

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1793 of 1997

M.A. No. 612 of 1998

New Delhi this the 2nd day of September, 1999

Hon'ble Shri S.R. Adige, Vice Chairman (A)  
Hon'ble Shri Kuldip Singh, Member (J)

28

Shri Rishi Pal Singh  
S/o Shri Bisharam Singh  
R/o L/13/13 Gali No.9 Parkesh Nagar,  
Delhi-110033

...Applicant

By Advocate: None.

Versus

1. The Government of NCT of Delhi & Others  
through  
Chief Secretary,  
5 Sham Nath Marg, Delhi.

2. The Director General, Home Guards,  
CTI Complex, Raja Garden,  
New Delhi.

3. The Commissioner of Police,  
Delhi Police H. Quarters,  
I.P. Estate,  
New Delhi.

...Respondents

By Advocate Shri Rajinder Panidta.

ORDER (ORAL)

By Hon'ble Shri S.R. Adige, Vice Chairman (A)

1. Applicant impugns respondents' order proposing to terminate his services, and seeks a direction to respondents to make him permanent as a Home Guard.

2. Applicant states that he was appointed as a Home Guard on 1.12.1970, and has been continuing in that capacity since then.

3. The question whether Home Guards can claim regularisation, and whether they can challenge the termination of their membership as Home Guards, has been conclusively settled by the Delhi High Court by its order dated 26.5.99 dismissing Writ Petition No.4286 of 1997 (Man Sukh Lal Rawal and Others Vs.

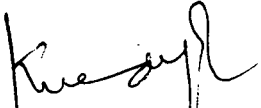
U.O.I. & Others). By that judgment, the Delhi High Court has held that Home Guards are not entitled to claim regularisation and they also cannot challenge the termination of their membership as Home Guards, on the completion of their tenure of 3 years, even if it may be 5th or 6th such tenure.

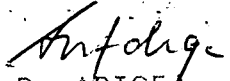
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4. However, the Delhi High Court dismissing the aforesaid Civil Writ Petition No. 4286 of 1997, had taken note of the submissions of respondents that some policy ~~was~~ <sup>was</sup> being framed to ensure that there was no pick and choose adopted in regard to persons who had to be enrolled or re-enrolled and those whose tenures were not to be extended.

5. In the light of the aforesaid order of the Delhi High Court dated 26.5.99, this OA is also dismissed, with liberty granted to the applicant that if the policy ~~was~~ <sup>to</sup> be formulated by respondents, as mentioned above, gives him any cause of action, it will be open to him to agitate the same in accordance with law, if so advised.

No costs.

  
(KULDIP SINGH)  
MEMBER (J&)

  
(S.R. ADIGE)  
VICE CHAIRMAN(A)

Rakesh