

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 62/1997

New Delhi this the 11th day of September, 2000

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

(10)

1. Surinder Kumar
S/O Sh. Malkhan Singh
r/o A-82, Bhagirathi Vihar,
P.O. Gokulpuri, Delhi-94.
2. Satbir Singh
S/O Soran Singh
r/o T-711, BN, 13,
Baljeet Nagar, New Delhi.
3. Ram Bali
Jhuggi No. 125,
Rama Road, Shahdara, Delhi.
4. Subash Chand
S/O Rajinder Singh
r/o Kh. No. 24/1/4, Shiv Vihar,
Karawal Nagar, Delhi-94
5. Sh. Mohd Jamil Khan
S/O Late Rasheed Ahmed
C-112/17, Jamna Vihar Road,
North Gonda, Delhi-53
6. Chatter Pal Singh Verma
S/O Hladhar Singh
H. No. B-69, D Gali No. 6,
Kanti Nagar Extension, Delhi-51
7. Kallu Ram S/O Late Kashi Ram
H. No. B-532, Vijay Park, Gali No. 17,
Delhi.
8. Rana Ranjit Singh
S/O Nowal Kishore Prasad
r/o D-119 Phase-III, Pappan Kalan
Dwar Kapuri, Palam, New Delhi.
9. Ram Kumar S/O Ganga Prasad
r/o P-2081, Krishan Vihar
Poothleual, New Delhi-41.

.. Applicants

(None for the applicants)

Versus

1. Director General Home Guard and
Civil Defence Delhi Niskam Sewa
Bhawan, Raja Garden, New Delhi.
2. Commandant Delhi Home Guard Niskam
Sewa Bhawan, Raja Garden, New Delhi.
3. Chief Secretary, Govt. of NCT of
Delhi-5, Shaym Nath Marg, Delhi.
4. Union of India through its
Secretary, Ministry of Home Affairs
Department of Internal Security
North Block, New Delhi

5. Commissioner of Police
MSO Building, PHQ, ITO,
New Delhi-2

.. Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

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

As none has appeared for the applicants even on the second call, I have perused the pleadings and heard Shri Rajinder Pandita, learned counsel for the respondents.

2. MA 88/1997 has been filed by one of the 9 applicants, namely, applicant 1 praying for allowing the MA permitting the applicants to file a joint application under Rule 4(5)(a) of the CAT(Procedure) Rules, 1987. This M.A. has been filed by only applicant 1 and nowhere states that the other 8 applicants have been authorised to him to file this application on their behalf and none of the others have also signed this application. Under the circumstances, MA 88/97 is rejected.

3. One of the main prayers in the OA is for a direction to the respondents to regularise the services of the applicants as they have been engaged as Home Guards and had worked in that capacity with the respondents for a number of years, ^{their} and hence/ prayer for regularisation. The respondents in their reply have taken a preliminary objection that the application is barred by limitation as the applicants were discharged very long back while the application has been

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filed in January, 1997. Neither of the parties have, however, ~~not~~ clearly stated that from what dates the applicants have been discharged as Home Guards.

4. The respondents have also stated that the applicants had volunteered to work as Home Guards and there are no posts as such available with them and they are not public servants as claimed by them. Learned counsel for the respondents has relied on the judgement of the Apex Court in Rameshwar Dass Sharma and Ors Vs. State of Punjab & Ors decided on 30.7.1991 which has been followed by the Tribunal in Sant Parshad and Ors Vs. UOI & Ors (OA 2121/1997 with connected cases) decided on 4.6.1999 (Copies placed on record), in which I was also a Member in the Division Bench.

5. Following the decision of the Hon'ble Supreme Court in Rameshwar Dass Sharma's case (supra) which has been followed by the Tribunal in Sant Parshad's case (supra), I find no merit in this application. The Apex Court has held that Home Guards are employed on the basis of temporary need from time to time and cannot ask for regularisation and in view of this decision, the OA fails and ~~it~~ is dismissed. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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