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Central Administrative Tribunal
Principal Bench: New Delhi
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OA No.949/97

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)

Bholey Shankar
s/o Shri Bidhi Ram
r/o Chamber No. 72,
Tehsil Compound,
Ghaziabad.

...Applicant

(By Advocate: Shri Rishi Kesh)

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 N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi.

....Respondents

(By Advocate: Shri Jog Singh through Sh. C.Hari
Shankar)

O R D E R (ORAL)

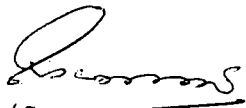
Dr. Jose P. Verghese, Vice-Chairman (J) -

The petitioner in this case was taken in Home Guards in the year 1981 and again joined in the year 1987 thereafter his services were discontinued as there was a criminal case pending against the petitioner. It is stated that the discharge was under Rule 8 of the Bombay Home Guards Act as applicable to Delhi.


Subsequently, the petitioner was acquitted by an order of the trial court dated 30.11.1995 and thereafter the petitioner made a representation for re-engagement in

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view of the acquittal, and not obtaining the appropriate relief, the petitioner approached this court by this OA on 15.4.1997. There is no condonation of delay application filed alongwith the OA. Thus in the interest of justice we would confine the relief being granted to the petitioner to one year prior to the filing of this case i.e. w.e.f. 15.4.1996 only. The petitioner shall also be given the benefit of his actual past service between 1981 to 1987. We are disposing of this OA confining to the relief to the findings recorded above and the directions given in the OA No. 1753/97 etc. the matter of I.S.Tomar & Ors. vs. Union of India & Ors., decided by this court on 12.12.1997, shall be made applicable to the petitioner on a mutatis mutandis basis. It is further clarified that the petitioner will have to his credit only the actual work he has done between 1981 to 1987 and thereafter from one year prior to the filing of this case namely 15.4.1997. Any relief given to the petitioners in the said decision shall also be applicable to the petitioner in this case but confining to the above said period only.

With this, this OA is disposed of with no order as costs.


(S.P. Biswas)
Member (A)

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