

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A./I.A. NO.

1754/2000 ✓  
2

Jagbir Singh & ors. Vs. Govt of NCTD & ors.

The above noted case was decided vide Judgment/Order dated 2/8/02 by the Bench comprising of : ✓

Hon'ble Mr. Kuldip Singh, Member (J) ✓

Hon'ble Mr. \_\_\_\_\_

The ~~Applicant(s)~~/Respondent(s) in the above noted case filed CWP/CMP No. 7713/02 ✓ in the High Court and the Hon'ble High Court vide Order/Judgment dated 2/12/02 has been please to :-

- (a) ~~Dismiss/admitted the CWP/CMP~~
- (b) ~~Set aside the Order/Judgment of this Tribunal.~~
- ✓ (c) stayed the operation of the Judgment of the Tribunal.
- (d) ~~Modified/Substituted the judgment/order of the Tribunal.~~
- (e) ~~Disposed the C.M.P./C.W.P.~~

Submitted for perusal of Hon'ble the ~~Chairman and~~  
Hon'ble Members of the Bench.

JOINT REGISTRAR

27/11/03

HON'BLE CHAIRMAN

By Registrar

27/11/03

27/11/03

By Registrar (J)

HON'BLE MR. Kuldip Singh, Member, (J)

June

HON'BLE MR. \_\_\_\_\_

102/5  
2/12/02

g/h

REPORT ON THE SCRUTINY OF APPLICATION

Presented By : V. Srinivas Diary No. 1811  
Applicant (s) : Jagbir Singh Date of Presentation 5/9/2011  
Respondent (s) : Govt. of Punjab  
Nature of grievance : Termination  
No. of applicants : 32 No. of Respondents : 3

CLASSIFICATION

Subject : Termination (No. 28) Department : N.G. (No. 1)  
\* if S.B.

Is the application in the proper form?  
(three complete sets in paper book form in two compilations). ( PROFORMA / COMPILATION )

Whether name, description and address of all the parties been furnished in the cause title? Yes

3. (a) Had the application been duly signed and verified? ( SIGNED / VERIFIED )

(b) Have the copies been duly signed? Yes

(c) Have sufficient number of copies of the application been filed? Yes

4. Whether all the necessary parties are impleaded? Yes

5. Whether English translation of documents in a language other than English or Hindi been filed? Yes

6. (a) Is the application in time? Yes  
( See Section 21 )

(b) Is MA for condonation of delay filed? Yes

7. Has the Vakalatnama/Memo of appearance/OG authorisation been filed? Yes

8. Is the application maintainable? u/s 2, u/s 14, u/s 18  
(u/s 2, 14, 18 or U/R 6 etc). U/R 6, PT u/s, 25 file

9. Is the application accompanied by IPO/DD for Rs. 50/- ? Yes

10. Has the impugned orders original/duly attested legible copy been filed? LEGIBLE/ATTESTED

11. Have legible copies of the annexure duly attested been filed? LEGIBLE/ATTESTED

as required  
been made ?

number of envelopes  
bearing full address  
condemns been filed ?

the reliefs sought for,  
out of single cause of  
action ?

Whether any interim relief is  
prayed for ?

17. In case an MA for condonation of  
delay is filed, is it supported  
by an affidavit of applicant ?

18. Whether this case can be heard by  
Single Bench ?

19. Any other point ?

Result of the scrutiny with initial  
of the Scrutiny Clerk.

The application is in order and may be registered and listed before  
Court for admission/orders on:

(a) MA for joining - U/R (5) (a) / 4 (5) (b)

(b) MA U/R 6 of CAT Procedure Rules, 1987

(c) PT U/s 25 under At Act

MA for condonation of Delay;

OR

The application has not been found in order in respect at Item No(s)  
below :

Item Nos.

Application is not on prescribed size of paper.

MA U/R 4(5)(a) / 4(5)(b) has not been filed.

Application /counsel has not signed each page of the  
application/documents.

U/R 6 has not been filed.

Application might be returned to the applicant for rectification  
within 7 days.

COURT NO. ....

S.B.

DATE

6/7/2020

5-9-2020

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A. No. 1754 of 2000

IN THE MATTER OF:

Jagbir Singh and ors.

... Applicants

Versus

Govt. of NCT Delhi and ors.

... Respondents

I N D E X

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Date :

Place: New Delhi.

APPLICANTS

Through Counsel  
(U. SRIVASTAVA & M.K. GAUR )  
Advocates  
CAT BAR ROOM, FARIDKOT HOUSE,  
New Delhi-110 001.

Filed today

5 SEP 2000

18/11

24.11.2000  
last received  
on 6/7/2000  
by



(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A. NO.                      of 2000

In the matter of :

1. Jagbir Singh S/o. Sh. Mam Chand,  
R/o. 46, Vill. Gadaipur, New Delhi.  
Sanad No. 6881, Rank- S.P.C.
2. Shiv Prashann S/o. Sh. Bhuleshwar Yadav  
R/o. H.No. C-85, Janta Flat, Saket,  
New Delhi.
3. Birbal S/o. Sh. Harcharan,  
R/o. Mandi Pahari, Mehrauli,  
New Delhi.
4. Hukam Chand S/o. Chiranjil Lal,  
R/o. C-105, Janta DDA Flat,  
Katwaria Sarai, New Delhi.
5. Mahender Singh Gaur S/o. Sh. Vijay Singh Gaur,  
R/o. Rajpur Khurd, Maidangarhi,  
New Delhi.
6. Daroga Rai S/o. Shri Panchu Rai  
R/o. B-718, J.J. Colony, Budh Nagar,  
Inderpuri, New Delhi-110 012.
7. Mani Lal S/o. Mahavir Singh  
R/o. F-1/230, Sultnapuri,  
Delhi-110 041.
8. Naval Kishore S/o. Sh. Ram Prabodh  
R/o. B-612, Hari Nagar, Clock Tower,  
New Delhi.

contd...2/-

9. Ramshwar Ram S/o. Sh. Nand Kumar Ram,  
R/o.WZ-A-2-126, Jawahar Camp, Kirti Nagar,  
New Delhi.
10. Ram Kishan S/o. Khacheru Singh  
R/o.H.No.222, Viyogi Dhouli,  
New Delhi.
11. Rama Shankar S/o. Lal Singh  
R/o.C-848, Viyogi Dhauli,  
New Delhi.
12. Ram Ratan Singh S/o. Sh. Sant Singh  
R/o. H.-16, Khanpur, Extension,  
New Delhi.
13. Kishan Ram S/o. Raj Banshi Ram  
R/o.WZ-430/C-58, Village-Naraina,  
New Delhi.
14. Om Prakash S/o. Krishan Lal  
R/o.A-96, Dakshinpuri, Delhi-62.
15. Harish Chandra S/o. Sh. Bhagwan Sahai ,  
R/o.A-85/88, Indira Gandhi Camp,  
Naraina, Phase-I, New Delhi.
16. Govind Singh Negi S/o. Sh.Nand Singh Negi  
R/o.F-116, Katwaria Sarai,  
New Delhi.
17. Prahlad Singh S/o. Hetram  
R/o.H.No.460, Mahipalpur,  
New Delhi.

18. Randhir Singh Rawat S/o. Dev Singh Rawat,  
R/o.R-116,Katwaria Sarai,  
New Delhi.
19. sitaram S/o. Ram Nath.  
R/o. H-112/305, Vasank Kunj,  
New Delhi.
20. Chakarshekhar ~~s/o~~ Kumar S/o.satiram,  
R/o.F-359, Mahipalpur, New Delhi.
21. Mithlesh Tiwari S/o. Dev Raj Tiwari  
R/o.26/27, Gali No.2, Baljit Nagar,  
New Delhi.
22. Ram Dev S/o. Jugal Ram,  
R/o.A-85/52, Indira Gandhi Camp,  
Phase-I, Naraina, New Delhi.
23. Radhey Shyam S/o. Chaudhary Ram,  
R/o. RZ-76/238, p-Block, West Sagarpur,  
New Delhi.
24. Nirranjan Kumar Mishra S/o. Sh. Chhedi Bal,  
R/o.26/20, Indira Park, Gali No.28,  
Palam Colony, New Delhi.
25. Sukh Dayal S/o. Ram Prashad,  
R/o.H-9, Ambedkar Colony,  
Satwari, Mehrauli, New Delhi.
26. Brahm Singh S/o. Ram Kishan  
R/o.11/33, Akbar Road,  
New Delhi.

27. Shiv Narain S/o. Anup Lal Mehto  
R/o.DH-61-F, Hari Nagar,  
New Delhi.
28. Vijay Pal Singh S/o. Chandra Pal,  
R/o.A-Block, Gali No.22, Sangam Vihar,  
New Delhi.
29. Umapati Shukla S/o. Aadi Nath Shukla,  
R/o.A-85, Indira Gandhi Camp,  
Ind. Area, Naraina, New Delhi.
30. Shankar Rai S/o. Chakori Rai,  
R/o.H.No.144, Hari Nagar, Pili Khoi,  
New Delhi.
31. *Virender Nath S/o. R.P. Singh*  
*R/o R2-24/404 Shw Puri Sagar Pur*  
*New Delhi*
32. *Anant Ram Tiwari S/o. Sukh Dev Prasad Tiwari*  
*R/o R2-25 B/4 Indira Park, Palam colony New Delhi*

Versus

- Govt. of N.C.T. Delhi, through
1. The Chief secretary,  
Govt. of NCT Delhi,  
5, Sham Nath Marg,  
New Delhi.
2. The Commandant General,  
Home Guards & Civil Defence,  
CTI Building, Raja Garden,  
New Delhi
3. The Commandant,  
Delhi Home Guards, CTI Building,  
Raja Garden, New Delhi.

... Respondents

contd..5/-

DETAILS OF THE APPLICATIONS

1. PARTICULARS OF THE ORDERS/ ACTIONS AGAINST WHICH THIS APPLICATION IS MADE :

This application is being made under section 19 of A.T. Act 1985 inter alia challenging validity and propriety of the orders issued by the respondents vide their order dated 25.02.2000 applicant No.1 to 24, order dated 21.02.2000 applicant Nos. 25, ~~to~~ Order dated 05.10.1999 applicant Nos. 26 to 28 and order dated 19.03.1999 applicant Nos.29 to 30 discharging the applicants from their services under Rule 8 of Delhi Home Guards Rules, 1959.

2. JURISDICTION OF THE TRIBUNAL :

That the applicants declare that the subject matter of the orders against which the redressal is made is within the jurisdiction of the Tribunal.

3. LIMITATION :

That the applicants further declares that the application is within the period of limitation as prescribed under section 21 of A.T. Act 1985.

4. FACTS OF THE CASE :

That the facts of the case is as under :-

- 4.1 That ~~the~~ all the applicants were recruited as a member of Home Guards under Rule 3 of the Delhi Home Guards Rules 1959 and the tenure of the post was initially fixed for a period of three years as per Rule 8 of

Delhi Home Guards Rule 1959. A copy of the same Rule is being annexed hereto and marked as Annexure A/2.

4.2 That all the applicants are governed by the Bombay Home Guards Act 1947 as extended to the Union Territory of Delhi for which a copy of the same is being annexed hereto and marked as Annexure A/3.

4.3 That the service particulars of the applicants are as under :-

- a) That the applicant No.1 was recruited/enrolled with the Respondents as a member of Home Guards w.e.f. 05.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 05.11.2001.
- b) That the applicant No.2 was recruited/enrolled with the Respondents as a member of Home Guards w.e.f. 10.10.1988 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 02.11.2000.
- c) That the applicant No.3 was recruited/enrolled with the Respondents as a member of Home Guards w.e.f. 22.10.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 22.10.2001.

- d) That the applicant No. 4 was enrolled with the respondents as a member of Home Guards w.e.f. 1982 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 17.1.2000.
- e) That the applicant No.5 was enrolled/recruited with the respondents as a member of Home Guards w.e.f. 22.11.1988 ~~to~~ after completion of all the required formalities for ~~the~~ the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 21.11.2000.
- f) That the applicant No.6 was enrolled/recruited with the respondents as a member of Home Guards w.e.f. 11.12.1988 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 11.12.2000.
- g) That the applicant No.7 was recruited / enrolled with the respondents as a member of Home Guards w.e.f. 13.03.1988 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 12.03.2000.
- h) That the applicant No.8 was recruited / enrolled with the respondents as a member of Home Guards w.e.f. 19.12.1984 after completion of all the required formalities for the said post. Further, the tenure of the applicant

has been extended time to time and presently his tenure is upto 28.02.1999.

- i) That the applicant No.9 was recruited /enrolled with the respondents as a member of Home Guards w.e.f. 05.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 04.11.1992.
- j) That the applicant No.10 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 23.07.1998 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto ~~16x~~ 11.06.2001.
- k) That the applicant No.11 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 02.05.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 28.11.2001.
- l) That the applicant No.12 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 19.07.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 17.09.2001.



- m) That the applicant No.13 was recruited/enrolled with the Respondents as a member of Home Guards w.e.f. 08.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 04.11.1992.
- n) That the applicant No.14 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 29.06.1989 ~~08.11.1989~~ after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 29.06.2001.
- o) That the applicant No.15 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 22.11.1988 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 21.11.2000.
- p) That the applicant No.16 was recruited /enrolled with the respondents as a member of Home Guards w.e.f. 27.09.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 27.09.2001.

- q) That the applicant No.17 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 05.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 05.11.2001.
- r) That the applicant No.18 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 27.09.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 22.09.2001.
- s) That the applicant No.19 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 14.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 14.11.2001.
- t) That the applicant No.20 was recruited/enrolled with the respondents as a member of Home Guards w.e.f. 12.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 11.11.2001.
- u) That the applicant No.21 was recruited/enrolled with the respondents as a member of Home Guards w.e.f.

12.11.1989

12.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 11.11.2001.

v) That the applicant No.22 was recruited/enrolled with the respondents as a member of Home Guards w.e.f.

12.12.1988 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 11.12.2000.

w) That the applicant No.23 was recruited/enrolled with the respondents as a member of Home Guards w.e.f.

11.06.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 10.06.2001.

x) That the applicant No.24 was recruited/enrolled with the respondents as a member of Home Guards w.e.f.

04.08.1986 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 03.08.1992.

y) That the applicant No.25 was recruited/enrolled with the respondents as a member of Home Guards w.e.f.

21.04.1988 after completion of all the required

formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 21.04.2000.

z) That the applicant No.26 was recruited/enrolled with the respondents as a member of home Guards w.e.f. 15.03.1986 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 05.08.1997


aa) That the applicant No.27 was recruited/enrolled with the respondents as a member of home Guards w.e.f. 12.11.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 11.11.2001.

ab) That the applicant No.28 was recruited/enrolled with the respondents as a member of home guards w.e.f. 24.01.1992 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 24.01.2001.

ac) That the applicant No.29 was recruited/enrolled with the respondents as a member of home guards w.e.f. 30.06.1989 after completion of all the required formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 29.02.1992.

- ad) That the applicant No.30 was recruited/enrolled with the respondents as a member of home guards w.e.f. <sup>22.04.1992</sup>~~30.06.1989~~ after completion of all the formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto ~~29.02.1992~~ 21.04.2000.
- ae) That the applicant No.31 was recruited/enrolled with the respondents as a member of home Guards w.e.f. <sup>5-3-86</sup> after completion of all the formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto 4-3-2001
- af) That the applicant No. 32 was recruited/ enrolled with the respondents as a member of home guards w.e.f. <sup>30-6-1989</sup> after completion of all the formalities for the said post. Further, the tenure of the applicant has been extended time to time and presently his tenure is upto. 30-6-2001

contd...14//



4.4 That the applicants have been working with the Respondents to the entire satisfaction of their superior officials and having their unblemished service records. Further due to their meritorious services, the applicants have been getting the Commendations and the due promotions time to time, and their services/tenure for services have been extended time to time.

4.5 That, it will be relevant to mention here that the respondents have been allotting a fresh Sanad Numbers to the applicants at the time of extension of their tenure of services.

4.5 That all of sudden, the Respondents No.3 issued the discharge orders to the applicants individually in a printed proforma filled in respect of each individually. The copies of the discharge orders are being annexed hereto and marked as Annexure A/1 ( Colly ) and the contents of the same is as under :-

"I, L.S.Sandhu, I.P.S. Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards, Act 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules 1959 issued vide DAD Notification No.F.4/59/CD dtd. 20.7.59 hereby discharge Shri Raj Kumar S/o. Shri Chandra Bhan Sandad No.7312 PIS No.12880099 Resident of 5RZ-53, Nasirpur, New Delhi of District-South West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

contd.... /-

He is further directed to deposit his uniform articles to store Supdt.(Clothing) Headquarters, Raja Garden and Sanad I/Card and other articles issued to him with the DSO Concerned within seven days and submit a NO DUES CERTIFICATE to clear his dues."

- 4.7 That it will be relevant to mention here that the above Discharge orders ( Annexure A/1) has been issued by the Respondents on 21.02.2000 and 25.02.2000 in case of all the applicants except Applicant No.7 and are taking effect on the following day i.e. w.e.f. 22.02.2000 and 26.02.2000 and Applicant No.11 was discharged w.e.f. 16.11.1999 by vide Discharge order dated 17.11.1999.
- 4.8 That, previously in the year 1994 vide orders dated 15.12.94 the services of the number of home guards were discontinued in the same fashion i.e., under Rule 8 of Delhi Home Guards Rules 1959 and being aggrieved by the Discharge orders, the aggrieved persons filed an OA vide its O.A. No.188/95 in the name of Kishan Kumar & Ors. Versus Govt. of NCT Delhi & Ors. and the Hon'ble Tribunal quashed and set aside the discharge orders issued on 15.12.1994 by the respondents by vide judgement/order dtd.1.6.95 with a directing to the respondents as under :-

"9. The impugned order states that the same has been passed in exercise of the powers conferred upon the Commandant, Home Guards of Delhi under the Bombay Home Guards, Act 1947 as extended to the Union Territory of Delhi Home Guards Rules, 1959 issued by the DAD Notification dt. 29.7.59. It purposes to be an order simplifier and has to take immediate effect.

