. counsel for the respondents has submitted that there was no necessity to issue such a notice in the case of the applicants who had been engaged beyond the initial period of three years. His submission is that one month's notice is required only if the Home Guard volunteers are discharged within the term of three years of their initial appointment, which is not the case of the present applicants.

4. We have considered the pleadings and submissions made by the ld. counsel and the provisions of Rule 8 of the Home Guards Rules under which the impugned orders have been passed. For the reasons given in the judgement in the case of Krishan Kumar (Supra), these applicants succeed, as admittedly no notice as required under the Rules has been given to the applicants before the impugned orders have been passed. It is also not the case of the respondents that the applicants were being discharged under the provisions of Rule 8(b), which provides that such a notice is not required if a member is found medically unfit.

(A)

5. In the facts and circumstances of the case, the impugned orders issued by the respondents discharging the applicants as Home Guard volunteers are quashed and set aside. However, it is made clear that the applicants shall not be entitled to any allowances/honorarium for the period they have been out of service. Further, it is directed that the respondents shall consider engaging the applicants as and when their services are required on a voluntary basis considering their seniority and services rendered by them previously, subject to their fulfilling all other eligibility conditions.

6. O.A. No.2512/1996 and 1775/96 are disposed of as above. No order as to costs.

Reahas  
(R.K. AHOOJA)  
MEMBER (A)

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

/avi/

Attested

AS/awal  
16/5/97  
CO-C-IV