CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

New Delhi, dated this the 4th JUNE 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

(1) O.A. No. 2121 of 1997

S/Shri

1. Sant Parshad,
S/o Shri Ram Naresh,
R/o B-168, Jawala Puri,
Nangloi, Delhi-41.

2. Yam Bahadur,
S/o Shri Bhim Bahadur,
R/o H. No. 19/311, Trilok Puri,
Delhi-110091.

3. Rajesh Pandey,
S/o Dina Nath Pandey,
332, Shiv Mandir,
Daya Basti continuous,
N. Block, Delhi.

4. Ram Partap Singh,
S/o Satya Dev Singh,
D-149, Okhla Ind. Estate,
New Delhi.

5. S.N. Shukla,
S/o Lakhan Sukla,
F-87, Punjabi Bagh,
Baljeet Nagar, New Delhi.

6. Kave Deem,
S/o Medar Singh,
H.No. 26, Papankul,
Sector-I, Delhi-45.

7. Mahprali,
S/o Shri Mohammed Ali
6-57, New Seemapuri,
Shahdara, Delhi.

8. Sudhir Kumar,
S/o Shri Ram Swarup Rai,
N. 11, B-70, Puran Chandruwal
Water Work, Civil Lines,
Delhi-54.

9. Ram Avtar,
S/o Shri Parmeshwar,
Puran Chantr,
H. No. 15/4, Civil Lines, Delhi.

10. Duli Chand,
S/o Shri Mata Din,
R. F-31, Majamka Tila,
Delhi-14.

11. Akhileshwar Prashad,
S/o Shri Chandrna Prashad,
Purani Chundrawal,
H. No. N-71, B/5, Civil Lines,
Delhi-54.

12. Hans Raj,
S/o Shri Shyam Lal,
J. 21, Majmika Tila,
Delhi-54.

13. Raj Kumar,
S/o Shri Puran Mal,
A-275/6, Sonia Vihar,
Delhi-94.

14. Kailash Narain,
S/o Shri Nathi Singh,
H. No. 1508, Gali No.10,
Tri Nagar, Delhi-35.

15. Ram Dass ... Applicants

Versus

1. Union of India through
its Secretary,
Ministry of Home Affairs,
Dept. of Internal Security,
North Block, New Delhi.

2. Director General,
Home Guards & Civil Defence, Delhi
Nishkam Sewa Bhawan,
Raja Garden, New Delhi.

3. Commandant General,
Delhi Home Guard,
Nishkam Sewa Bhawan,
Raja Garden, New Delhi.

4. Chief Secretary,
National Capital Territory of Delhi
5, Shyam Nath Marg,
Delhi.

5. Lt. Governor, Delhi
Raj Niwas Marg,
New Delhi.

6. Commissioner of Police,
M.S.O. Building,
Police Headquarters,
I.T.O., New Delhi. ... Respondents

(2) O.A. No. 2773 of 1997

Jai Bhagwan & 10 Others ... Applicants

Versus

Union of India & others .. Respondents

(3) O.A. No. 2772 of 1997

Pawan Kumar & 3 Others ... Applicants

Versus

Union of India & Others ... Respondents

(4) O.A. No. 2944 of 1997

Bhim Paswan & 8 Others ... Applicants

Versus

Union of India & Others ... Respondents

(5) O.A. No. 2568 of 1997

Nirpat Lal & 7 others ... Applicants

Versus

Union of India & Others ... Respondents

(6) O.A. No. 2245 of 1997

Shiv Nandan & 8 Others ... Applicants

Versus

Union of India & Others ... Respondents

(7) O.A. No. 1442 of 1998

Bhashita Singh & 89 others ... Applicants

Versus

D.G., Home Guards, Delhi & Others ... Respondents

(8) O.A. No. 1337 of 1998

Jawaharlal & Ors. ... Applicants

Versus

D.G. Home Guards, Delhi & Ors. ... Respondents

(9) O.A. No. 1328 of 1998

Kamla & 130 others ... Applicants

Versus

D.G., Home Guards, Delhi & Others ... Respondents

(10) O.A. No. 1229 of 1998

... Applicants

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Parmod Kumar & 7 Others .. Applicants

Versus

D.G., Home Guards, Delhi & Others ... Respondents

By Advocates: Shri Rishi Kesh for applicants
Shri Rajinder Pandita for respondents

ORDER

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

As all these cases involve common questions of law and fact, they are being disposed of by this common order.

