

Central Administrative Tribunal
Principal Bench

O.A. 1840/96

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New Delhi this the 12 th day of December, 1997

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

1. Nand Kishore,
S/o Shri Om Prakash,
R/o B-14, Central Jail, Tihar,
New Delhi.
 2. Ved Singh,
S/o Shri Ram Sahai,
R/o RZ-Q1/B-5, Mohan Garden,
New Delhi.
- ... Applicants.

By Advocate Shri J.C. Madan.

Versus

1. The Government of NCT of Delhi,
through its Chief Secretary,
5, Sham Nath Marg,
Delhi.
 2. The Commandant, Home Guards,
C.I.T. Complex,
Raja Garden, New Delhi.
 3. The Commissioner of Police,
Delhi Police Headquarters,
I.P. Estate,
New Delhi.
- ... Respondents.

By Advocate Shri Vijay Pandita.

O R D E R

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

RA 242/97 which was filed only by one applicant, namely, Shri Nand Kishore, was allowed by order dated 17.10.1997, and the O.A. 1840/96 was directed to be reheard. We have, therefore, heard Shri J.C. Madan, learned counsel for the applicant, in respect of only Applicant 1, and Shri Vijay Pandita, learned counsel.

2. The applicant has impugned the order passed by Respondent 2 discharging him from service as Home Guard dated 15.12.1994. This order has been passed under Rule 8

of the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959. Shri J.C. Madan, learned counsel, has submitted that the case of the applicant is fully covered by the order of this Tribunal in **A.K. Pal & Ors. Vs. Govt. of NCT & Ors.** (O.A. 2512/96 with connected O.A. 1775/96), decided on 6.5.1997 (copy placed on record).

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3. For the reasons given in **A.K. Pal's judgement** (supra) and taking into account the facts and circumstances of this case, the impugned order of discharge dated 15.12.1994 is quashed and set aside as no notice as required under the rules has been given to the applicant before the same was passed. However, it is made clear that the applicant shall not be entitled to any allowances/honorarium for the period he has been out of service. Further, the respondents are directed to consider engaging the applicant as and when his services are required on a voluntary basis under the extant rules, subject to his fulfilling all other eligibility conditions.

4. Original Application (O.A. 1840/96) is disposed of, as above. No order as to costs.

R. K. Alreja
(R.K. Alreja)
Member (A)

SRD

Lakshmi Swaminatham
(Smt. Lakshmi Swaminatham)
Member (J)