*hm*

8. As there are not the case of dismissal, it is clear that section 6B has no application in this case. In so far as section 6B (IA) is concerned, satisfaction under Rule 10 was required, but there are no materials to indicate that the Commandant was satisfied that the applicants had committed any act which was detrimental to the good order etc. of the Home Guards Organisation.

11. We then come to Rule 8 of the Delhi Home Guards Rules, under which the Commandant General/Commandant is empowered to terminate the appointment of any Home Guard by giving one month's notice or without notice if such member is found medically unfit. In the present case one month's notice has not been given, and there are no materials on records to indicate whether the applicant's services were to be terminated because they were found medically unfit.

12. The Respondents have also not made any averment in their reply, that the services of the applicants have been dispensed with because they were found medically unfit.

13. Under the circumstances the impugned order cannot be sustained. This O.A. succeeds and is allowed, to this extent that the impugned orders are quashed, with liberty given to the Respondents to pass fresh orders if so advised, in accordance with Law. No costs."

4.9 That after some times, a Review application was filed by the Respondents namely R.A. No.251/95 in M.A. No. 492/97 in O.A. No.188/95 and the same was disposed of by the Hon'ble Tribunal



by vide its judgement/orders dated 08.07.1997. A copy of the same judgement / order is being annexed hereto and marked as Annexure A/6 and the contents of the same is as under :-

"We have heard Shri Jog Singh for the Review Applicants (Govt. of NCT of Delhi and others ) and Shri Gupta for the review respondents ( applicants in OA No.188/95 ) on RA. 251/95 seeking review of judgement dated 1.6.95 in O.A. No.188/95 and on M.A. No. 452/97, seeking restoration of the R.A. which was dismissed for default.

2. Shri Jog Singh stated that the R.A. had been filed in the back-ground of review applicants apprehension that consequent to the impugned judgement dated 1.8.95, the review respondents, together with other similarly placed might seek regularisation as Home Guards, which he contents is beyond the scheme of the Bombay Home Guards Act 1947 as extended to UT of Delhi. He emphasized that the Home Guards are volunteers who are engaged on contract basis for a period of 3 years at a one time, and it was the objective of the Govt. of NCT of Delhi to cover as many people as possible under the Home Guards Scheme. He urged that if one the strength of the impugned judgement dated 1.6.95, review respondents and other similarly placed sought regularisation, the aforesaid objective would be frustrated, apart from the fact that there were no sanctioned posts of Home Guards against which such persons could be regularised. In this connection, he invited our attention to the Hon'ble Supreme Court judgement in S.L.P. No. 12465/90 dated 30.07.1991 in Rameshwar Dass Sharma & Ors.

V. State of Punjab & Ors. , wherein it has been held that Home Guards are employed on the basis of temporary need from time to time and cannot ask for regularisation.

3. We note that the said judgement in R.D. Sharma's case (supra ) was not placed before us when we delivered our impugned judgement dated 1.6.95. Apart from this, the impugned judgement dated 1.6.95 nowhere states that the applicants in that O.A. ( Present review respondents ) and other similarly placed would be entitled to regularisation. It also requires no reiteration that the judgement of the Hon'ble Supreme Court in R.D. Sharma's case ( Supra ) is binding upon all courts and authorities under Article 141 of the Constitution.

4. In view of the above, the apprehension of the review respondents referred to, in paragraph 2 above, should stand allayed.

5. In the light of the aforesaid discussions, the impugned judgement dated 1.6.95 warrants no intervention.

6. RA 251/95 together."

4.10 That it will be relevant to mention here that all the applicants were appointed with the respondents since long back and have completed more than decade. Further in the year 1997, the respondents discharged a number of home guards, in the same fashion again and being aggrieved by the discharge orders, the effected persons filed O.A.'s before the Hon'ble Tribunal.

4.11 That, thereafter all the applications were decided by the Hon'ble Tribunal on 12.12.1997 and also on the basis of the orders on 15.12.1997 with a direction to the respondents to regularise the services but as there was difference of opinion between the members of the Tribunal on the basis orders dated 12.12.96 ( Is Tomar Versus Govt. of NCT Delhi & Ors. ) the matter was referred to full bench and the same has been disposed of by vide Tribunal's order dated 25.11.1999 and the operative parts of the judgement is as under :-

"14. In conclusion these OA's are disposed of in terms of Delhi High Court's Judgement dated 26.5.99 in Mansukh Lal Rawal's case ( SUPRA ) Nol costs."

4.12 That during pendency of the O.A. before full bench on the question of rights of the members of Home Guards this Hon'ble Tribunal dismissed few applications filed by few members of the Home Guards, they approached to the Hon'ble High Court of Delhi and the Hon'ble High Court has directed to the Respondents to frame a policy, having transparent in case of Mansukh Lal Rawal and ors Versus Union of India & Ors in CPW No.4286/97 on accounts of which the full bench of the Hon'ble Tribunal has decided the O.A. A copy of the judgement dated 26.5.1999 in CWP No.4286/97 has been annexed here to and marked as Annexure A/7.

4.13 That, it will be relevant to mention here that the time for framing the policy was given by the Hon'ble High Court was only for six months. which has completed on

26.11.99 but till date there is nothing, Further the Full Bench of the Hon'ble Tribunal has reiterated the judgement/orders of the High Court in its judgement/orders dated 25.11.1999.

4.14 That, further, it is submitted that the services of the applicants have been extended by the respondents time and last date of the tenure has been shown in the Identity Cards has come to end and the Respondents have issued the Discharge orders to the applicants i.e., w.e.f. 26.2.2000 without any rhyme and rhythm, arbitrarily.

4.15 That the humble submission of the applicants is that as per Rule 9 of the Delhi Home Guards Rules 1959, a member Home Guard can perform his duty upto the age of 60 years and also as per Rule 10 of the Rules the services of Home Guards can be terminated discharged, if the respondents have satisfied that the member has committed an act detrimental to the good order, welfare of discipline of the Home Guards, Organisation, but in the instant case no such allegation whatsoever has been inflected upon the applicant nor any procedure whatsoever mentioned in section 6(b) (ia) of the Bombay Home Guard Act 1947 has been adopted and it is also worth while to mention here that the applicants are performing their duties since more than one decade.

4.16 That the applicants are being aggrieved by the Discharge orders issued by the respondents vide their order dated 25.2.2000 ( Annexure A/1 ( Colly ) ). Further the discharge

orders issued by the respondents are illegal, unjust, arbitrary, unconstitutional, malafide, against the principles of Natural Justice and against the mandatory provisions of law.

Hence the present O.A. on the above grounds.

5. G R O U N D S :

- 5.1 Because, the actions of the respondents in discharging the applicants from their services before completion of present tenure as shown in their Identity Card, is illegal, unjust arbitrary, malafide, unconstitutional, against the Principles of natural justice and mandatory provisions of Law.
- 5.2 Because, as per, Rule 9 of the Delhi Home Guards Rules, 1959 the maximum age limit for working as a member of Home Guards is for 60 years.
- 5.3 Because, as per the directions of the High Court, the Respondents are required to frame a policy which should have transparent in its character but till date there is nothing. Further, the judgement of the High Court has been followed by the Tribunal also by its Full Bench.
- 5.4 Because, the respondents should act as a model employee and should act in rational manner without indulging into an arbitrary act.
- 5.5 Because, it is also the duty of the state to provide the livelihood and in the instant case as the applicants have been working for more than one decade having their satisfactory services without any other source of income except the present arrangement.

*hm*

contd... /-

- 5.6 Because, it is not the case of the respondents that the applicants have acted as deterrent in good orders of the organisation and the work and conduct of the applicants through out their tenure remained satisfactory and thus the termination in such a manner is irrational.
- 5.7 Because, the applicants have been working with the Respondent to the entire satisfaction of their superior officials and having an unblemished service records.
- 5.8 Because, as per rule 8 of Delhi Home Guards Rules, 1959 :-

"The terms of Office of a member of Home Guard shall be 3 years, provided that the appointment of any such member may, at any time, be terminated by the Commandant General or the Commandant as the case may be, before the expiry of the term of office :-

- a) by giving one month notice or
- b) without such notice, if such member is found to be medically unfit to continue as a member of home guard."

Although all the applicants have been discharged from their services under Rule 8 of Delhi Home Guards Rules 1959, but it is apperant from face of records that no proper procedure has been followed.

- 5.9 Because, it is apperant from face of record that is from Annexure A/1 ( Colly ) that neither one month notice is there nor the applicants have been said to be medically unfit.

- 5.10 Because, the case of the applicants is fully covered by
- hm*

5.10 Because, the case of the applicants is fully covered by the law laid down by the Hon'ble CAT, Principal Bench, New Delhi in O.A.No.188/95 in case of Kishan Kumar & ors versus Union of India & Ors. in RA.No. 251 of 1995 in M.A.No.492/97 in O.A.No.188/95 disposed of on 1.6.95 and order dated 8.7.97 respectively.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicants declare that they have availed all the remedies availed to them under the relevant rules and instructions. Further, the present application may be treated as an extra-ordinary for the purposes of action 20 of AT Act 1985.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT OF LAW :

That the applicants further declare that they have not filed any other application, Writ Petition or Suit regarding the matter against which the same is being filed and none is pending before any other court of law.

8. RELIEF (S) SOUGHT:

In the facts and circumstances mentioned in the above paras, it is therefore most respectfully prayed that the Hon'ble Tribunal may be graciously pleased to pass an order :-

- a) to quash and set aside the impugned orders vide respondent's orders dtd. 25.02.2000, 21.2.2000, 05.10.1999, & 19.03.1999 in case of applicant i.e. Annexure A/1. (Colly ).

- b) to declare the actions of the respondents discharging the applicants in such a manner is as illegal, and violative of Rule 8 of Delhi Home Guards Rules 1959.
- c) To direct the respondents to reinstate the applicants in the services till the implementation of Full Bench judgement dated 25.11.1999 and to act in accordance with the framed policy.
- d) directing the respondents to allow the applicants to perform their duties as a member of Home Guards, Organisation, till the completion of fixed tenure as shown in their Identity Cards.
- e) to allow the O.A. of the applicants in the light of judgement orders issued by the Hon'ble Tribunal in O.A. No.188895 in case of Kishan Kumar & Ors. Versus Govt. of NCT Delhi & ors, alongwith consequential benefits and costs.
- f) Any other fit & proper relief may also be granted to the applicants.

9. INTERIM ORDERS? IF ANY, PRAYED FOR:

In the facts and circumstances mentioned in above paras, it is therefore most respectfully prayed that the Hon'ble Tribunal may be graciously pleased to pass an order directing the respondents :-

- a) to stay the operations of the impugned orders issued by the Respondents on 21.02.2000 and 25.02.2000, 05.10.1999, 19.03.1999 i.e. Annexure A/1 Colly, till the final disposal of the present application, as the same has been issued under Rule 8 of Delhi Home Guards Rule 1959 without following the procedure laid down in Rule 8 of Delhi Home Guards Rules 1959.
- b) Any other fit and proper relief may also be granted.

10. Not applicable.

cont d... /-

W-1.80 NO 37971 Date 20/4/2000





26

12/10/54

APPLICANT

Verification

I Shri Prashant S/o Sh. Bhuleshwar Yadav  
Age 36 R/o Janata Hous Saket New Delhi  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

x 12/10/54

Date: 4/9/54  
+  
[Signature]

Applicant:

Through:

[Signature]

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

27

§ 4 H-400

APPLICANT

VerificationI Bachul s/o Sh. HarcharanAge 23 R/o Munali

do hereby verify that the contents of para 1 to 4 are true  
 to the best of my knowledge and para 5 to 12 believed to be  
 true on legal advice and that I have not suppressed any  
 material fact.

 Date: 4/9/12  
 \* [Signature]

Applicant:

§ 4 H-400Through: [Signature]

U. Srivastava Advocate  
 C.A.T. Bar Room  
 Faridkot House  
 New Delhi.

28

APPLICANT

1/25/54

Verification

I Mehendra Singh S/o Sh. N.S. Gaur  
Age 23 R/o Kaduna M. S. S. S. S.  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 4/9/54  
gaur

Applicant:

1/25/54

Through:

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

79  
APPLICANT

Laroga

Verification

I Darshan Rai s/o Sh. Ramcharan  
Age 25 R/o B-708 I.I. Colony Jh  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

11/9/20

Applicant:

Laroga

Through:

U.S.

U.Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

30

U. Srivastava  
APPLICANT

Verification

I U. Srivastava s/o U. Srivastava  
Age 42 R/o Faridkot House

do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 11/9/91

Applicant:

U. Srivastava

Through: U. Srivastava

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

31

09/07/2012

APPLICANT

Verification

I Mr. Vankar Singh Ram Prasad  
 Age                      R/o B-62 New Delhi

do hereby verify that the contents of para 1 to 4 are true  
 to the best of my knowledge and para 5 to 12 believed to be  
 true on legal advice and that I have not suppressed any  
 material fact.

Date:

4/9/12

Applicant:

09/07/2012

Through:

U. Srivastava Advocate  
 C.A.T. Bar Room  
 Faridkot House  
 New Delhi.

32

कामेश्वर राय

APPLICANT

Verification

I Amreshwar Prasad S/o Sh. Prad Kumar  
 Age 23 R/o W2-A/2-126 Jyoti Chaur  
 do hereby verify that the contents of para 1 to 4 are true  
 to the best of my knowledge and para 5 to 12 believed to be  
 true on legal advice and that I have not suppressed any  
 material fact.

Date: 4/9/11Applicant: कामेश्वर रायThrough: U.S.

U.Srivastava Advocate  
 C.A.T. Bar Room  
 Faridkot House  
 New Delhi.



33

APPLICANT

रतन बिशो

Verification

I Ram Kishan s/o Sh. Kachar Singh  
Age 28 R/o 7 No 22 Indragiri Street  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/20  
am

Applicant:

रतन बिशो

Through:

U

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

37

APPLICANT

21/12/92

Verification

I Ramesh Chandra s/o Sh. Suresh Chandra  
Age 26 R/o 4-16 Khandra Bst. New Delhi  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 4/9/92

CM

Applicant: 21/12/92

Through: h2

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

35

APPLICANT 2142414E

Verification

I Muzaffer s/o Mr. S. J. S. S.  
Age 20 R/o H-10 Kharpur Rd. M.  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 14/11/20  
Muzaffer

Applicant: 2142414E

Through: U.

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

Kristine Rom.  
APPLICANT

I Washburn S/O Ch. Leifson  
Age 20 R/O W. Leifson

Krishna Ram.  
Applicant:

Date: 2/1/20  
Mr.

Through:

U.Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

37

APPLICANT

*Okah*

Verification

I *an Prakash* s/o *Krishna Lal*  
Age *40* R/o *A 86 Zakaria Pur*  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: *4/9/20*

Applicant:

*Okah*

*[Signature]*

Through:

*[Signature]*

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

38

Harish Chandra Sach.

APPLICANT

Verification

I Harish Chandra s/o Shri Mahendra Singh  
Age 78 R/o A-87/88 Indira Park  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Harish Chandra Sach

Date:

4/9/20



Applicant:

Through:



U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

89

*Gauri*

APPLICANT

Verification

I *Atul Singh* s/o *Shri Nand Lal Vagi*  
 Age *27* R/o *8-116 Kirti Vihar Sector 15*  
 do hereby verify that the contents of para 1 to 4 are true  
 to the best of my knowledge and para 5 to 12 believed to be  
 true on legal advice and that I have not suppressed any  
 material fact.

Date: *9/7/1980*  
*Gauri*

Applicant: *Gauri*

Through: *U.S.*

U.Srivastava Advocate  
 C.A.T. Bar Room  
 Faridkot House  
 New Delhi.

40

APPLICANT

*[Signature]*

Verification

I Brahmadish/o Hetrur  
Age                      R/o hoo460 muni Pradur

do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 beleived to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/20  
*[Signature]*

Applicant:

*[Signature]*

Through:

*[Signature]*

U.Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.



41

*Beet*

APPLICANT

Verification

I *Anandhi Singh* s/o *Mr. P. K. Behera*  
Age *40* R/o *F 116 Kartar Singh Nagar*

do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

*19/11/20*  
*MS*

Applicant:

*Beet*

Through:

*MS*

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

42

APPLICANT

Verification

I S. J. Ram s/o Sh. Ram  
Age 25 R/o 11/2005 Vasant Vihar do  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

Applicant:

Through:

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

43  
APPLICANT

C. Kumar.

Verification

I C. Kumar Shukla R/o Sasti Ram  
Age 46 R/o P-389 Machi Park New Delhi  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/73

Applicant:

C. Kumar.

Through:

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

44 Mitni Bhai Tiwari  
APPLICANT

Verification

I Mitni Bhai Tiwari/o Dev Raj Tiwari  
Age 33 R/o 26/27 Sector 102 Badli  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 16/11/20  
My

Mitni Bhai Tiwari  
Applicant:

Through:

U  
U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

45

R. d. Ram

APPLICANT

Verification

I Ram Dev s/o Sh. Jugal Ram  
Age 38 R/o 145/52 Main Bazaar  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 4/9/20

Applicant:

R. d. Ram

[Signature]

Through:

[Signature]

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

46 Rshyam  
APPLICANT

Verification

I Radhyn Shyam s/o - Chudhary Rm  
Age 21 R/o DR-76/238 P. Block 2m  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 4/7/20

Applicant: Rshyam

Through: U. Srivastava

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

47

निवेदनकर्ता पक्ष  
APPLICANT

Verification

I M. Sengupta do hereby  
Age 32 R/o A/26/20 Indraprastha  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

निवेदनकर्ता पक्ष

Date: 4/7/20  
[Signature]

Applicant:

Through: [Signature]  
U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

48

Amal

APPLICANT

Verification

I Brahmabha s/o Mrs. Krishna  
 Age 32 R/o 11/32/14 K. P. Road  
 do hereby verify that the contents of para 1 to 4 are true  
 to the best of my knowledge and para 5 to 12 believed to be  
 true on legal advice and that I have not suppressed any  
 material fact.

