

-14-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1686/2000

New Delhi, this day the 20th August, 2001

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. Raj Kumar S/o Shri Chandra Bhan,
R/o 5 RS-53, Nasirpur,
Palam, New Delhi-110 045
 2. Arun Kumar, S/o Shri Mohar Singh,
R/o H.No. 308/1, Vill. Munirka,
New Delhi
 3. Virender Prasad S/o Shankar Lal,
R/o H. No. B-65, Chhatarpur Pahari,
New Delhi
 4. Ram Kishan S/o Puhup Lal Yadav,
R/o H.No. C-37/5, Lawrance Road,
Rampura Indl. Area, Delhi-35
 5. Girish Chandra S/o Sh. Hari Dutt,
R/o Block-Y, H.No. 1957, Mangolpuri,
Delhi
 6. Rishi Pal Singh S/o Sada Ram,
R/o 19/47, West Moti Bagh,
Sarai Rohella, Delhi
Sanad No. 7638 (PC)
 7. Om Prakash S/o Sh. Banwarid Lal,
R/o Jhuggi No. 78, Industrial Area,
Naraina, New Delhi
 8. Umesh Pandey S/o Shri Arjun Pandey,
R/o WZ-549, Naraina Village, New Delhi
 9. Sanjaly Kumar S/o Shri Damodhar Chaudhary,
R/o WZ-276, B-4 Inderpuri,
New Delhi
 10. Ram Bahadur S/o Shri Chedi Dass,
R/o O-155, Mangolpuri,
New Delhi
 11. Satish Kumar S/o Shri Ram Dhan Ram,
R/o RZ-71-A, West Sagarpur,
New Delhi
 12. Babu Lal S/o Shri Muneshwar Prasad,
R/o A-228, Mangolpuri,
New Delhi
 13. Jai Ganesh S/o Shri Hadya Narain,
R/o B-58, Rama Road, Moti Nagar,
New Delhi
 14. Kishan Pal S/o Har Gyan
R/o RZ-16/12, Sagarpur,
New Delhi
- Dr

(2)

15. Bal Chand S/o Shri Ram Narayana,
R/o H/Q-47, Mangolpuri,
New Delhi
 16. Javed Singh S/o Roshan Singh,
R/o WZ-60-V, Naraina Village,
New Delhi
 17. Subhash Ram S/o Shri Chander Lal,
R/o G Block, Jhuggi, Mangolpuri,
New Delhi
 18. Laxmi Thakur S/o Shri Ram Becas,
R/o C/5, -D, 9A, Janakpuri,
New Delhi
 19. Jugal Kishore S/o Ram Saran,
R/o W-86/121, Railway Hut,
Inderpuri, New Delhi
 20. Parmeshwar Paswan S/o Shri Sarya Paswan,
R/o KH-261, Kirti Nagar, Lakkar Mandi,
New Delhi
 21. Laxmi Ram S/o kJag Mohan Ram,
R/o WZ-60-A, Naraina, New Delhi
 22. Raghunath Singh S/o Shri Tiwari Lal,
R/o WZ-112, Todapur, New Delhi
 23. Shiv Nath Singh S/o Shri Data Ram Singh,
R/o 37/5, Lawrance Road,
Rampura Indl. Area,
Delhi - 110 035
 24. Avdhesh Kumar S/o Shri Parasuram Rai,
R/o A-32, Tygi Enclave, Mohan Garden,
New Delhi
 25. Ram Pujan S/o Shri
R/o 147-T, Camp, Hastshal Village,
New Delhi
 26. Kaptan Singh S/o Shri Bharat Singh,
R/o Village- Baghdola, Palam Colony,
New Delhi
 27. Vinod Kumar, S/o Dhani Ram,
R/o WZ-12-A, Janakpuri,
New Delhi
- Applicants
(By Advocate : Shri U. Srivastava)

Versus

Government of N.C.T. Delhi, through

1. The Chief Secretary,
Government of NCT Delhi
5, Sham Nath Marg, New Delhi
 2. The Commandant General,
Home Guards & Civil Defence,
- d

(3)

CTI Building, Raja Garden,
New Delhi

3. The Commandant,
Delhi Home Guards, CTI Buildings,
Raja Garden
New Delhi Respondents
(By Advocate : Shri Rajinder Pandita)

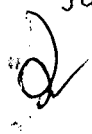
O R D E R (ORAL)

The applicants, who are Home Guards, have impugned the orders passed by the Commandant Home Guards, Delhi (A-1 collectively) by which they had been discharged as Home Guards on completion of their tenure of three years in accordance with the relevant rules. They have prayed for setting aside the aforesaid orders on the ground that the said orders are illegal and violative of rule 8 of Delhi Home Guards Rules, 1959. They also seek reinstatement back in service.

2. The learned counsel appearing on behalf of the respondents submits that this Tribunal lacks jurisdiction in the matter in as much as Home Guards are a volunteer force and those enrolled as Home Guards cannot be said to hold any civil post nor are they members of any service under the Government. The aforesaid matter, according to the learned counsel, has been considered at length by this very Bench in OA No. 1974/2000 decided on 20th December, 2000. The aforesaid O.A. was dismissed by holding, inter alia, that Home Guard Volunteers cannot be treated on par with Government servants. Similar decisions have been taken by this Tribunal in OA Nos. 443/2000, 376/2001 and OA No. 377/2001. In this view of the matter, the present OA has no force and has to be dismissed.

(4)

3. The learned counsel appearing on behalf of the applicants has, by placing reliance on the order passed by a Division Bench of this Tribunal on 1.6.1995 in OA No.188/1995, advanced the plea that the Home Guards are, in fact, to be treated as holders of civil posts under the Government. He has taken me through the aforesaid judgement which has, no doubt, held that the plea that Home Guards do not hold civil posts under the UOI has to be rejected. Immediately thereafter the learned counsel has also taken me through the judgement rendered by a Division Bench of the High Court of Delhi on 26.5.1999 in CWP No. 4286/1997 (Man Sukh Lal Rawal & Others V/s UOI & Others). The aforesaid judgement deals with the status of Home Guards in detail, and without any unequivocation has held in so many words that Home Guards are a volunteer force in which even Government servants can be enrolled. In the same judgement the High Court has also held that the concept of regularisation of Home Guards does not exist except in the case of personnel involved in training, command or control. Thus, adhering to the spirit of the observations made by the High Court, Home Guards enrolled as such, who constitute a volunteer force, are not to be treated as holders of civil post. I also had occasion to place reliance on the aforesaid judgement rendered by the High Court of Delhi in the order passed on 20th December, 2000 in OA No. 1974/2000. In the circumstances, I will not like further to dilate on what has been held therein in regard to the status of Home Guards. Suffice it to say that in view of the aforesaid judgement of Delhi High Court Delhi, the views expressed



(5)

in the order passed by the Division Bench of this Tribunal on 1.6.1995 in OA No. 188/1995 as regards the status of the Home Guards cannot find application any longer. The corresponding plea advanced by the learned counsel for the applicants is, in the circumstances, rejected thus leaving the OA without merit.

4. The O.A. is accordingly dismissed. There shall be no order as to costs.


(S.A.T. RIZVI)
MEMBER(A)

/pkr/