

Central Administrative Tribunal  
Principal Bench: New Delhi

(b)

OA No. 1889/97

New Delhi, this the 15th day of December, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S.P. Biswas, Member (A)

1. Bam Bahadur s/o Halvadi,  
r/o Pravariaya Camp Sec. VI,  
RK Puram, New Delhi.
2. Umesh Kumar Sahu s/o Pritam Prasad Sahu,  
r/o MS-118, Hari Nagar,  
Main Mayapuri Road, Delhi.
3. Chotey Lal s/o Sh. Sarju Ram,  
r/o P-1/780, Sultanpuri, Delhi.
4. Om Prakash son of Sh. Jagat Singh,  
r/o H.No. 460, Sector 2,  
RK Puram, New Delhi. ....Applicants

(By Advocate: Shri U. Srivastava)

Versus

Govt. of N.C.T. of Delhi through

1. Director General Home Guard  
and Civil Defence Delhi,  
C.T.I. Complex, Raja Garden,  
New Delhi.
2. Commandant Delhi Home Guard,  
C.T.I. Complex,  
Raja Garden, New Delhi. ....Respondents

(By Advocate: Shri Jog Singh )

O R D E R (ORAL)

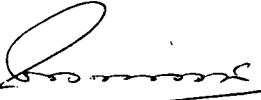
Dr. Jose P. Verghese, Vice-Chairman (J) -

This OA has been filed challenging the oral termination/discharge order of four petitioners purportedly under Rule 8 of Bombay Home Guards and applicable to Delhi. In the judgement given on 1.6.1995 in the matter of Kishan Kumar, similar orders have been set aside on the ground that no order of discharge can be passed without recording a finding of unfitness in each individual case.

Subsequently this court has also given a decision on 12.12.1997 in OA No. 1753/97 etc. in the matter of I.S.Tomar & Ors. vs. Union of India & Ors. The petitioner is claiming the benefit of these decisions. It is found that the reply filed by the respondents only reiterates the plea taken in the previous cases and as such we propose to dispose of this petition in terms of our previous decisions.

The direction given in the said judgement shall be made applicable to the petitioners in this case as well, but limited to giving the benefit to the petitioner from the date he joined till the date of his discharge and thereafter only one year prior to the date of filing of this OA.

With this, discharge order, if any, is set aside and this OA is disposed of with no order as to costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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