Date: 4/9/52

Applicant: Amal

Amal

Through: U.

U. Srivastava Advocate  
 C.A.T. Bar Room  
 Faridkot House  
 New Delhi.



49  
APPLICANT

Verification

I Am Pradyumn S/o Sh. Ram Chohan  
Age 33 R/o A-86 Shakti Nagar,  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 4/9/20

Applicant: Am

Through: 49

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi

50

Shiv Narayan  
APPLICANT

Verification

I Shiv Narayan S/o Dr. Anup Lal Mehta  
Age 38 R/o Dh- 61 F Kuri Nagar  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/21

Applicant:

Shiv Narayan



Through:



U. Sriyastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

50A

Annexed

APPLICANT

Verification

I Vijay Prasad Singh S/o Chandha Rai  
Age 45 R/o Old No 22 Singhpura

do hereby verify that the contents of para 1 to 4 are true <sup>my</sup>  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date: 6/9/20  
[Signature]

Applicant: Annexed

Through: [Signature]

U. Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

50B

U. Shukla

APPLICANT

Verification

I Umupats Shukla s/o Sh. Baidar Shukla

Age 28 R/O Indragiri

do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

19/11/2011

Applicant:

U. Shukla

Through:

U. Srivastava  
Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

50K

शंकर रीत

APPLICANT

Verification

I Shankar Rai s/o Chakori Rai  
Age 37 R/o 10/144 Puri Road  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/20

Applicant:

शंकर रीत

Om

Through:

U.Srivastava

U.Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

507

Bneish

APPLICANT

Verification

I Vishender Nath S/o K.P. Singh  
Age 41 R/o R2 - 21/42, Gurgaon

do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Date:

4/9/92  
[Signature]

Bneish

Applicant:

Through:

[Signature]  
U.Srivastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

506

Signature

APPLICANT

Verification

I Gul Haqul s/o M. Am Prasad  
Age 20 R/o 4-9 Dmbedkar colony Mj  
do hereby verify that the contents of para 1 to 4 are true  
to the best of my knowledge and para 5 to 12 believed to be  
true on legal advice and that I have not suppressed any  
material fact.

Signature

Date: 4/9/20

Applicant:

Mj

Through:

ln

U. Sriyastava Advocate  
C.A.T. Bar Room  
Faridkot House  
New Delhi.

51 217

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1667

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Jagvir Singh S/o Shri Manchand  
Sanad No. 6881U PIS No. 11890014  
R/o VIII. Gadar Pur Mehrauli New Delhi  
of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

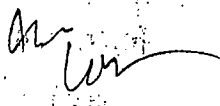
He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(S) /2000-CDHG/ 11480-85

DATED: 25-2-2000

Copy to:-

1. PS TO DGHG&CD
  2. PA TO CHG/COMPUTER CELL
  3. DSO (HQ)/OFFICE ORDER FILE
  4. DSO (CONCERNED)
  5. VOLUNTEER CONCERNED (THROUGH DSO)
  6. STORE SUPDT.
- 



52

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1287

I, L.S.SANDHU, I.P.S., Comandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Shiv Narain S.L S/o Shri Anoop Lal Mehta  
Sanad No. 9725 PIS No. 1129005  
R/o DA-41 F, Hazi Nagar New Delhi - 64  
of District WEST with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.


He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR/(w)/2000-CDHG/ 12906-11

DATED: 29/2/2002

Copy to:-

1. PS TO DGHG&CD
  2. PA TO CHG/COMPUTER CELL
  3. DSO (HQ)/OFFICE ORDER FILE
  4. DSO (CONCERNED)
  5. VOLUNTEER CONCERNED (THROUGH DSO)
  6. STORE SUPDT.
- 

53

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1610

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Birval S/o Shri Harchand Sanad No. 6862 PIS No. 10890027 R/o Vill. Mandi New Delhi of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/ Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.


  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SS(S) /2000-CDHG/ 11138-43

DATED: 25-2-2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.



54

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 928

I, L.S.SANDHU, I.P.S., Comandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge  
Shri Hukam Chand P.H. S/o Shri Chiranjeev Lal  
Sanad No. 6853 PIS No. 1820011  
R/o C-105, Janta D.D.A. Flat Katwaria Sareh New Delhi  
of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(S) /2000-CDHG/ 8315-20.

DATED: 21/2/2000.

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.




55

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1622

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Mahendar Singh Gaur S/o Shri Vijai Singh Gaur  
Sanad No. 6950 PIS No. 11890028  
R/o 13/7 Rajpur Khurd Mehrauli New Delhi  
of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/ Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(S) /2000-CDHG/ 11210-215

DATED: 25-2-2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.




56

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1371

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Durga Rai HG S/o Shri Pinku Ram Sanad No. 5677636 PIS No. 12880087 R/o 142-829, Naraina Village, New Delhi of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

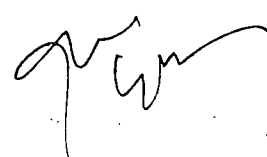
He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and. Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(SW)/2000-CDHG/ 9702-07

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
  2. PA TO CHG/COMPUTER CELL
  3. DSO (HQ)/OFFICE ORDER FILE
  4. DSO (CONCERNED)
  5. VOLUNTEER CONCERNED (THROUGH DSO)
  6. STORE SUPDT.
- 

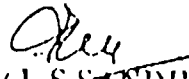
57

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHIKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027

OFFICE ORDER NO. 2149

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Manna Lal S/o Shri Mabavir Singh Sanad No. 5509 PIS No. 3880031 R/o H.N. A-1/230 Sultan Puri, Delhi-41 of District North West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt (Clothing) Headquarters, Raja Garden and Sanad, I-Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ HR 12000-CDHG/ 20220-20225

DATED: 25/01/2022

Copy to:-

1. PS TO DOHG&CD
2. PA TO CHO/COMPUTER CELL
3. DSO (HQ/OFFICE ORDER FILE)
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.

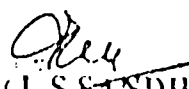


DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHIKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027

OFFICE ORDER NO. 2149

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Munna Lal S/o Shri Mahavir Singh Sanad No. 5509 PIS No. 3880031 R/o H.N. F-1/230 Sultan Puri, Delhi-41 of District North West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt (Clothing) Headquarters, Raja Garden and Sanad, VCard and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) IPS  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ MR 12000-CDHG/ 20220-20225

DATED: 25/7/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHO/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.


59

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1446

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Rameshwar Ram Hg S/o Shri Nand Kumar Ram Sanad No. SW/692 PIS No. 1189 C.C.51 R/o WZ-114B, Nariara, New Delhi of District South-west with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(a)/2000-CDHG/10153-158

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.





60

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1446

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Rameshwar Ram. Hg S/o Shri Nand Kumar Ram Sanad No. SW/692 PIS No. 11890051 R/o WZ-114B, NARIAN, NEW DELH of District South-west with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(a)/2000-CDHG/10153-158

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.




61

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1573

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F 4/59/CD dated 20.7.59 hereby discharge  
Shri Ram Sharma Sec Shri Lot Singh  
Sanad No. South 6698 PIS No. 11880020  
No C-847, Sangh Vihar New Delhi  
of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/ Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No Dis SRO /2000-CDHG/ 10915/21

DATED 25-2-2000

Copy to:-

- 1 PS TO DGHG&CD
- 2 PA TO CHG/COMPUTER CELL
- 3 DSO (HQ/OFFICE ORDER FILE)
- 4 DSO (CONCERNED)
- 5 VOLUNTEER CONCERNED (THROUGH DSO)
- 6 STORE SUPDT.



62

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1573

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F 4/59/CD dated 20.7.59 hereby discharge  
Shri Ram Shankar S/o Shri Lot Singh  
Sanad No. South 6698 PIS No. 11880020  
No C-847, Sangha Vihar New Delhi  
of District South with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/ Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

*Oliver*  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No Dis SKO /2000-CDHG/ 1001-21

DATED 25-2-2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.

*du*  
*gm*

63

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHIKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027

OFFICE ORDER NO. 1457

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge  
Shri Krishna Prini 116 S/o Shri Raj Bansi Ram  
Sanad No. 51578748 PIS No. 11896078  
R/o WZ-430C/C-58, Village Naraina New Delhi  
of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SP(91) 12000-CDHG/ 10219-224

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO).
6. STORE SUPDT.



64

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 14157

I. L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge  
Shri Krishna Rani Hg S/o Shri Raj Bansi Rani  
Sanad No. 51578748 PIS No. 11890078  
R/o WZ-430C/C-58, Village Anandpur New Delhi  
of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

*File*  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis SR(91) 12000-CDHG/ 10219-224

DATED: 25/2/2020

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO).
6. STORE SUPDT.

*My*

65

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1361

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Harish Chander Shah Hg S/o Shri Bhagwan Shah Sanad No. 54078721 PIS, No. 11880645 R/o WZ-719, Village Naraina, New Delhi of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(SN) 12000-CDHG/ 9642-47

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.


68

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1361

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Harish Chander Shah Hg S/o Shri Bhagwan Shah Sanad No. 5678781 PIS No. 11880645 R/o 117-719, Village Naraina, New Delhi of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

Alleg  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SR(SN) 12000-CDHG/ 9642-47

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
  2. PA TO CHG/COMPUTER CELL
  3. DSO (HQ)/OFFICE ORDER FILE
  4. DSO (CONCERNED)
  5. VOLUNTEER CONCERNED (THROUGH DSO)
  6. STORE SUPDT.
- Alleg  
gm

67

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1455

I. L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge

Shri Seeta Ram HG


S/o Shri Ram N.H.

Sanad No. 5157753

PIS No. 11890080

R/o Lat Khet Kuchan in Pahal, Varanasi Kany. N. Delhi  
of District SOUTH WEST with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

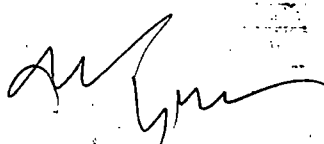
  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ 50(54)/2000-CDHG/ 10207-212

DATED: 25/7/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.





CB

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1456

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Chakreshwar Hegde S/o Shri Saket Ram Sanad No. 3157769 PIS No. 11890079 R/o F-359 Village Mahabir Pur, NCD Delhi of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis SR(S)/2000-CDHG/ 10213-218

DATED: 28/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.


69

**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 1383

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge Shri Radhey Shyam, S.L S/o Shri Chaudhary Ram Sanad No. SW 7593 PIS No. 6890004 R/o I-121, Gant Bess Colony, New Delhi of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

  
( L.S.SANDHU ) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SP(Su) /2000-CDHG/ 9774-79

DATED: 25/2/2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.



7P

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISIKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110027

OFFICE ORDER NO. 823

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge  
Shri Niranjan Kerman Singh Sr. Shri Chocki Lal  
Sanad No. 5078814 PIS No. 8860007  
No RZ-26A/23, Anchor Park, NED KCL  
of District South-West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, VCard and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

Allee  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ SA(SW)/2000-CDHG/ 8261-66

DATED: 21-2-2000

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ/OFFICE ORDER FILE)
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.

Allee

71

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI - 27.

OFFICE ORDER NO. \_\_\_\_\_

I, L.S. SANDHU, IPS, Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules 1959 issued vide DAD Notification No.F.4/59-CD dated 20.7.59 hereby discharge Shri \_\_\_\_\_

S/o Shri \_\_\_\_\_

R/o \_\_\_\_\_

Sanad No. \_\_\_\_\_

of District \_\_\_\_\_ on \_\_\_\_\_ who has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform, Sanad, I/Card and other articles issued to him with the Store Supdt., (Clothing) at CTI Raja Garden, within three days.

( L.S. SANDHU ) IPS  
COMMANDANT HOME GUARDS : DELHI

No. \_\_\_\_\_

Dated :- \_\_\_\_\_

Copy to :-

1. PS to DGHG/DCD.
2. PA to DGHG/DDCD.
3. PA to CHG.
4. DSO (HQ).
5. DSO (Concerned).
6. Volunteer Concerned (Th. DSO).
7. Store Supdt.
8. Office Order File.

( L.S. SANDHU ) IPS  
COMMANDANT HOME GUARDS : DELHI.

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महानिदेशालय गृह रक्षक एवं नागरिक सुरक्षा दिल्ली  
निष्काम सेवा भवन, सी.टी.आई. कॉम्प्लेक्स, राजा गार्डन, नई दिल्ली-27.  
=====


कार्यालय आदेश संख्या -----

श्री, एल.एस.सन्धु, आई.पी.एस., समादेष्टा गृह रक्षक दिल्ली,  
बम्बई गृह रक्षक अधिनियम 1947 जो कि केन्द्रशासित क्षेत्र दिल्ली में भी  
लागू होता है एवं दिल्ली गृह रक्षक नियम, 1959 जो कि डी.ए.डी. अधिसूचना  
संख्या: एफ.4/59-सीडी दिनांक 20.7.59 द्वारा जारी किये गए हैं, के द्वारा  
प्रदत्त अधिकारों का प्रयोग करते हुए श्री बृहम सिंह, गृह रक्षक

सुपुत्र श्री राम किशन दत्ता 11/33, अकबर रोड नई दिल्ली,

संनद संख्या: 3102, जिला नई दिल्ली को, जिसने  
कि तीन साल की अवधि पूरी कर ली है, उपरोक्त अधिनियम की धारा 8 का  
पालन करते हुए, दिनांक 01-7-99 को भारमुक्त करने का  
आदेश देता हूँ।

उन्हें यह भी निर्देश दिए जाते हैं कि वह अपनी वही, संनद, पहचान-पत्र  
एवं अन्य संबंधित सामान को तीन दिन के अन्दर-अन्दर भण्डार अधीक्षक, सी.टी.  
आई. कॉम्प्लेक्स, राजा गार्डन, नई दिल्ली के पास जमा करवायें।


  
। एल.एस.सन्धु । आई.पी.एस.  
समादेष्टा गृह रक्षक : दिल्ली


संख्या: NDR/HDD/GI/DIS/HG/99/1121-24

दिनांक: -01-7-99

प्रतिलिपि:- सूचनार्थ प्रेषित की जाती है।

1. निजी सचिव महासमादेष्टा गृह रक्षक।
2. निजी सहायक उप-महासमादेष्टा गृह रक्षक।
3. निजी सहायक समादेष्टा गृह रक्षक।
4. जिला स्टाफ अधिकारी। मुख्यालय। आई.सी.रिकार्ड।
5. जिला स्टाफ अधिकारी। सम्बन्धित क्षेत्र।
6. सम्बन्धित गृह रक्षक स्वयंसेवक। द्वारा जिला स्टाफ अधिकारी।
7. कार्यालय आदेश प्रतावली।
8. भण्डार अधीक्षक।

  
। एल.एस.सन्धु । आई.पी.एस.  
समादेष्टा गृह रक्षक : दिल्ली



73

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISKAM SEWA BHAWAN ; RAJA GARDEN ; NEW DELHI - 27.

OFFICE ORDER NO. 529/99

I, L.S. SANDHU, IPS, Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules 1959 issued vide DAD Notification No.F.4/59-CD dated 20.7.59 hereby discharge Shri. Vijay Pal Singh

B/o I Block Gate No. 22 H.N. 1803 S/o Shri. Alexander Pal Singh

Sangam Vihar N.D. 110062 Sanad No. 6684

of District South on \_\_\_\_\_ who has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform, sanad, I/Card and other articles issued to him with the Store Supdt., (Clothing) at CTI Raja Garden, within three days.

( L.S. SANDHU ) IPS  
COMMANDANT HOME GUARDS ; DELHI

Dated :- 5/8/99

No. PA/CHG/99-CDHG/SR/4089-43

Copy to :-

1. PS to LGHG/DCD.
2. PA to DCGHG/DCD.
3. PA to CHG.
4. DSO (HQ).
- ✓ 5. DSO (Concerned).
6. Volunteer Concerned (Th. DSO).
7. Store Supdt.
8. Office Order File.

Okey  
( L.S. SANDHU ) IPS  
COMMANDANT HOME GUARDS ; DELHI.



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DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHKAM SEWA BHAWAN ; RAJA GARDEN ; NEW DELHI - 27.

OFFICE ORDER NO. 235

I, L.S. SANHU, IPS, Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules 1959 issued vide DAD Notification No.F.4/59-CD dated 20.7.59 hereby discharge Shri UMA PATI SHUKLA S/o Shri ADL NATH SHUKLA R/o B-17, Kharak Bask N. Delhi Sanad No. 7602 of District South-West on 19-3-99 who has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform, Sanad, I/Card and other articles issued to him with the store supdt., (Clothing) at CTI Raja Garden, within three days.