2. Applicants, who belonged to Home Guards Organisation impugn the orders terminating their services and seek regularisation. They also seek salary as per scale of pay applicable to Govt. employees together with arrears.

3. We have heard applicants' counsel Shri Rishi Kesh and respondents' counsel Shri Rajinder Pandita.

4. Shri Pandita has invited our attention to the order of this very bench dated 5.4.99 in OA No.773/98 Shri Samay Singh & Ors. Vs. Govt. of NCT of Delhi & ors., wherein it has been noted that the question whether the persons belong to Home Guards Organisation can approach the Tribunal against their disengagement, was examined by the Tribunal in OA No.2323/98 Daya Nidhi Vs. Govt. of NCT of Delhi, and the Bench in its order dated 18.12.98 relying upon various earlier judgments had concluded that Home Guards could not claim reengagement or regularisation after their initial three year period of engagement was over, and dismissed those OAs in limine, without even considering it necessary to issue notices to respondents. Against that order dated 18.12.98, CMP 44-45/99 was dismissed by the Delhi

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High Court on 6.1.99.

5. As the initial 3 year period of applicants' engagement is admittedly over, we find ourselves unable to grant the reliefs prayed for in these OAs.

6. During hearing applicants' counsel Shri Rishi Kesh had urged that these OAs should be kept pending till the reference made to the Full Bench in OA No. 1753/97 I.S. Tomar & Ors. Vs. UOI & connected cases was decided.

7. There are a catena of judgments which give detail reasons as to why no relief for regularisation can be given to Home Guards after expiry of initial 3 year period of their engagement. One such judgment is dated 18.2.99 in OA No.1929/98 Mohinder Kumar Jain Vs. Chief Secretary, Govt. of NCT of Delhi. Even the Apex Court in Rameshwar Dass Sharma & Ors. Vs. State of Punjab & Ors (SLP(C) No.12465/90) held that a person in the Home Guards Organisation being employed on the basis of temporary need from time to time cannot ask for regularisation, and therefore such persons are not entitled to any relief from the courts. In the light of Delhi High Court's order dated 6.1.99 in CMP No.44-45/99(Supra) and the Apex Court's decision in Rameshwar Dass Sharma's case (supra), we are of the opinion that there is no need to keep these cases pending to await the decision in the Full Bench reference in I.S. Tomar's case(supra).

8. Learned applicants' counsel Shri Rishi Kesh has also invited our attention to the Delhi High Court order dated 19.11.98 in C WP No.5971/98 arising out of the interlocutory order passed by the Tribunal in OA No.1229/98 Pramod Kumar Vs. Director General, Home Guards, and connected cases. In its order dated 19.11.98, the Delhi High Court had recorded the submissions made by respondents' counsel Shri Rajinder Pandita who is also respondents' counsel in the present cases, that the respondents had a policy in the matter and had directed respondents to place the police in OA No.1229/98 and connected cases on the next date of hearing and disposed of CWP accordingly.

9. Shri Rishi Kesh has urged that respondents should be directed to produce a copy of that policy, and then OAs should be kept pending for consideration in the light of that policy.

10. On the other hand Shri Rajinder Pandita has stated that the existing policy in regard to Home Guards is what is contained in their reply to the OAs, namely that the Home Guards Organisation is a purely voluntary Organisation and Home Guards are called up for duties as and when required, and in fact as per Govt. policy Home Guards are not to be retained for long periods. He has urged that Daya Nidhi's case (supra) as well as numerious other cases filed by Home Guards have all been disposed of on the basis of that policy.

11. In view of the facts, circumstances and judicial pronouncements noticed above, and without prejudice to the liberty available to applicants to

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represent to respondents in case there is any change in policy, we find ourselves unable to grant the relief prayed for by applicants.

12. These 10 OAs are dismissed. No costs.

13. Let a copy of this order be placed on each of the aforementioned case records.

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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

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Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi