

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 1015/97

New Delhi, this the 17<sup>th</sup> day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P.BISWAS, MEMBER (A)

(15)

In the matter of:

Bhagwan Dass s/o Late Sh. Likhi Ram,  
r/o H.No. 396, Jatav Mohalla,  
Village & PO Tughlakabad,  
New Delhi. ....Applicant

(By Advocate: Shri P.L.Mimroth)

Versus

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

The Chief Secretary,  
Sham Nath Marg,  
Delhi.

2. Director General of Civil Defence  
& Home Guards, Niskam Sewa Bhawan,  
CTI Complex, Raja Garden,  
New Delhi.

3. Commandant Home Guards,  
Niskam Sewa Bhawan,  
CTI Complex, Raja Garden,  
New Delhi. ....Respondents

(By Advocate: Shri Raj Singh)

O R D E R

delivered by Hon'ble Shri T.N.Bhat, Member (J)

The applicant in this OA, who was appointed/recruited as a Home Guard in the year 1986 was later discharged from service by an order dated 2.9.1994. Admittedly, he did not assail the aforesaid order. It, however, appears that some other Home Guards came to the Tribunal which passed a favourable order in their favour and in pursuance thereof the respondents issued the order dated 4.11.1996 reinstating/taking back in service those persons.

*17.3.99.*

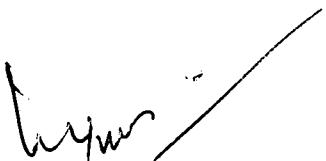
2. The applicant now seeks extension of the benefit of the judgement of the Tribunal in the aforesaid OA, being OA 1846/96, which judgement was delivered on 30.8.1996. (b)

3. The applicant's claim in the instant OA is resisted by the respondents mainly on the ground that since the applicant had not approached the Tribunal earlier nor secured any order from the Tribunal he cannot claim the benefit of the judgement dated 30.8.1996.

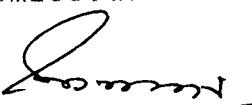
4. We have heard the learned counsel for the parties.

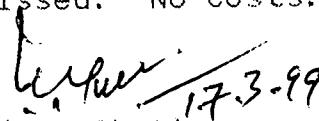
5. It is now well settled by a series of judgements of this Tribunal, based upon the Apex Court's judgement dated 30.7.1991 in Rameshwar Dass Sharma vs. State of Punjab (SLP No. 12465 of 1990) that Home Guards have no right to claim regularisation or any other such relief, as their service is essentially voluntary in nature. Viewed as such the applicant's claim in this O.A. is not sustainable.

6. Apart from the above the applicant's OA is hopelessly barred by time. He was discharged in 1994 while this OA has been filed in 1997. The judgement dated 30.8.1996 in OA 1846/96 cannot have the effect of reviving limitation, especially so when the applicant has failed to establish that the said judgement was a judgement in rem. The applicant has not taken the trouble of annexing a copy of the judgement with his OA.

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7. In view of the above this OA deserves to be  
dismissed. The OA is accordingly dismissed. No costs.

  
(S.P. Biswas)  
Member (A)

  
(T.N. Bhat)  
Member (J)

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