*Que*  
( L.S. SANHU ) IPS  
COMMANDANT HOME GUARDS : DELHI

No. PA/CHG/99-EDHG/5414-5421 Dated :- 19.3.99

Copy to :-

1. PS to DGHG/DCD.
2. PA to DGHG/DLGD.
3. PA to CHG.
4. DSO (HQ).
5. DSO (Concerned).
6. Volunteer Concerned (Th. DSO).
7. Store Supdt.
8. Office Order File.

*Que*  
( L.S. SANHU ) IPS  
COMMANDANT HOME GUARDS : DELHI.

*an*

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DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE  
NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI - 27.

OFFICE ORDER NO. 234

I, L.S. SANHU, IPS, Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules 1959 issued vide DAD Notification No.F.4/59-CD dated 20.7.59 hereby discharge Shri SHANKER RAI

S/o Shri CHAKOR RAM

R/o B-253, Naraina Village, New Delhi Sanad No. 7584

of District South-West on 19-3-99 who has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform, Sanad, I/Card and other articles issued to him with the Store Supdt., (Clothing) at CTI Raja Garden, within three days.

*Acc*  
( L.S. SANHU ) IPS  
COMMANDANT HOME GUARDS : DELHI

Dated :- 19.3.99

No. PA/CHG/99-EDHG/5406-5413

Copy to :-

1. PS to LGHG/DCD.
2. PA to DCGHG/DDCD.
3. PA to CHG.
4. DSO (HQ).
5. DSO (Concerned).
6. Volunteer Concerned (Th. DSO).
7. Store Supdt.
8. Office Order File.

*Acc*  
( L.S. SANHU ) IPS  
COMMANDANT HOME GUARDS : DELHI.

*[Signature]*



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**DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE**  
**NISHKAM SEWA BHAWAN : RAJA GARDEN : NEW DELHI 110 027**

OFFICE ORDER NO. 818

I, L.S.SANDHU, I.P.S., Commandant Home Guards, Delhi in exercise of the powers conferred upon me under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and Delhi Home Guards Rules, 1959 issued vide DAD Notification No.F.4/59/CD dated 20.7.59 hereby discharge


Shri Vijender Nath H.C. S/o Shri K. P. Singh

Sanad No. SW/7609 PIS No. 386007

R/o 22-22/401, Shiv Puri West Sagar Rd, New Delhi

of District South West with immediate effect as he has completed his tenure of three years as specified in Rule 8 of the above mentioned Notification.

He is further directed to deposit his uniform articles to Store Supdt. (Clothing) Headquarters, Raja Garden and Sanad, I/ Card and other articles issued to him with the DSO Concerned within seven days and submit a No Dues Certificate to clear his dues.

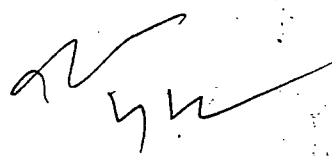
  
(L.S.SANDHU) I.P.S.  
COMMANDANT HOME GUARDS, DELHI

No. Dis/ IP(2) /2000-CDHG/ 8231-36

DATED: 21-2-2008

Copy to:-

1. PS TO DGHG&CD
2. PA TO CHG/COMPUTER CELL
3. DSO (HQ)/OFFICE ORDER FILE
4. DSO (CONCERNED)
5. VOLUNTEER CONCERNED (THROUGH DSO)
6. STORE SUPDT.



Delhi



Gazette

DELHI ADMINISTRATION  
EXTRAORDINARY

PART IV

PUBLISHED BY AUTHORITY

[9. 37]

DELHI, TUESDAY, JULY 21, 1959/ASADH 30, 1881

DELHI ADMINISTRATION, DELHI

NOTIFICATION

Delhi, the 20th July 1959

No. F. 4/59-C.D.—In exercise of the powers conferred by section 8 of the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi, the Chief Commissioner of Delhi is pleased to make the following rules, namely:—

1. Short title.—These rules may be called the Delhi Home Guards Rules, 1959.

2. Definitions.—In these rules unless the context otherwise requires,

1. "Act" means the Bombay Home Guards Act of 1947 as extended to the Union Territory of Delhi.

2. "Chief Commissioner" means the Chief Commissioner of Delhi.

3. "Commandant" means a Commandant of Home Guards appointed under section 2.

4. "Commandant General" means the Commandant General appointed under section 2.

5. "form" means a form appended to these rules;

6. "Home Guards" means the Home Guards constituted under section 2;

7. "member of Home Guards" means a member appointed under section 3;

8. "section" means a section of the Act.

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3. Appointment of a member of Home Guards.—No person shall be appointed as a member of the Home Guards unless:—

- (a) he has attained the age of 20 years,
- (b) he has not completed the age of 60 years,
- (c) he has passed at least the fourth primary examination, and
- (d) he has been medically examined in accordance with the directions of the Commandant General and is in the opinion of the Commandant physically fit.

Provided that the Commandant General or the Commandant may relax the conditions regarding the age or educational qualifications, prescribed in clause (a) and (b) above in suitable cases.

4. Application for appointment.—A person desiring to be appointed a member of the Home Guards shall make an application in Form A.

5. Home Guards Advisory Committee.—(1) The Chief Commissioner may appoint a Committee to be called the Home Guards Advisory Committee for the areas for which the Home Guards have been constituted under section 2.

(2) The Home Guards Advisory Committee shall consist of such members as may be nominated by the Chief Commissioner.

(3) It shall be the duty of the Home Guards Advisory Committee to review the working of the Home Guards Organisation from time to time and to suggest measures regarding the improvement of the organisation.

6. Pledge.—Every person before his appointment as a member shall sign a pledge in Form B before the Commandant General or an officer authorised by him for the purpose.

7. Certificate.—Every person appointed as a member of the Home Guards shall receive a certificate of appointment in Form C.

8. Term of Office.—The term of office of a member of the Home Guards shall be 3 years.

Provided that the appointment of any such member may, at any time, be terminated by the Commandant General or the Commandant as the case may be, before the expiry of the term of office—

- (a) by giving one month's notice, or
- (b) without such notice if such member is found to be medically unfit to continue as a member of the Home Guards.

9. Limit of age for a member of the Home Guards.—A member of the Home Guards may continue to be such member until he attains the age of 60 years.

Provided that the Commandant General or the Commandant may relax the age limit in suitable cases.

10. Conditions subject to which power of discharge may be exercised.—No member of the Home Guards shall be discharged under sub-section (1A) of section 61 unless the Commandant or the Commandant General, as the case may be, is satisfied that such member has committed an act detrimental to the good order, welfare or discipline of the Home Guards Organisation.

*Handwritten signature*

11. **Resignation.**—A member of the Home Guards may resign his office by an application in writing addressed to the Commandant General.

Provided that such resignation shall not take effect unless the Commandant General accepts the same after being satisfied that there are good and sufficient reasons for the same.

12. **Organisation.**—In addition to the Commandant General, the Home Guards shall consist of a Commandant and such officers and other ranks as may be considered necessary by the Commandant General.

13. **Powers of the Commandant General and Commandant.**—(1) The Commandant General shall exercise general supervision and control over the working of the Home Guards. He shall be directly responsible to the Chief Commissioner for the efficient working, discipline, administration and training of the organisation.

(2) Subject to the supervision and control of the Commandant General, the Commandant shall exercise supervision and control over the working of the Home Guards under his command. He shall be responsible to the Commandant General for the efficient working, discipline, administration and training of the Home Guards under his command.

(3) Subject to the supervision and control of the Commandant General and the Commandant, any officer of the Home Guards authorised by the Commandant General in this behalf may exercise the powers conferred by section 4 in such circumstances as the Commandant General may specify.

14. **Discipline.**—(1) A member of the Home Guards shall obey every order of his superior officer.

(2) For the purpose of administration and discipline the members of the Home Guards shall be under the control of their own officers:

Provided that if a contingent of Home Guards is acting in conjunction with the ordinary Police Force, in the maintenance of law and order the Senior Officer of such contingent present shall be under the immediate control and subject to the directions of the senior officer of such Police Force present not below the rank of an Inspector.

15. **Uniforms, accoutrements etc.**—A member of the Home Guards shall while on duty, wear the uniform supplied to him. He may also carry a rifle or a revolver or any other weapon, sanctioned by the Chief Commissioner from time to time.

16. **Training.**—The members of the Home Guards shall undergo such course of training and at such places as may be determined and fixed by the Commandant General from time to time.

17. **Functions and duties.**—(1) The functions and duties of members of the Home Guards shall be such as may be assigned by the Chief Commissioner or the Commandant General from time to time.

(2) A member of the Home Guards constituted for any area shall be liable to serve in any other area in which the Act is in force.

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THE BOMBAY HOME GUARDS ACT, 1947 (BOMBAY ACT NO. III OF 1947)  
EXTENDED TO THE UNION TERRITORY OF DELHI

BOMBAY ACT NO. III OF 1947

(THE BOMBAY HOME GUARDS ACT, 1947)

*An Act to provide for the constitution of Home Guards*

Whereas it is expedient to provide a volunteer organisation for use in emergencies and for the purposes in the State of Bombay. It is hereby enacted as follows—

1. *Short title, extent and commencement*—(1) This Act may be called the Bombay Home Guards Act, 1947.

(2) It extends to the whole of the Union Territory of Delhi.

(3) It shall come into force at once.

2. *Constitution of Home Guards and appointment of Commandant General and Commandant*—

(1) The Chief Commissioner of Delhi shall constitute for the Union Territory of Delhi a volunteer body called the Home Guards, the members of which shall discharge such functions and duties in relation to the protection of persons the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Provided that the Chief Commissioner of Delhi may, by notification in the Official Gazette, divide the Union Territory of Delhi into two or more areas and constitute such a volunteer body for each such area.

(1-A) Omitted.

(2) The Chief Commissioner of Delhi may appoint a Commandant of each of the Home Guards constituted under sub-section (1).

(3) The Chief Commissioner of Delhi shall appoint a Commandant General of the Home Guards in whom shall vest the general supervision and control of the Home Guards throughout the Union Territory of Delhi and until a Commandant is appointed under sub-section (2), the Commandant General may also exercise the powers and perform the functions assigned to the Commandant by or under this Act.

3. *Appointment of members*—(1) Subject to the approval of the Commandant General, the Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Chief Commissioner of Delhi, and may appoint any such member to any office of command in the Home Guards.

(2) Notwithstanding anything contained in sub-section (1) the Commandant General may, subject to the approval of the Chief Commissioner of Delhi, appoint any such member to any post under his immediate control.

(3) Omitted.

4. *Functions and duties of members*—(1) The Commandant may at any time call out a member of the Home Guards for training or to discharge any of the functions or duties assigned to the Home Guards in accordance with the provision of this Act and the rules made thereunder.

(2) The Commandant General may in an emergency call out a member of the Home Guards for training or to discharge any of the said functions or duties in any part of the Union Territory of Delhi.

5. *Powers, protection and control*—(1) A member of the Home Guards when called out under section 4 shall have the same powers and protection as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions or duties as such member except with the previous sanction of the District Magistrate.

6. *Control by officers of police force*—The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

6-A. *Certificate, arms, etc. to be delivered up by person ceasing to be member*—(1) Every person who for any reason ceases to be a member of the Home Guards shall forthwith deliver up to the Commandant or to such person and at such place as the Commandant may direct, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessities which have been furnished to him as such member.

(2) Any Magistrate, and for special reasons which shall be recorded in writing at the time, any police officer not below the rank of Assistant or Deputy Superintendent of Police may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing

[Signature]

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so delivered up. Every warrant so issued shall be executed in accordance with the Code of Criminal Procedure, 1898 (V of 1898), by a police officer or if the Magistrate is a police officer, by the warrant so directed by any other person.

(3) Nothing in this section shall be deemed to apply to any article which under the orders of the Commandant General has become the property of the person to whom the same was furnished.

6-B. *Punishment of members for neglect of duty, etc.*—(1) The Commandant shall have the authority to suspend, reduce or dismiss or fine, to an amount not exceeding fifty rupees, any member of the Home Guards, under his control, if such member, without reasonable cause, on being called out under section 4 neglects or refuses to obey such order or to discharge his functions and duties as a member of the Home Guards or to obey any lawful order or direction given to him for the performance of his functions and duties or is guilty of any breach of discipline or misconduct. The Commandant shall also have the authority to dismiss any member of the Home Guards on the ground of conduct which has led to his conviction on a criminal charge. The Commandant General shall have the like authority in respect of any member of the Home Guards appointed to a post under his immediate control.

(1-A) Notwithstanding anything contained in this Act, the Commandant shall have the authority to discharge any member of the Home Guards at any time subject to such conditions as may be prescribed, if, in the opinion of the Commandant, the services of such member are no longer required. The Commandant General shall have the like authority in respect of any member of the Home Guards appointed to a post under his immediate control.

(2) When the Commandant General or the Commandant passes an order for suspending, reducing, dismissing or fining any member of the Home Guards under sub-section (1), he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made in writing, and no such order shall be passed by the Commandant General or the Commandant unless the person concerned is given an opportunity to be heard in his defence.

(3) Any member of the Home Guards aggrieved by an order of the Commandant may appeal against such order to the Commandant General and any such member aggrieved by an order of the Commandant General may appeal against such order to the Chief Commissioner of Delhi, within thirty days of the date on which he was served with notice of such order. The Commandant General or the Chief Commissioner of Delhi as the case may be, may pass such order as he thinks fit.

(4) The Commandant General or the Chief Commissioner of Delhi may at any time call for and examine the record of any order passed by the Commandant or Commandant General, respectively, under sub-section (1) or (1A) for the purpose of satisfying himself as to the legality or propriety of such order passed by the Commandant or the Commandant General, as the case may be, and may pass such order with reference thereto as he thinks fit.

(5) Every order if no appeal is made therefrom as hereinbefore provided and every order passed in appeal or revision under this section shall be final.

(6) Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1898 (V of 1898) for the recovery of fines imposed by a Court as if such fines were imposed by a Court.

(7) Any punishment inflicted on a member of the Home Guards under this section shall be in addition to the penalty to which such member is liable under section 7 or any other law for the time being in force.

*Explanation*—Where the Commandant General while exercising the powers of the Commandant passes any order under sub-section (1) or (1A)—

(i) the appeal from such order shall lie to the Chief Commissioner of Delhi;

(ii) for the purposes of sub-section (4), the power of revision in respect of such order shall rest in the Chief Commissioner of Delhi.

7. *Penalty*—(1) If any member of the Home Guards, on being called out under section 4, without reasonable excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(1-A) If any member of the Home Guards wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 6A, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(2) No proceedings shall be instituted under sub-section (1) or (1A) without the previous sanction of the Commandant.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1) or (1A).

(a) providing for the exercise by any officer of the Home Guards of the powers conferred by section 4 of the Commandant and the Commandant General;

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(b) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(c) regarding the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service;

(d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;

(e) generally for giving effect to the provision of this Act.

9. *Members of Home Guards to be public servants*—Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

10-A. *Home Guards not disqualified from contesting elections to the State Legislature or local bodies*—

(1) Omitted.

(2) Notwithstanding anything contained in the contrary in any other law for the time being in force a member of the Home Guards shall not be disqualified for being chosen as, and for being, a member of any local authority merely by reason of the fact that he is a member of the Home Guards.

10. Omitted.

4

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE DELHI

HOME



GUARDS

No 250

Basic Training

Shri/Smt. Kumari  
श्री श्रीमति/कुमारी

Shankar Rai

Sanad No 6347

सन्द नं०

attended 3<sup>rd</sup> Crash Basic Trg from 18-11-91 to 17-12-91  
भाग लिया से तक

GRADING

A 60% TO 80% MARKS

B 50% TO 60% MARKS

C 40% TO 50% MARKS

Dated 1.12.91  
दिनांक



✓  
COMMANDANT  
CENTRAL TRAINING INSTITUTE  
Home Guards & Civil Defence  
DELHI

83 SB

815





# APPRECIATION CERTIFICATE

## DELHI TRAFFIC POLICE

The Deputy Commissioner of Police, Traffic is pleased to award this certificate to Head-Constable/Constable Kameshwar Lam  
No 692 D.H. / T. Circle Delhi Home Guard He has successfully  
attended the five Days 'Module Traffic Training Course' from July 12th  
to 23rd 1999

His conduct remained Excellent / Very good / Good / Satisfactory.

New Delhi  
Date

Deputy Commissioner of Police,  
TRAFFIC, DELHI

HOME GUARDS ORGANIZATION DELHI

6681

जारी न०  
Issue No.

