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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A No. 2496/97

New Delhi: this the 19th day of April, 1999.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Subhash Chander,
S/o Shri Sita Ram,
R/o 1123, Rani Bagh,
Delhi -034.
2. Shri Ani Mumar,
S/o Sh. S. N. Mishra,
R/o 269/10, Rly. Colony,
Rani Bagh,
Delhi-034.
3. Shri Ram Kishan,
S/o Sh. R. D. Shukla,
R/o E-218, Gali No. 6,
West Karauli Nagar,
Delhi -094

..... Applicants.

Versus

1. Govt. of NCT of Delhi,
through its Chief Secretary,
5, Sham Nath Marg,
Delhi -054.
2. The Director General,
(Home Guards),
CTI Complex, Raja Garden,
New Delhi -027.
3. The Commissioner of Police,
Delhi Police Headquarters,
I.P. Estate,
New Delhi002

..... Respondents.

2) O.A. No. 2348/98

1. Shri Sompal Singh,
S/o Shri Raja Ram,
R/o D-564, Jahangipuri,
Delhi-33.
2. Birender Kumar Singh,
S/o Shri Awadh Narain Singh,
R/o B-16, Kewal Park, Azadpur,
Delhi -33.
3. Shri Vimal Kumar,
S/o Shri Indu Shekhar,
R/o E-229, J.J. Colony, Suraj Park,
Samaypur Badli,
Delhi-42.
4. Shri Mithu Lal,
S/o Sh. Babu Ram,

R/o E-1017, Jahangipuri, Delhi -33,

5. Sh. Ram Prakash,
S/o Sh. Bhagwan Singh,
R/o A-1266, Jahangipuri,
Delhi-33.
6. Shri Satish Kumar,
S/o Sh. Tejpal Singh,
R/o 198/17-A, Gali No. 2,
Shri Ram Nagar,
Shahdara,
Delhi - 32

..... Applicants.

Versus

1. Govt. NCT of Delhi,
through
Chief Secretary,
5, Sham Nath Marg,
Delhi-054.
2. D. G. Home Guards,
CTI Complex,
Raja Garden,
New Delhi -027

..... Respondents.

By Advocate:

Shri J. C. Madan for applicants.

Shri Rajender Pandita for respondents.

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

These two OAs involve common questions of law and fact and are being disposed of by this common order.

2. In OA. No. 2496/97 filed on 14.10.97 applicants who are all Home Guards impugn respondents' order dated 15.12.94 (Annexure-A1 of that OA) discharging them, after having been engaged as Home Guards on continuous basis for 18-20 years (Annexure-A3 of that OA). Similarly in OA. No. 2348/98 filed on 27.11.98, applicants impugn notices dated 2.11.98 and 15.11.98 (Annexure-A1 of that OA) threatening to discharge them after having been engaged as Home Guards on continuous basis

for 7-12 years.

3. We have heard both sides.
4. This very bench in O.A.No.773/98 Samay Singh & Ors. Vs. Govt. of NCT of Delhi & Ors. decided as recently as 5.4.99, had dismissed a similar claim by Home Guards for reengagement/ regularisation, after noticing the Delhi High Court order dated 6.1.99 in OMP No.44-45/99 dismissing the challenge to the Tribunal's order dated 18.12.98 in O.A.No.2323/98 Daya Nidhi Vs. Govt. of NCT of Delhi & connected cases, that Home Guards could not claim reengagement or regularisation after their initial 3 year period of engagement was over.
5. In the result neither OAs warrant judicial interference. During hearing applicants' counsel has produced a copy of the Delhi High Court's order dated 19.11.98 passed in C.W.P.No.5965/98 against an interlocutory order dated 18.9.98 passed by the Tribunal, which refers to the statement made by respondents' counsel that they have a policy in the matter. No such policy decision of respondents was shown to us during hearing, and the relevance of that policy decision if any, to the facts and circumstances of the present case, to advance the case of applicants in the two OAs before us, was also not established.
6. Without prejudice to applicants' liberty to represent to respondents for consideration of their case in accordance with the aforesaid policy decision, if any, these two OAs are dismissed. No costs.
7. Let a copy of this order be placed on each of the O.A.

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

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