Signature of Issuing Officer

1/પ્રજાજી. ઘોઠા / અપ-પ-૨-અક-૧૦૦૦૦

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## केंद्रीय प्रशिक्षण संस्थान

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प्रमाणित किया जाता है कि

श्री/श्रीमती/कुमारी उमापाति शुक्ला सनद नं० 7602 ने

इस महा निदेशालय के केंद्रीय प्रशिक्षण संस्थान द्वारा

आयोजित वचाव सेवा प्रशिक्षण, टैंग-ग-पुपाठ्यक्रम में

दिनांक 17-10-95 से 2-11-95 तक भाग लिया।

तृतीय श्रेणी में उत्तीर्ण

प्रमाणित किया जाता है  
समादेशक  
केंद्रीय प्रशिक्षण संस्थान



महा समादेशक होम गार्ड्स  
एवं निदेशक नागरिक सुरक्षा  
दिल्ली

*[Handwritten signature]*



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गृह रक्षक संस्था दिल्ली

HOME GUARDS ORGANIZATION DELHI

7573

नाम व पद..... RAM DAVI RAM..... सनद नं०.....  
Name & Rank..... Sanad No.  
भर्ती की तारीख..... 12/12/88..... मंडल संख्या.....  
Date of Enlistment..... Division No.  
जारी करने की तिथि..... जारी नं०..... जारी करने वाले अधिकारी के हस्ताक्षर.....  
Date of Issue..... Issue No..... Signature of Issuing Officer

क्रम संख्या Sl. No.	वस्तुओं के नाम Name of Articles	जारी कर्ता के हस्ताक्षर Initial Issue	अवधि वर्षों में Duration in years	पहला सेट 1st Set	दूसरा सेट 2nd Set	वर्तमान जारी/परिवर्तित करने की तारीख Date of Present Issue/Replacement
1	कंधा चिन्ह Shoulder Title	एक जोड़ा One Pair	3 Years	3/9/98		
2	टोपी चिन्ह Cap Badge	एक One	3 Years	3/9/98		
3	रीटी Whistle	"	3 Years	3/9/98		
4	पेटी Web Belt	"	2 Years	27/9/98		
5	Shirt Angora for	एक One	6 Years	28/10/98		
6	Shirt Terricot	एक One	4 Years	3/9/98		
7	Pant Terricot	एक One	4 Years	3/9/98		
8		"	"			
9	बूट Ankle Boot	"	2 Years	27/9/98		
10	टोपी Barrel Cap	एक One	1 Year	3/9/98		
11	डोरी Lanyard	One	2 Years	27/9/98		
12	कमीज खाकी Shirts Khaki	One	1 Year	27/9/98		
13	पतलून खाकी Pant K.D.	One	1 Year	27/9/98		
14	जुताय ऊनी Socks Woolen	One Pair	1 Year	27/9/98		
15	जर्सी ऊनी Jersey Woolen	एक One	6 Years	31/10/98		
16	पगड़ी Turban	"	2 वर्ष 2 Years			
17						
18						
19	पीतल पालिश Brasso	एक डिब्बा One Tin	6th monthly			
20	जूता पालिश Boot Polish	"	6th Monthly	27/9/98	5	

*[Signature]*



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## केन्द्रीय प्रशिक्षण संस्थान

प्रमाणित किया जाता है कि

श्री/श्रीमती/कुमारी राज देव राव सनद नं० 7573 ने

इस महा निदेशालय के केन्द्रीय प्रशिक्षण संस्थान द्वारा

आयोजित अशस्त्रास्त्र प्रशिक्षण (गृहस्वयंसेवा) पाठ्यक्रम में

दिनांक 30-6-97 से 29-7-97 तक भाग लिया।

दीपक श्रेणी में उत्तीर्ण

K Smalhotra  
समावेष्टा  
केन्द्रीय प्रशिक्षण संस्थान



पुष्प  
महा समावेष्टा होम गार्ड्स  
एवं निदेशालय नागरिक सुरक्षा  
दिल्ली

M. K. Singh

DIRECTORATE GENERAL OF HOME GUARDS & CIVIL DEFENCE DELHI

HOME



GUARDS

No. 2135

Basic Training

Shri / Smt. Kumari  
श्री श्रीमति कुमारी

कृष्ण राम

Sanad No

सन्दनं 5696

attended

भाग लिया 7वां बैरिक प्रशि.

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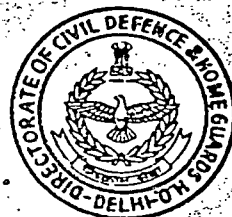
GRADING

✓ A 60% TO 80% MARKS

B 50% TO 60% MARKS

C 40% TO 50% MARKS

Dated  
दिनांक



COMMANDANT  
CENTRAL TRAINING INSTITUTE  
Home Guards & Civil Defence  
DELHI



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Om Prakash

गृह रक्षक संस्था दिल्ली  
HOME GUARDS ORGANIZATION DELHI

नाम व पद.....संनद नं०.....  
Name & Rank.....Sanad No.  
भर्ती की तारीख.....9/11/91.....संडल संख्या.....  
Date of Enlistment.....Division No.  
जारी करने की तिथि.....जारी नं०.....जारी करने वाले अधिकारी के हस्ताक्षर.....  
Date of Issue.....Issue No.....Signature of Issuing Officer

क्रम संख्या Sl. No.	वस्तुओं के नाम Name of Articles	जारी कर्ता के हस्ताक्षर Initial Issue	अवधि वर्षों में Duration in years	पहला सेट 1st Set	दूसरा सेट 2nd Set	वर्तमान जारी/परिवर्तित करने की तारीख Date of Present Issue/Replacement
1	कंधा चिन्ह Shoulder Title	एक जोड़ा One Pair	3 Years	8/10/96	26/10/99	
2	टोपी चिन्ह Cap Badge	एक One	3 Years	30/12/98	✓	
3	सीटी Whistle	"	3 Years	8/10/96	26/10/99	
4	पेटी Web Belt	"	2 Years	30/12/98	✓	
5	Shirt Angora for	One	6 Years	30/12/98	✓	
6	Shirt Terricot	One	4 Years	11.11.97		
7	Pant Terricot	One	4 Years	11.11.97		
X			"			
9	बूट Ankle Boot	"	2 Years	2/97	26/10/99	
10	टोपी Barret Cap	एक One	1 Year	30/12/98	✓	
11	डोरी Lanyard	One	2 Years	✓		
12	कमीज खाकी Shirts Khaki	One	1 Year	✓		
13	पतलून खाकी Pant K.D.	One	1 Year	✓		
14	जुड़ाव ऊनी Socks Woollea	One Pair	1 Year	✓		
15	जर्सी ऊनी Jersey Woollea	One	6 Years	8/10/96		
16	पगड़ी Turban	"	2 वर्ष 2 Years			
X						
X						
17	पीतल पालिश Brasso	एक डिब्बा One Tin	6th Monthly	30/12/98	✓	
18	जूता पालिश Boot Polish	"	6th Monthly	30/12/98	26/10/99	

*(Signature)*

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August 7, 2000

To,

The Commandant  
Delhi Home Guards,  
C.T.I. Complex,  
Raja Garden,  
New Delhi-110027.

Sub: ENROLLMENT

Dear Sir,

That I was discharged on 25/2/2000 and since then I have not been on the rolls of Directorate of Home Guards. I have rendered excellent service with regard to discipline, general conduct and discharge of duties as Home Guards Volunteer. I have also completed the training programme prescribed by the Directorate of Home Guards and have successfully passed the test at the end of the training. My previous Sanad No. 6917. I was posted with Police Station Bhumerkhur.

Kindly take me on rolls of Directorate of Home Guards in terms of your Policy dt. 18th April, 2000 as filed in Delhi High Court. Kindly treat this matter as an urgent.

Thanking you,

91/2/2000  
Yours Sincerely

Name : Seni Krishan  
Q. Bhumerkhur

R/o M-112, Lado Sarai  
New Delhi - 17

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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.1188/93

New Delhi: May 1993. 1.6.1995

1. Sh.KRISHAN KUMAR, PH  
SANAD NO.4919  
S/O SH.NARAIN KUMAR  
H.NO.C/14, A.T. HILL  
STAFF QUARTERS AZADPUR,  
DELHI.
2. SH. RAM KISHOR  
HG, SANAD NO.5018  
S/O SH.BAN RAM  
SHADI NAGAR  
H.NO. 160, AZADPUR  
DELHI.
3. SH. RAM KISHAN,  
HG, SANAD NO.5045  
S/O SH.RAM SUNDER  
E-1774, JAHANGIRPURI  
DELHI.
4. SH. RAM KIRPAL  
HG, SANAD NO.5025  
S/O SH. RAMJIYAVAN  
C-1406, JAHANGIRPURI  
DELHI-33.
5. SH,JITENDER KUMAR SHARMA  
HG, SANAD NO. 5037  
S/O SH. P.D. SHARMA  
J.J. CAMP,N-41, D4-32,  
SA MAIPUR BADLI  
DELHI-46.
6. SH. RAMA KANT  
SPC-SANAD NO.5014  
S/O SHRI AWADH NARAIN  
J.J. CAMP,N-41, D4-32  
SAMAIPUR BADALI  
DELHI-46.
7. SH. GOVERDHAN PARSHAD  
HG-SANAD NO. 5041  
S/O SH.SAHABADIN  
15, MAHATAMA GANDHI ROAD  
KEWAL PARK,NEW DELHI.
8. SH. CHARAN JIT SINGH  
HG-SANAD NO.5040  
S/O LATE SHRI KARTAR SINGH  
D-273, JAHANGIRPURI  
DELHI-33.
9. SH. ISHWAR SINGH  
HG-SANAD NO.4848  
S/O SHRI BISHANBEAR DAYAL  
K-365, JAHANGIRPURI  
DELHI
- 9 A. SH.Pitamber Singh  
S/O Sh. Ramesh Kant Sharma  
F-II-135, Mangole puri  
New Delhi

.....2/-

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10. SH.NETRA PAL  
HG-SANAD NO.1699  
S/O BHUDHI SINGH  
J.J.N. AN-88,  
INDIRA VIKAS COLONY  
OPP.NIRANKARI SCHOOL, NEX  
NEW DELHI.

11. SH. BABU RAM  
HG-SANAD NO.4912  
S/O SHRI NANUA RAM  
G/394 JAHANGIRI PURI  
DELHI.

12. SH. SHARDA PARSAD  
HG-SANAD NO. 5064  
S/O BIRBAL SINGH  
C-1297, JAHANGIRPURI  
DELHI-33.

13. SH.SIYA RAM  
PC-SANAD NO.4707  
S/O GULZARI LAL  
A-38, MUKAND PUR VILLAGE  
DELHI-42.

...APPLICANTS

By Advocate Shri R.K.Kamal along with S.K.Gupta

VERSUS

1. GOVT.OF N.C.T. DELHI  
THROUGH: CHIEF SECRETARY  
5, SHAM NATH MARG  
DELHI.

2. COMMANDANT  
DELHI HOME GUARDS  
C.T.I.COMPLEX  
RAJA GARDEN, NEW DELHI.

3. DIRECTOR GENERAL  
HOME GUARDS & CIVIL DEFENCE  
CTI COMPLEX: RAJA GARDEN  
NEW DELHI.

.....RESPONDENTS

By Shri Arun Bhardwaj, Advocate

HON'BLE MR.-S.R.ADIGE, MEMBER (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member (A).

In this application, Sarv/Shri Krishan Kumar and 13 others have impugned the orders dated 15.12.94, 12.11.94 and 22.12.94 discharging them with immediate effect, and also the verbal orders said to have been communicated to some of them on 14.1.94 and 12.11.94 and have sought for

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a direction for reinstatement with all consequential benefits.

2. Shortly stated, the applicants aver that they were recruited as the members of the Home Guard under Rule 3 of the Home Guards Rules, 1959, as promulgated by notification dated 29.7.59 (Annexure-A5), and have completed 10 to 28 years of service in that Organisation. They state that initially they were engaged for a period of three years but thereafter their services were extended upto 15.12.94 in the case of applicants No. 1 to 9 and 12; upto 14.94 in the case of applicant No. 10; upto 12.11.94 in the case of applicant No. 11; and upto 22.2.94 in the case of applicant No. 13. They state that although, under Rule 8 of the said rules, the term of the office of the members of the Home Guard is three years, no undertaking was taken that the applicants would continue on their risk and responsibility. They further state that all of a sudden their services have been terminated under Rule 8 of Delhi Home Guards Rules but the respondents had no power to discharge the applicants once they had completed three years service. They admit that the Organisation under which they were working, was a voluntary Organisation which was constituted in Delhi in the year 1959 under Bombay Home Guards Act, 1947, but state that they have put in the best part of their life in serving this Organisation and all the applicants have become age barred and some of them have even crossed 50 years of age.

3. The respondents have challenged the contents of the O.A. on the ground that the applicants have no locus-standi to file this O.A. as they were

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serving in the respondent-department as volunteers. They contend that the applicants are not Govt. servants and hence the Tribunal has no jurisdiction in the matter. They state that the applicants are only volunteers who had offered their services for a period of three years in the Department of Home Guards. They are not paid any salary nor are they entitled to any monthly pay, but they are allowed only some allowances and honorarium. Being only volunteers, they are not bound to render their services every day to the department, but are called for duties, whenever required by the respondent-department and any other department. These volunteers are allowed to offer their services only for a period of three years and this <sup>is</sup> mentioned in their appointment letters given to them. It is stated that the applicants are governed by the Bombay Home Guards Act, 1947 and the Delhi Home Guards Rules, 1959. They have not acquired any vested right to any post of Home Guard and no right can accrue to a volunteer who comes forward on his own to offer his services in his spare time without any consideration. It is contended that the respondents cannot be forced by volunteers to accept their free services against the wishes of respondent-department.

4. Amongst the grounds taken by the applicants are that the exercise of power under Rule 8 of the Delhi Home Guards cannot be made after completion of the three years, and the power of discharge can be exercised only when the person had not completed three years, under the proviso to the said rule. It is secondly contended that the discharge of the applicants without any notice or without

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complying with the provisions and principles of natural justice is illegal and void. Thirdly, it has been argued that no power under Rule 8 Delhi Home Guards has been conferred upon the Commandant to discharge the applicants. Furthermore, it has been contended that the judgment in the case of Gopi Chand Vs. Delhi Administration & another (O.A.No.1118/92) decided on 8.9.93 (Annexure-A6) gives certain safeguards to the members of the Home Guard Organisation, inasmuch as the power of discharge can be exercised only when the services of the members of the Organisation are no longer required, but in the impugned order there is not even a whisper that the services of the applicants are no longer required, and that on the other hand, fresh persons are engaged against the vacancies created by the discharge of the applicants. Lastly, it has been urged that the applicants have acquired a vested right, having worked as Home Guard from 10 to 28 years and are entitled to regular appointment.

5. We have given our careful consideration to the rival contentions. The first question that arises is whether Home Guards can be said to hold Civil posts under the Union, and whether the Tribunal has any jurisdiction in the matter. In O.A. No.1356/91 V.K.Jain Vs. Delhi Administration & others decided on 14.8.92 a Single Bench of the Tribunal has held that Home Guards being paid out of Union of India Funds and the duties being assigned to them being in the public interest and for the welfare of the public in general, they hold a Civil post under the UOI and come within the Tribunal's jurisdiction. This view was reiterated in the Tribunal (Division Bench) judgment dated 8.9.93 in O.A.No.1118/92 Gopi Chand Vs. 1

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UOI. Recently, the Delhi High Court in CWP No.5596/93 Man Sukh Lal Rawal Vs. UOI & others, decided on 25.4.95 have held that it is CAT which is the proper forum for adjudicating on service grievances of Home Guards employees working under Delhi Administration.

6. Under the circumstances, the respondents' objections that the applicants do not hold ~~the~~ posts under UOI, and the Tribunal has no jurisdiction in this matter, have to be rejected.

7. Section 3 of the Bombay Home Guards Act, 1947 relating to the appointment of members, lays down that subject to the approval of the Commandant General, the Commandant may appoint as members of the Home Guards, such number of persons who are fit and willing to serve, as may from time to time be determined by the State Government. Section 6B relating to punishment of members for neglect of duty etc. provides that the Commandant has the authority to suspend, reduce or dismiss or fine to an amount not exceeding Rs.50/-, any member of the Home Guards, under his control, if such member, without reasonable cause, on being called out under section 4, neglects or refuses to obey such order, or to discharge his functions and duties as a member of Home Guards, or to obey any lawful order or direction given to him for the performance of his functions, or duties, or is guilty of any breach of discipline or misconduct. Section 6B (IA) lays down that notwithstanding anything contained in the Act, the Commandant shall have the authority to discharge any member of the Home Guards at any time, subject to such conditions as may be prescribed, if in the opinion

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of the Commandant, the services of any such member are not required. Section 6B(3) lays down that any member of the Home Guards aggrieved by the order of the Commandant, may appeal against such order to the Commandant General and any such member aggrieved by an order of the Commandant General may appeal against such order to the State Government.

8. Section 8 of the Bombay Home Guards Act permits the State Government to make rules consistent with the Act and by Delhi Administration's Notification dated 29.7.59, <sup>the</sup> Bombay Home Guards Act has been extended to the Union Territory of Delhi, and the rules called <sup>the</sup> Delhi Home Guards Rules, 1959 have been framed. Under Rule 8 of the said Rules, the term of office of a member of the Home Guards shall be three years; provided that his appointment may at any time, be terminated by the Commandant General/Commandant, as the case may be, before expiry of the term of office-

- a) by giving one month's notice, or
- b) without such notice if such member is found to be medically unfit.

Rule 9 lays down <sup>the</sup> maximum age of a Home Guard to be 60 years which may be relaxed in suitable cases; while Rule 10 lays down that no member of the Home Guards shall be discharged under Sub-section (1A) of Section 6B unless the Commandant General /Commandant, as the case may be, is satisfied that such member has committed an act detrimental to the good order, welfare or discipline of the Home Guards Organisation.

9. The impugned order states that the same has been passed in exercise of the powers conferred upon

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the Commandant, Home Guards of Delhi under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi Home Guards Rules, 1959 issued by DAD Notification dt. 29.7.59. It purports to be an order simpliciter and has to take immediate effect.

10. As these are not <sup>the</sup> cases of dismissal, it is clear that Section 6B has no application in this case.

In so far as Section 6B(1A) is concerned, ~~order~~ <sup>was required,</sup> ~~Satisfaction~~ under Rule 10/ but there are no materials to indicate that the Commandant was satisfied that the applicants had committed any act which was detrimental to the good order etc. of the Home Guards Organisation.

11. We then come to Rule 8 of the Delhi Home Guards Rules, under which the Commandant General/Commandant is empowered to terminate the appointment of any Home Guard by giving one month's notice or without notice if such member is found medically unfit. In the present case one month's notice has not been given, and there are no materials on record to indicate whether the applicants' <sup>services</sup> ~~services~~ were terminated because they were found medically unfit.

12. The Respondents have also not made any averment in their reply, that the services of the applicants have been dispensed with because they were found medically unfit.

13. Under the circumstances the impugned order cannot be sustained. This O.A. succeeds and is allowed, to this extent that the impugned orders are quashed, with liberty given to the Respondents to pass fresh orders if so advised, in accordance with law. No Costs.

(LAKSHMI SWAMINATHAN)  
Member (J)

(S.R. ADIGE)  
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

RA 251/95 in MA 452/97  
OA-188/95

New Delhi this the 8th day of July, 1997.

Hon<sup>ble</sup> Shri S.R. Adiga, Member (A)

Hon<sup>ble</sup> Smt. Lakshmi Swaminathan, Member (J)

1. Govt. of N.C.T. Delhi through  
Chief Secretary,  
5, Sham Nath Marg, Delhi.
2. Commandant,  
Delhi Home Guards,  
C.T.I. Complex, Raja Garden,  
New Delhi.
3. Director General,  
Home Guards & Civil Defence,  
CTI Complex, Raja Garden,  
New Delhi.

(By Advocate Shri Jog Singh )

... Review Applicants

Vs.

1. Krishan Kumar S/o Narain Kumar  
H. No. C/14, A.T. Mill, Staff Quarters,  
Azadpur, Delhi.
  2. Ram Kishore s/o Ban Ram  
Shadi Nagar, H.No. 160,  
Azadpur, Delhi.
  3. Ram Kishan s/o Ram Sunder  
E-1774, Jahangirpuri, Delhi
  4. Ram Kirpal s/o Ramjivan  
C-1406, Jahangirpuri, Delhi.
  5. Jitender Kumar Sharma s/o  
P.O. Sharma, J.J. Camp, N-41, D 3-32,  
Samaiapur Badli, Delhi.
  6. Rama Kant s/o Awadh Narain,  
JJ Camp, N-41, D 4-32,  
Samaiapur Badli, Delhi.
  7. Goverdhan Parshad s/o  
Sahabdin, 15, Mahatama Gandhi Road,  
Kawal Park, New Delhi.
  8. Charanjit Singh s/o Kartar Singh  
D-273, Jahangirpuri, Delhi.
  9. Ishwar Singh s/o Bishamber Dayal  
K-365, Jahangirpuri, Delhi.
  10. Natrapal s/o Budhi Singh  
J.J.N. AN-88, Indira Vikas Colony,  
Opp. Nirankari School, New Delhi.
  11. Babu Ram s/o Nanua Ram  
G/394, Jahangirpuri, Delhi.
  12. Sharda Parved s/o Birbal Singh  
C-1297, Jahangirpuri, Delhi.
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13. Siya Ram S/o Gulzari Lal  
A-38, Mukand Pur Village,  
Delhi.

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... Respondents

(By Advocate Shri S.K. Gupta, Advocate)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

We have heard Shri Jog Singh for the Review applicants (Govt. of NCT of Delhi and others) and Shri Gupta for the review respondents (applicants in OA 188/95) on RA 251/95 seeking review of judgment dated 1.6.95 in OA 188/95 and on MA 452/97, seeking restoration of the R.A. which was dismissed for default.

2. Shri Jog Singh stated that the R.A. had been filed in the back-ground of review applicants apprehension that consequent to the impugned judgment dated 1.6.95, the review respondents, together with other similarly placed might seek regularisation as Home Guards, which he contends is beyond the scheme of the Bombay Home Guards Act, 47 as extended to UT of Delhi. He emphasized that the Home Guards are volunteers who are engaged on contract basis for a period of 3 years at a one time, and it was the objective of the Govt. of NCT of Delhi to cover as many people as possible under the Home Guards Scheme. He urged that if on the strength of the impugned judgment dated 1.6.95, review respondents and other similarly placed sought regularisation, the aforesaid objective would be frustrated, apart from the fact that there were no sanctioned posts of Home Guards against which such persons could be regularised. In this connection, he invited our attention to the Hon'ble Supreme Court judgment in SLP No. 12465/90 dated 30.7.91 in Rameshwar Dass Sharma & Ors. V. State of Punjab & Ors., wherein it has been held that Home Guards are employed on the basis of temporary need from time to time, and cannot ask for regularisation.

3. We note that the said judgment in R.D. Sharma's case (supra) was not placed before us when we delivered our impugned judgment from dated 1.6.95. Apart from this, the impugned judgment dated 1.6.95 nowhere

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states that the applicants in that OA (present review respondents) and other similarly placed would be entitled to regularisation. It also requires no reiteration that the judgment of the Hon'ble Supreme Court in R.D. Sharma's case (supra) is binding upon all courts and authorities under Article 141 of the Constitution.

4. In view of the above, the apprehension of the review respondents referred to, in paragraph 2 above, should stand <sup>1</sup>allowed.

5. In the light of the aforesaid discussions, the impugned judgment dated 1.6.95 warrants no intervention.

6. RA 251/95 together with MA 452/97 stand disposed of accordingly.

(Smt. Lakshmi Swaminathan)  
Member (J)

( S.R. Adige )  
Member (A)

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103  
IN THE HIGH COURT OF DELHI

Civil Writ Petition No. 4286/1997

Date of Decision : May 26<sup>th</sup>, 1999

For filing fees.  
Jalpal Department  
High Court of Delhi.

Mani Sukh Lal Rawal & Others

...Petitioners  
through Mr. Rishikesh, Adv.

Versus

Union of India & Others

...Respondents

through Mr. N.K. Kaul, Adv.  
for Respondent No. 1.  
Mr. Rajinder Pandita,  
Adv. for Respondent  
Nos. 2 and 3.  
Mr. Arvind K. Nigam,  
Adv. for Respondent  
No. 4.

Coram:

Hon'ble Ms. Justice Usha Mehra  
Hon'ble Mr. Justice Madan B. Lokur

1. Whether Reporters of local papers may be allowed to see the judgment? *Yes*
2. To be referred to Reporter or not? *Yes*

MADAN B. LOKUR, J.

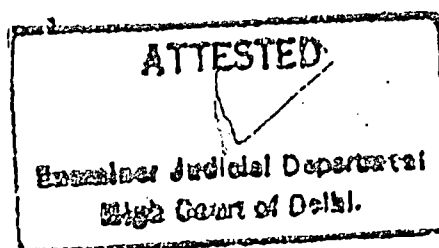
" This writ petition under Article 226 of the Constitution challenges the order dated 21st March, 1997 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the Tribunal). By the impugned order, the Tribunal decided seven petitions being O.A.Nos. 2423/95, 2549/96, 1271/95, 146/96, 1963/96, 1018/95 and 1578/95. Before

*Mani*

the Tribunal, there were 77 applicants but before us there are only 25 Petitioners.

The case made out by the Petitioners is that they were (and in some cases, they are) working as members of the Home Guards. It is stated that they were appointed on various dates from 1978 onwards and all of a sudden, they have been told that their services are no longer required. No reasons have been given for terminating their services nor has any written order been given to this effect.

At the outset, it is first necessary to understand who, or what are "Home Guards". The Government of India, Ministry of Home Affairs has printed a booklet called "Home Guards - Compendium of Instructions, 1993". A perusal of Para. 1.1 thereof shows that the Home Guards is a voluntary citizens organisation raised for local defence in the United Kingdom during World War-II. The Home Guards was raised in India in December, 1946 in Bombay to assist the police in controlling civil disturbances and communal riots. This concept of a voluntary citizens force which was to be auxiliary to the police force was extended to purposes as diverse as maintenance of law and order, for meeting emergencies like floods, fires, famines, etc. It appears that the Home Guards is spread all over India and it continues to maintain its

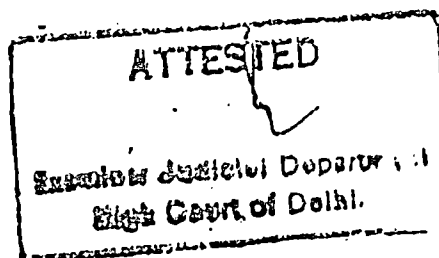


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voluntary concept and character. The role of the Home Guards is now revised and the services of a member of the Home Guards can now be utilised in a variety of other ways.

Any person meeting the eligibility requirements can be a member of the Home Guards. Central Government Servants are permitted to join the Home Guards organisation (para 1.15 on page 9 of the booklet) and the period spent by them on training/duty would be treated as special casual leave. If an unemployed person undergoes training and volunteers his services to the Home Guards for three years, he is given weightage for employment in Government service in Group 'C' and 'D' posts (para 1.23 on page 14 of the booklet). A member of the Home Guards offers to receive training during peace time and places his services at the disposal of the nation during the country's hour of need in peace or war time. A nucleus of paid staff for command and control is, however, authorised at various levels (para 2.1 on page 16 of the booklet).

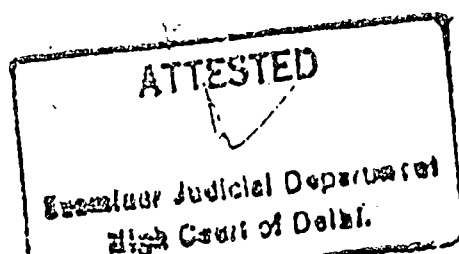
The Bombay Home Guards Act, 1947 (hereinafter referred as the Act) was extended to Delhi and some of its salient features affirms the above position, namely, that the Home Guards is a voluntary organisation or a voluntary body of persons who are fit



and willing to serve (Section 3) for the protection of persons and security of property and the public safety (Section 2). A member of the Home Guards is given training and is required to discharge any of the functions and duties assigned to him (Section 4) and is liable for punishment for neglecting or refusing to obey orders or discharging his functions and duties as a member of the Home Guards (Section 6-B and Section 7).

The Delhi Home Guards Rules, 1959 (hereinafter referred to as the Rules) were notified through a notification dated 20 July, 1959 and a perusal thereof shows that a person may be appointed as a member of the Home Guards only if he has attained the age of twenty years but has not completed the age of sixty years and has passed at least the fourth primary examination and is otherwise physically fit (Rule 3). The term of office of a member of the Home Guards is three years but this period may be curtailed by giving one month's notice or if the member is found to be medically unfit (Rule 8).

The said Compendium of Instructions mentions in Para 1.10 (page 7 of the booklet) that after completion of his tenure, a member of the Home Guards is eligible for re-enrolment but since some States retain these members over a long period, there has been



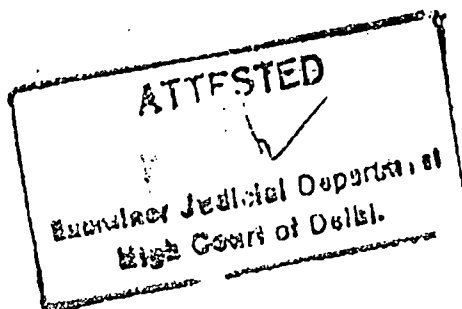
an erosion in the voluntary character of the organisation and it is suggested that unemployed persons should not be retained as Home Guards over a long period so as to preserve the voluntary character of the organisation.

In Para 7.1 (e) (page 51 of the booklet) it is stated as follows:

"When Home Guards are called-up for duty and have to be paid, the cost will be borne by the agency at whose instance the Home Guards are called up. The expenditure is not shareable by the Centre unless they are called up at the instance of the Centre."

In other words, it is not the Home Guards "organisation" which pays a member of the Home Guards but the user agency which pays the emoluments/honoraria that is given to each member of the Home Guards. Consequently, when a member of the Home Guards perform duties as a Traffic Policeman (for example) on behalf of the Delhi Police (a very normal occurrence which can be observed by almost everybody in Delhi) it is the Delhi Police which has to bear the financial burden of using his services.

The upshot of the above discussion is that it is quite clear that the Home Guards is a volunteer organisation and the intention is that its members





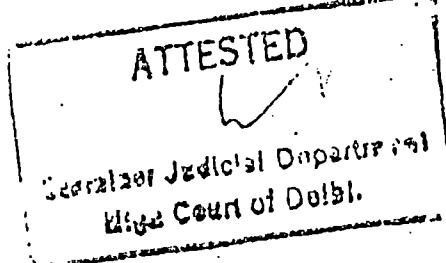
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should serve a tenure of three years, which may be curtailed or extended. In practise, however, it appears that a member of the Home Guards continues as such for a considerable period of time and while this is discouraged, it appears (at least from the contents of the writ petition) that this practise is followed more in the breach than in its observance. A member of the Home Guards, even though he is a volunteer, is paid some emoluments/honoraria by the user agency for the services rendered by him for the benefit of to the user agency.

The writ petition was taken up for final disposal on 20th May, 1999 when learned counsel for the parties were heard and judgment reserved.

The two questions that have been raised by the Petitioners before us are whether they are entitled to be regularised as members of the Home Guards, and whether their services can be terminated without following the procedure laid down by Rule 8 of the Rules.

In so far as the first question is concerned, the genesis, history and concept of the Home Guards clearly shows that it is not an "employment" or a "source of employment". It is a volunteer body where citizens voluntarily offer their services for the benefit of society. There are no hard and fast rules



for recruitment or the nature of duties and functions that are to be performed by a member of the Home Guards. It is also not as if a member of the Home Guards cannot have employment elsewhere. A member of the Home Guards can be a professional or a government servant or a person carrying on any trade or occupation, industrial worker, university student, etc.; it can be anyone who can give some spare time for the benefit of the community. In fact, of the applicants who were before the Tribunal, admittedly some of them were employed in the government and some in the private sector. This being the position, there cannot be any question of regularising any person as a volunteer or for carrying on any voluntary activity. A contrary view will destroy the very ethos and character of the Home Guards.

The question of regularisation of a member of the Home Guards had come up before the Supreme Court in Special Leave Petition (Civil) No.12465/1990, decided on 30th July, 1991 in the case of Rameshwar Dass Sharma & Others versus State of Punjab & Others. In that case, the Supreme Court considered the question whether demobilised army personnel can be regularised in the Home Guards. On the basis of the counter affidavit that was filed in that case, the Supreme Court came to the conclusion that the petitioners therein are not

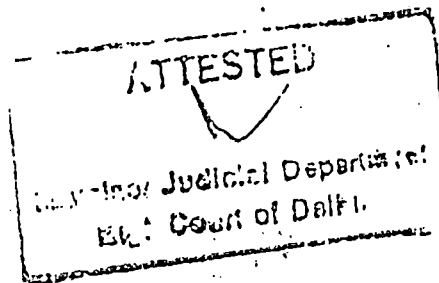
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Secretary Judicial Department  
High Court of Delhi.

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entitled to any relief of regularisation. Learned counsel for the Petitioners contended that the case before the Supreme Court was totally different from the present case inasmuch as the Supreme Court was considering the case of regularisation of demobilised army personnel while the Petitioners before this Court are unemployed civilians. We do not think that such a distinction is real or material. The fact remains that the issue which was before the Supreme Court was about regularisation of a member of the Home Guards and the Supreme Court was of the view that a member of the Home Guards is not entitled to regularisation.

In this view of the matter, we have no doubt in our minds that the Petitioners are not entitled to be regularised as members of the Home Guards. In fact, such a concept does not exist except in the case of personnel involved in training, command or control.

The second question raised by the Petitioners is with regard to their abrupt termination. According to the Petitioners, their services can be terminated only in accordance with the provisions of Rule 8 of the Rules, that is, by giving them one month's notice or they can be discharged in the event of their being found medically unfit. In the present case, there is no allegation that any of the Petitioners is medically unfit. The question is whether they are entitled to



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one month's notice before their services are terminated.

Rule 8 of the Rules reads as follows:

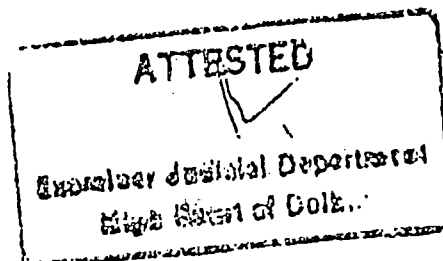
"8. Term of Office - The term of office of a member of the Home Guards shall be three years.

Provided that the appointment of any such member may, at any time, be terminated by the Commandant General or the Commandant, as the case may be, before the expiry of the term of office -

(a) by giving one month's notice, or

(b) without such notice, if such member is found to be medically unfit to continue as a member of Home Guards."

We find from a perusal of the record that what Respondents No.2 and 3 are seeking to do is to terminate the membership of the Petitioners on their completing the present tenure of three years. In other words, Respondents No.2 and 3 are not inclined to re-enrol the Petitioners after they have completed their existing tenure of three years (even though it may be the fifth or sixth such tenure). It is not as if the said Respondents are curtailing the tenure of three years. If the said Respondents were curtailing the tenure of the Petitioners then, of course, it would

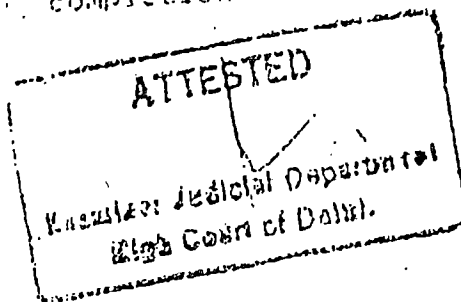


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have to be done in accordance with Rule 8 of the Rules, but that is not the position in the case before us. The so-called termination in the case before us is one by efflux of time. There is no reason why Rule 8 should (or can) be invoked when the "termination" of the services of the Petitioners is a result of the efflux of time. Therefore, on this question also, we are of the view that the Petitioners have not made out any case in their support.

What does, however, disturb us a little bit is the fact that many of the Petitioners have been rendering services as Home Guards for several years, in some cases for almost about twenty years. It does appear a little unfair to them to be suddenly told that when their existing tenure comes to an end, they will not be re-enrolled. In such a situation, it will be extremely difficult for them to look for a job in the open market.

The saving grace, however, is that the Government does give weightage to a member of the Home Guards for appointment to a Group 'C' or a Group 'D' post with the Government. Moreover, Para 1.23 on page 15 of the booklet says that Respondent No.1 has requested State Governments "to provide assistance to unemployed Home Guards in seeking gainful employment on the completion of their term of employment". We hope



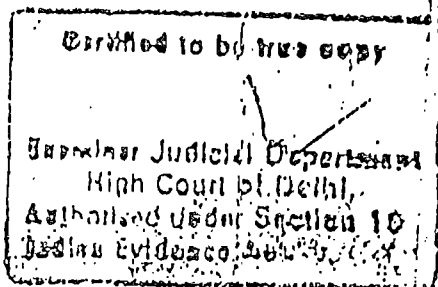
the Respondents are aware of both these responsibilities. We have also been informed by learned counsel for Respondents No.2 and 3 that in view of the directions given by the Tribunal, some policy is being framed to ensure that there is no pick and choose with regard to the persons who have to be enrolled or re-enrolled and those whose tenures are not to be extended. Given the fact that many of the duties performed by the members of the Home Guards are of a permanent nature and the fact that there is such severe unemployment in the country, we do expect the Respondents to be alive to this situation and to frame a transparent and workable policy in this regard. We hope that the Respondents will frame the policy within a period of six months.

In view of the above, the writ petition is dismissed. There will, however, be no orders as to costs.

(Hada B. Lokur)  
Judge

(Ujjal Mohra)  
Judge

May 26<sup>th</sup>, 1999  
ncg/ban



*[Signature]*

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1. OA No. 1753/97 10. OA No. 1763/97  
2. OA No. 118/97 11. OA No. 1890/97  
3. OA No. 1762/97 12. OA No. 1947/97  
4. OA No. 186/97  
5. OA No. 1865/97  
6. OA No. 240A/96  
7. OA No. 2406/97  
8. OA No. 2094/97  
9. OA No. 505/97

New Delhi: Dated this the 25 day of November, 1999.  
HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).  
HON'BLE MR. V. RAJAGOPALA REDDY VICE CHAIRMAN (J)  
HON'BLE MR. R. K. AHOOJA, MEMBER (A)

OA No. 1753/97

S.No. Name

- |   |                    |
|---|--------------------|
| 1. Indel Singh Tomar                                      | Gajraj Singh       |
| 2. Jai Prakash Sharma                                     | Raghu Nath Prasad  |
| 3. Sugeshwar Mandal                                       | Rameshwar Mandal   |
| 4. Hardwar Lal  | Ishwar Lal         |
| 5. Mohan Lal  | Babu Ram           |
| 6. Rajbeer Sharma   | Kishori Lal Sharma |
| 7. Chander Pal Singh                                      | Sham Lal           |
| 8. Amar Nath  | Satya Narayan      |
| 9. Basant Ballabh   | Purshottam         |
| 10. Ram Prasad  | Prem Prasad        |
| All working in Traffic Circle Civil Line, Delhi           |                    |
| 11. Sitab Chand   | Vasdev             |
| 12. Beg Raj Singh   | Narayan Ram        |
| 13. Ram Avtar   | Gariba Ram         |
| 14. Rajender Singh  | Jagat Singh        |
| 15. Rajbeer Singh   | Sahib Singh        |
| 16. Ram Chander   | Janki Singh        |
| 17. Chander Bal Pandey                                    | Lallan Pandey      |
| 18. Attar Singh   | Pusha Ram          |
| 19. Shiv Kumar  | Babu Singh         |
| All working in Sadar Bazar Circle P.S. Sadar Bazar, Delhi |                    |
| 20. Rajender Singh  | Ram Chander Singh  |
| 21. Mahendr Singh   | Bhole Ram          |
| 22. Uday Vir Singh  | Sh. Shri Ram       |
| 23. Chinta haran  | Kashi Parja Pati   |
| 24. Sali Gram   | Bhagwati           |
| 25. Shobha Ram  | Ram Jas Ram        |
| All working in Roop Nagar Police Station, Delhi           |                    |
| 26. Ram Niwas   | Ram Das            |
| 27. Rati Ram Sharma                                       | Chat Ram Sharma    |
| 28. Abhay Raj   | Ram Saran          |
| 29. Madan Singh   | Dunger Singh       |
| 30. Prem Chand  | R.D. Singh         |
| 31. Mohan Lal   | Ganpat Ram         |
| 32. Ved Prakash   | Rishal Singh       |
| All working in Maurio Nagar Police Station, Delhi         |                    |
| 33. Birender Singh  | TejPal             |
| 34. Kailash Pandey  | Dina Nath Pandey   |
| 35. Budh Pal Singh  | Prahlad Singh      |

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Secy, Judicial Deptt.  
Administrative Tribunal  
Bench, New Delhi

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ORDER

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

Applicants who had been enrolled as Home Guards in Govt. of NCT of Delhi for the last 18-20 years had approached the Tribunal in the aforementioned OAs challenging the termination of their engagement by respondents, and sought regularisation, with all consequential benefits.

2. These OAs were heard collectively by a Division Bench of the Tribunal. The order dated 12.12.97 which was drafted by one of the Hon'ble Members of the Bench and which contained various directions was not signed by the other Hon'ble Member, who proceeded to record his own separate opinion in the matter. Thereupon the Hon'ble Member who had initially drafted the order, drafted a further order, in which he recorded that there was no disagreement of any kind, and proceeded to give certain further directions. However, this further order was also signed only by the Hon'ble Member who had drafted it.

RA-42/98 in OA 1753/97  
RA-124/98 in OA 118/97  
RA-123/98 in OA 1762/97  
RA-116/98 in OA 186/97  
RA-131/98 in OA 1865/97  
RA-119/98 in OA 2404/98  
RA-125/98 in OA 2406/96  
RA-122/98 in OA 2094/97  
RA-117/98 in OA 505/97  
RA-120/98 in OA 1763/97  
RA-126/98 in OA 1890/97  
RA-118/98 in OA 1947/97

3. Thereupon respondents filed the marginally noted RAs seeking review of the aforesaid order.

4. These RAs were heard by another Division Bench in which the Hon'ble Member who had recorded his separate opinion was also a party. By order dated 29.1.99 the Bench held that the 'order' dated 12.12.97 was not an order in law and accordingly no review would lie against it. The Bench after noting the provisions of Section 26 A of Act held that in the facts and circumstances, it would be appropriate that the matter under adjudication be placed before Hon'ble

ATTORNEY GENERAL

Attorney General,  
Ministry of Law,  
Government of India,  
New Delhi

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Chairman for referring the matter to a third member or for constituting a Full Bench as may be deemed appropriate. Accordingly the 'order' dated 12.12.97 in O.A. No. 1753/93 and other connected OAs was placed before Hon'ble Chairman for necessary orders under Section 26 AT Act.

5. Accordingly on the orders of Hon'ble Chairman this Full Bench was constituted to adjudicate the matter.

6. In this connection, we have heard S/Shri Rishikesh, J.C. Medan and U. Srivastava for the applicants in these OAs and Shri Jog Singh and Shri Rajendra Pandita for respondents.

7. At the outset it is important to mention that the reliefs claimed by applicants in these OAs are no longer res Integra in view of the Delhi High Court's order dated 26.5.99 in C.P. No. 4286/97 Mansukh Lal Rawal & Ors. Vs. UOI & Ors. challenging the CAT PB order dated 21.3.97 in O.A. No. 1018/95 and connected OAs, wherein the applicants in those OAs had also claimed similar reliefs as claimed in the present OAs.

8. In its aforesaid order dated 26.5.99 the Delhi High Court held that the applicants in those OAs were not entitled to be regularised as Home Guards, because the genesis, history and concept of the Home Guards clearly showed that it was not an 'employment' or a 'source of employment', but was a volunteer body where citizens voluntarily offered their services for the benefit of society, Hence in regard to Home Guards,

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By  
Chief Deputy  
Commissioner

By  
Deputy Commissioner

the concept of regularisation itself did not exist except in the case of personnel involved in training, command or control. The Delhi High Court also held that such of those Home Guards who had completed their existing tenure of three years as provided in Rule 8 Delhi Home Guard Rules had not been able to make out any case in their support, even if it was the fifth or sixth such tenure. However, it noted that many of those applicants had rendered services as Home Guards for several years, in some cases for as many as 20 years, and it felt it would be unfair to them to be suddenly told that when their existing tenure came to an end they would no longer be enrolled, because in such a situation, it would be extremely difficult for them to look for a job in the open market. The judgment records that the Court was informed by the learned counsel for Respondents No. 2 and 3 that in view of the directions given by the Tribunal some policy was being framed to ensure that there was no pick and choose with regard to the persons who had to be enrolled or re-enrolled and those whose tenure was not to be extended, given the fact that many of the duties performed by Home Guards were of a permanent nature, and the fact that there was such severe unemployment in the country, hope was expressed that respondents would be alive to this situation, and frame a transparent and workable policy in this regard within six months.

9. It is in this background that the submissions made by learned counsel on either side require to be considered.

10. Both Shri Rishikesh and Shri Madan have urged that respondents should be directed to formulate the scheme forthwith and have pointed out that the

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in the presence of  
a duly qualified  
person  
in the presence of  
a duly qualified  
person

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period would expire on 25.11.99. They have emphasized that the parameters of the scheme should be such that it is based upon seniority, and have prayed that till the scheme is brought out, respondents should be directed to maintain the status quo. Shri. Praveen has contended that even during the preparation of the scheme, those enrolled as Home Guards are being disengaged and respondents must be directed to stop this.

11. On behalf of respondents, Shri Jog Singh and Shri Pandita have questioned the jurisdiction of the CAT to entertain these applications on behalf of Home Guards, and have cited various rulings in this connection. In so far as the formulation of the scheme is concerned, while Shri Pandita appeared to suggest that the scheme for enrollment of Home Guards was embedded in the relevant Manual and instructions itself, Shri Jog Singh upon instruction from his clients, some of whom were present in Court invited attention to respondents' OM dated 10.9.99, a copy of which is taken on record but at the same time also stated that the scheme was still under preparation.

12. In so far as the submissions of learned counsel for the applicants is concerned, the Delhi High Court's judgment dated 26.5.99 is clear and specific, and in the light of its contents it would not be appropriate for this Tribunal to issue any direction to respondents at this stage to define the parameters within which the scheme should be formulated or indeed to issue any directions till it is brought out. Furthermore no direction can be issued in regard to those who are not applicants in the present OAs.

M. G. M.

श्री. योग सिंह  
अधीक्षक, न्यायिक विभाग,  
राज्य सरकार, नया दिल्ली

अधीक्षक, न्यायिक विभाग,  
राज्य सरकार, नया दिल्ली

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WITNESSES/ATTESTED

S. R. ADIGE  
Act Chairman (A).

( J. RAGOPALAN REDDY )  
Vice Chairman (J)

( R.K. ARDOL A)  
M 555-57(A).

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DIRECTORATE GENERAL OF  
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DIVISION SOUTH ENROLMENT NO. 6891  
ADDRESS 46 Village Gadar  
Pur New Delhi

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O.I.C. HOLDER Jagbir SIGNATURE OF  
ISSUING AUTHORITY [Signature]

[Signature]

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SIGNATURE OF K. Malhotra ISSUING AUTHORITY

2-11-2000

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on Fore Head

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Rajki Platoon Hawaladar

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SIGNATURE OF ISSUING AUTHORITY [Signature]

[Signature]


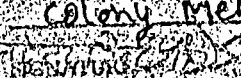


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on Nose

NAME OF VOL Mahender Singh  
RANK 119  
DIVISION South ENROLMENT NO. 6950  
ADDRESS H No A-28 Rajpur  
Colony Mehruuli New Delhi

 SIGNATURE OF VOL HOLDER  SIGNATURE OF ISSUING AUTHORITY

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Identity Card No. 4734 Valid Up to 11-12-2000



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ON LEFT EYE BROW

NAME OF VOL. DAROGA RAI  
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Daroga  
SIGNATURE/  
OF I.C. HOLDER

B. B. Malhotra  
SIGNATURE OF  
ISSUING AUTHORITY

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SIGNATURE OF  
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IDENTIFICATION MARK see photo 1 & 2

NAME Karneshwar Ram

RANK Home Guard


DIST South SANAD NO. 5694

ADDRESS H-2, 114-B, Naraina  
Delhi-110028

3/0315-218

SIGNATURE/THUMB IMPRESSION  
OF IDENTITY CARD HOLDER

SIGNATURE OF  
ISSUING AUTHORITY



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127

128

DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 4738 Valid Up to 23/2/98

IDENTIFICATION MARK A CUT MARK  
ON RIGHT HAND FORE FINGER

NAME OF VOL. NAVAL KISHORE

RANK H.G.

PROVISION S/W ENROLMENT NO. 7605

ADDRESS B-612, HARI NAGAR  
UGGI, NEW DELHI

27/2 K. Malhotra  
SIGNATURE/ SIGNATURE OF  
OF I.C. HOLDER ISSUING AUTHORITY

129



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129

DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 3009 Valid Up to 11.6.2001

IDENTIFICATION MARK A mark of  
Injury on Chin

MEMBER VOL. RAM KISHAN  
FRANK P. L.  
DIVISION SECRET ENROLMENT NO. 6702  
ADDRESS 222 Deoli Village  
New Delhi


Ram Kishan  
SIGNATURE OF  
O.F.C. HOLDER

[Signature]  
SIGNATURE OF  
ISSUING AUTHORITY

[Signature]


130

129

  
DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 3008 Valid Up to 25/11/2000

IDENTIFICATION MARK A mark of  
Injury on Left Arm (Kandha)

  
NAME OR VOL. RAM SHANKAR

RANK 4th G.


DIVISION SOUTH ENROLMENT NO. 6698

ADDRESS 847, Sangam Vihar  
New Delhi

SIGNATURE [Signature] SIGNATURE OF  
OFFICER HOLDER ISSUING AUTHORITY

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**DELHI ADMINISTRATION**  
**DIRECTORATE GENERAL OF**  
**HOME GUARDS & CIVIL DEFENCE, DELHI**

Identity Card No. 21090 Valid Up to 17-9-92

IDENTIFICATION MARK Scars on left  
29.6.68

NAME RAM RATAN SINGH  
 RANK Home Guard  
 DIST South RANAD NO. 19/62/68  
 ADDRESS H-16 T. 92/1/2/3 Delhi  
115

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DELHI ADMINISTRATION  
DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 3/0317 Valid Up to 4-11-92

IDENTIFICATION MARK Sign of Mohi  
on the left eye

NAME Krishna Ram

RANK Home Guard

DIST. South SANAD NO. 5696

ADDRESS W. 2. 431  
C. 158 HANNA W. 11

Krishna Ram  
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OF IDENTITY CARD HOLDER

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SIGNATURE OF  
ISSUING AUTHORITY

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DIRECTOR GENERAL  
HOME GUARDS  
IDENTIFICATION MARK NO. 6  
Up to 25-12-89  
IDENTIFICATION MARK NO. 6  
Mark on Right ear  
NAME OF VOL. CM. PRakash  
RANK  
DEV. NO. 6758  
ADDRESS 96, Dakshinouri,  
New Delhi: 11006  
SIGNATURE OF VOL. CM. PRakash  
SIGNATURE OF ISSUING AUTHORITY

102

134

DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 4729 Valid Up to 21-11-2000

IDENTIFICATION MARK A WOULD  
MARK ON LEFT SIDE STOMACH

NAME OF VOL HARISH CHANDER  
H.G.

SECTION S/W ENROLMENT NO. 7555

ADDRESS A-85, N.I.A., INDRA  
GHATNI CAMP, NEW DELHI-28

*Harish Chander*  
SIGNATURE/  
OF I.C. HOLDER

*V. Malhotra*  
SIGNATURE OF  
ISSUING AUTHORITY

*for*  
*by*

135

**DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI**

Identity Card No. 0837 Valid Up to 27-9-2011

IDENTIFICATION MARK CUT MARK  
ON LEFT EYE BROW

NAME OF VOL. RANDHIR SINGH RAJ  
RANK PL. COMMANDER  
DIVISION SIR ENROLMENT NO. 7744  
ADDRESS F-116, KATWARIA SARIA  
NEW DELHI - 16

SIGNATURE OF [Signature] SIGNATURE OF [Signature]  
O.F.C. HOLDER ISSUING AUTHORITY

[Signature]  
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133

136

DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI.

Identity Card No. 3648 Valid Up to 14/11/2001

IDENTIFICATION MARK CUT MARK

DM THE HAD

NAME OF VOL. SITA RAM

REG. NO. H.G.

SECTION S/W ENROLMENT NO. 753

ADDRESS H.NO. S-112/385 Lal

K.ET VASANTKUMAR N.D.

SIGNATURE OF I.C. HOLDER [Signature]

SIGNATURE OF ISSUING AUTHORITY [Signature]

[Signature]

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**DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI**

Identity Card No. 3628 Valid Up to 11/11/2001


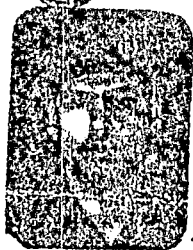
IDENTIFICATION MARK CUT MARK  
ON RIGHT HAND

NAME OF VOL CHEKERSWARKY.

RANK H.G.

DIVISION S/N ENROLMENT NO. 767

ADDRESS C. NO - Mahipal  
3rd Village ND -

E. S. J. S. S. S.  
SIGNATURE/  
OF I.C. HOLDER

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SIGNATURE OF  
ISSUING AUTHORITY

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DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 4691 Valid Up to 1-11-2001



IDENTIFICATION MARK LEFT HAND  
ON CUT MARK

NAME OF VOL MITHLESH TIWARI

RANK HOME GUARD

DIVISION S/W ENROLMENT NO. 7541

ADDRESS T-523, PREM NAGAR,

PATEL NAGAR, NEW DELHI-8.

SIGNATURE  
OF I.C. HOLDER

SIGNATURE OF  
ISSUING AUTHORITY

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DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 4678 Valid Up to 11-12-2000

IDENTIFICATION MARK CUT MARK  
ON LEFT HAND FORE FINGER

NAME OF VOL. RAM DEV

RANK P.H.

DIVISION S/W ENROLMENT NO 7573

ADDRESS A-85/52, N.T.A.

INDRA GANDHI CAMP, PH-I

R. C. Kam SIGNATURE OF  
O.F.C. HOLDER

M. Malhotra SIGNATURE OF  
ISSUING AUTHORITY

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DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE DELHI

Identity Card No. 4761 Valid Up to 10/6/2001

IDENTIFICATION MARK A OUT MARK  
ON LEFT HAND LITTLE FINGER

NAME OF VOL. RADHEY SHYAM

RANK S.L.

DIVISION S/W ENROLMENT NO. 759

ADDRESS RZ-684/9, GALI No. 1  
INDR. PARK, NEW DELHI


*[Signature]* SIGNATURE OF  
OFFICER HOLDER

*[Signature]* SIGNATURE OF  
ISSUING AUTHORITY

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DELHI ADMINISTRATION  
DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 3/1360 Valid Up to 3/8/99

IDENTIFICATION MARK ACTION RIGHT  
CHECK

NAME NITANIAN KUMAR

WUNK H.S.D.

DISTT S.D. SANAD NO. 67016

ADDRESS RZ 26A/20 INDAA  
Indraprastha Park Road 45

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SIGNATURE OF ISSUING AUTHORITY \_\_\_\_\_

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DELHI ADMINISTRATION	
DIRECTORATE GENERAL OF	
HOME GUARDS & CIVIL DEFENCE, DELHI	
Identity Card No.	1479
Valid Up to	5/3/77
IDENTIFICATION MARK	SP6ET MOLF ON
LEFT HAND	
NAME	SH. BRAHM SINGH
RANK	HOME GUARD
DIST.	SOUTH-WEST
ANAD NO.	6847
ADDRESS	H. No. W. 7-562 NARAINA
VILLAGE	N. DELHI 110020
SIGNATURE OF IDENTITY CARD HOLDER	SIGNATURE OF ISSUING AUTHORITY

for  
from



DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 5362 Valid Up to 11-11-2006



IDENTIFICATION MARK Cut on  
Nose Left side

NAME OF VOL. SHIV NARAIN  
RAI S.L.

DIVISION West ENROLMENT NO. 9725

ADDRESS DA-61 F, HARI NGR.  
NEW DELHI - 110064

SIGNATURE  
OF L.C. HOLDER

SIGNATURE OF  
ISSUING AUTHORITY

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**DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI**

Identity Card No. 3163 valid up to 31-12-54

IDENTIFICATION MARK on left hand

DATE OF VOL. 1-1-54

RANK H.G.

DIVISION 11 ENROLLMENT NO. 238

ADDRESS 803/1, ...


Shilpa N.D.

SIGNATURE OF HC HOLDER [Signature] SIGNATURE OF ISSUING AUTHORITY [Signature]

[Signature]


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DELHI ADMINISTRATION  
DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. SP 1519 Valid Up to 29.9.92

IDENTIFICATION MARK CUT IN RIGHT HAND

  
NAME UMAPATISUKLA  
RANK HOME GUARD  
DISTRICT SOUTH-WEST SARAD NO. 6887  
ADDRESS B-17 KHAJAN BASI  
NAGRI ROYAN NEW DELHI-46  
SHANTI NAGRI

SIGNATURE/THUMB IMPRESSION  
OF IDENTITY CARD HOLDER

SIGNATURE  
ISSUING AUTHORITY

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DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI

Identity Card No. 4698 Valid Up to 29-4-2008



IDENTIFICATION MARK A MOLE  
MARK ON LEFT ARM

NAME OF VOL SHANKAR RAI

RANK HOME GUARD

DIVISION S/V ENROLMENT NO 7564

ADDRESS No. 144, HARI

NAGAR, PILI KODHI, N. DELHI

Signature  
OF I.C. HOLDER


K. S. Melhotra  
SIGNATURE OF  
ISSUING AUTHORITY

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Signature

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 **DIRECTORATE GENERAL OF  
HOME GUARDS & CIVIL DEFENCE, DELHI**

Identity Card No. **4730** Valid Up to **4-3-2001**

IDENTIFICATION MARK **A** CUT MARK  
ON LEFT EYE BROW

NAME OF VOL. **BIRENDER NATH**

ISSUE **H.G.**

DIVISION **S/W** ENROLMENT NO. **7609**

ADDRESS **RZ-10, 'S' Block,  
Vijaya Nagar, New Delhi**

*[Signature]*  
SIGNATURE OF I.C. HOLDER

*[Signature]*  
SIGNATURE OF ISSUING AUTHORITY

*[Handwritten signature]*



10.  
OA 410/2000  
MA 534/2000

03.03.2000.

Present : Applicants in person.

Issue notice to respondents returnable on 16.3.2000.

Issue Dasti.

Pending further orders, there will be an ad interim order, i.e., the impugned orders dated 21.2.2000 and 25.2.2000 are stayed.

MA 534/2000 for joining in a single application is granted.

( Ashok Agarwal )  
Chairman

( V. K. Majotra )  
Member (A)



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Secy

Principal Secretary, CAT

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5.  
GA-420/2000  
HA 565/2000

08.03.2000

Present : Applicants in person.

Issue notices to respondents returnable on  
22.3.2000. Issue notices dasti.

Pending further orders, there will be an ad  
interim order in terms of prayer clause 9(a), namely,  
the operation of the impugned orders issued on  
25.2.2000, and 8.11.1999 in case of applicant No.7, *as*  
stayed.

( Ashok Agarwal )  
Chairman

( V. K. Majotra )  
Member (A)

/as/

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150  
See earlier  
order no. 2  
01/11

Central Administrative  
Principal Bench

O.A. 408/2000  
with  
O.A. 193/2000,  
O.A. 410/2000  
and  
O.A. 433/2000

New Delhi this the 12th day 2000

Hon'ble Smt. Lakshmi Swaminathan, Mem:

O.A. 408/2000

1. Arvind Kumar,  
S/o Shri Kishan Pal Singh,  
R/o 226, Sultanpur, Mehrauli,  
New Delhi-30.
2. Rajinder Singh,  
S/o Shri Laxman Singh,  
D-183, Kusumpur Pahari,  
Basant Vihar, New Delhi-57.
3. Jairam Sharma,  
S/o Shri Ram Bilas Sharma,  
R/o 124/9, Kishan Garh,  
Basant Kunj, New Delhi-70.
4. Roshan Ali,  
S/o Shri Wati Mohd.  
R/o 18A/30, Ward No. 1,  
Mehrauli, New Delhi-30.

... Applicants.

(By Advocate Shri U. Srivastava)

Versus

Govt. of NCT, Delhi, through

1. The Chief Secretary,  
Govt. of NCT, Delhi,  
5, Sham Nath Marg,  
New Delhi.
2. The Commandant General,  
Home Guards & Civil Defence,  
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.A. 193/2000

Brish Bhan Ram,  
S/o Shri Sukhnandan Ram,  
(Sanad No. 5413),  
R/o 0/46, Mangolpuri,  
Delhi.

[Signature]

2. Jagbir Singh,  
S/o Shri Bhagwan Singh,  
(Sanad No. 5438),  
R/o 337, Mangolpuri Kalan,  
New Delhi.

3. Bal Kishan,  
S/o Shri Chandra Bhan,  
(Sanad No. 5465),  
R/o Vill & PO - Mundaka,  
New Delhi.

4. Ram Kishan,  
Sanad No. 5381,  
R/o 1167, Mangolpuri.

... Respondents.

(By Advocate Shri U. Srivastava)

Versus

Govt. of NCT, Delhi, through

1. The Chief Secretary,  
5, Sham Nath Marg,  
New Delhi.

2. The Commandant General,  
Home Guards & Civil Defence,  
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.A. 410/2000

1. Bhudayal Singh,  
S/o Shri Jodh Raj Singh,  
(Sanad No. 6870),  
R/o H.No. 147, B/S Kishangarh,  
Mehrauli, Delhi-30.

2. Rajpal Singh,  
S/o Shri Puran Singh,  
R/o H.No. 147 C/9, Kishangarh,  
Mehrauli, Delhi-30.

3. Babu Singh,  
S/o Shri Jodh Raj,  
R/o H.No. 147, B/5 Kishan Garh,  
Mehrauli, Delhi-30.

4. Kishan Prasad Bhatia,  
S/o Shri Tejmal Bhatia,  
R/o C-22, Type-I,  
Safdarjung Staff Quarters,  
West Kidwai Nagar, New Delhi-33.

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5. Smt. Sheela Virk,  
W/o Shri Rajinder Singh,  
R/o A-64/129, Sultanpuri,  
Delhi.
  6. Digambar Singh,  
S/o Shri Raghubir Singh,  
R/o H.No. 68/4, Mehrauli,  
New Delhi-30.
  7. Kamla Prasad,  
S/o Shri Ram Sureman,  
R/o Quarter No. 33, Kishan Garh  
Goshal A,  
Mehrauli, Delhi-30.
  8. Nand Lal,  
S/o Shri Bulaki Ram,  
R/o B.No. 108/E, Kishan Garh,  
Ward No. 9,  
New Delhi-30.
  9. Ram Bahadur,  
S/o Shri Ram Sumer,  
R/o Kishan Garh Gavshala,  
Qtr No. 53, Mehrauli,  
New Delhi-30.
  10. Sundar Singh,  
S/o Shri Cheta Ram,  
R/o H.No. 114/5, Bis Sulriya Harijan  
Colony, Vill - Neb Sarai,  
New Delhi-68.
  11. Ram Gulam,  
S/o Shri Nakched Ram,  
R/o Qr. No. 8/4, Krishan Vihar,  
Sultanpuri,  
Delhi-83.
  12. Udaybir Singh,  
S/o Shri Bhikan Singh,  
R/o T/9, Ward No.6,  
Mehrauli,  
New Delhi-30.
- ... Applicants.

(By Advocate Shri U. Srivastava)

Versus

Govt. of NCT, Delhi, through

1. The Chief Secretary,  
5, Sham Nath Marg,  
New Delhi.
2. The Commandant General,  
Home Guards & Civil Defence,  
CTI Building, Raja Garden,  
New Delhi

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153

3. The Commandant,  
Delhi Home Guards, CTI Buildings,  
Raja Garden, New Delhi.

... Respondents.

(By Advocate Shri Rajinder Pandita)

O.A. 433/2000

1. Tilak Raj,  
S/o Shri Kharte Lal,  
R/o A-5A/68, Janakpuri,  
New Delhi.
2. Suresh Kumar,  
S/o Shri Tek Chand,  
R/o A/179, Hastal Road,  
Uttam Nagar,  
New Delhi.
3. Sanjay Kumar,  
S/o Shri Kartar Singh,  
R/o 178C Ward No. 2,  
Mehrauli, New Delhi.
4. Ved Parkash,  
S/o Shri Parkash Chand,  
R/o B/250, Sultanpuri,  
Delhi.

... Applicants.

(By Advocate Shri U. Srivastava)

Versus

Govt. of NCT, Delhi, through

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

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

Learned counsel for the parties have submitted that the relevant facts and issues raised in the aforesaid four applications are the same and, therefore, they may be dealt

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with together. At the request of learned counsel for the applicants, the facts in O.A. 488/2000 were referred to during the course of arguments in the aforesaid cases.

2. The applicants in O.A. 488/2000 are aggrieved by the orders issued by the respondents dated 25.2.2000 discharging them from their services with effect from the next date, that is 26.2.2000 under Rule 8 of the Delhi Home Guards Rules, 1959 (hereinafter referred to as 'the 1959 Rules'). He has submitted that all the applicants in this case as well as the other three cases had been recruited as members of the Home Guards under Rule 3 of the 1959 Rules and had completed the initial period of three years. They were working as Home Guards thereafter for subsequent periods beyond 3 years, as extended by the respondents. One of the main contentions taken by Shri U. Srivastava, learned counsel was that the applicants were discharged within the extended tenure period of three years which was upto 5.11.2001 and beyond. His contention is that the respondents could not, therefore, have discharged the applicants in the manner they have done without issuing a month's notice and complying with the provisions of Rule 8 of the 1959 Rules. He has relied on the Tribunal's order dated 1.6.1995 in Krishan Kumar & Ors. Vs. Govt. of NCT Delhi & Ors. (OA 188/95). Learned counsel has also submitted that the respondents had given an undertaking in similar matters which came before the Delhi High Court that they would prepare a Scheme for enrolment and discharge of the members of the Home Guards in Delhi, which they have not done before the impugned orders have been passed.

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According to him, the termination of the applicants could only be done by the respondents in terms of the Scheme which they had to prepare and not in an arbitrary manner, as they have done without any proper reason.

3. I have seen the reply filed by the respondents and heard Shri Rajinder Pandita, learned counsel. He has submitted that the issues raised in this case have been considered in a number of earlier judgements of the Tribunal. He has relied on the judgement of the Delhi High Court in Man Sukh Lal Bawal & Ors. Vs. Union of India & Ors. (CWP No.4286/97) dated 26.5.1999 and the Full Bench order of the Tribunal in I.S. Tomar & Ors. Vs. Govt. of NCT & Ors. (O.A.1753/97 with connected cases), decided on 25.11.1999 (Annexures 'A-7 and A-8'). He has submitted that the applicants have no right for regularisation, as they belong to a Voluntary Organisation i.e. the Home Guards. According to him, the competent authority has exercised its powers under the Home Guards Act, 1965, as extended to the UT of Delhi and the relevant 1959 Rules and there is nothing wrong with the termination orders which have been impugned in these cases. He has also submitted that the applications are barred under Sections 19, 20 and 21 of the Administrative Tribunals Act, 1985. Besides, he has submitted that as the Home Guards is a Voluntary Organisation, the respondents can put off the volunteers at any time if their assistance is not required. He has, therefore, prayed that the aforesaid applications may be dismissed. He has submitted a copy of the Scheme dated 18.4.2000, copy placed on record.

*[Signature]*





4. I have seen the rejoinder filed by the applicants. The main grievance of Shri U. Srivastava, learned counsel, is that the respondents ought to follow their undertaking given before the Delhi High Court at the time of disposal of CWP No. 4286/97, decided on 26.5.1999 to frame a Scheme to ensure that there was no pick and choose method with regard to the discharge of the persons who have been enrolled or re-enrolled as Home Guards. He has submitted that in the case of the applicants, they still have balance period after their latest enrolment of three years as Home Guards and the respondents could not, therefore, terminate their services without proper reasons in an arbitrary manner and thereafter engage other persons in their place. He has also submitted that many of the applicants have been working as Home Guards for several years and are not otherwise gainfully employed.

5. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

6. In Mansukh Lal Rawal's case (supra), the Delhi High Court has voiced its concern for the applicants taking into account the facts of those cases. They have noted as follows:

"...many of the petitioners have been rendering services as Home Guards for several years, in some cases for almost about twenty years. It does appear a little unfair to them to be suddenly told that when their existing tenure comes to an end, they will not be re-enrolled. In such a situation, it will be extremely difficult for them to look for a job in the open market".

The High Court has further observed that the Government does give weightage to a member of the Home Guards for appointment to a Group 'C' or a Group 'D' post with them and to provide some assistance to unemployed Home Guards in seeking gainful employment on the completion of their term of employment. They had noted that some policy is to be framed to ensure that there is no pick and choose with regard to the persons who have to be enrolled and re-enrolled and those whose tenures are not to be extended. It was further stated by the High Court that they do expect the respondents to be alive to this situation and to "frame a transparent and workable policy" in this regard, within a period of six months. It is this policy that the learned counsel for the applicant has submitted the respondents have not framed before passing the impugned termination orders dated 25.2.2000 in O.A. 408/2000.


7. At the time of hearing Shri Rajinder Pandita, learned counsel had given a copy of the policy guidelines framed by the respondents dealing with the enrolment/re-enrolment and discharge of Home Guards in Delhi which he states has been framed in pursuance of the directions of the Delhi High Court which is dated 18.4.2000. It is not the case of the respondents that after discharging the applicants in the present cases, the respondents have not enrolled or re-enrolled, as the case may be, other persons as Home Guards. The Delhi High Court in Mansukh Lal Rawal's case (supra) has itself noted that many of the duties performed by the members of the Home Guards are of a permanent nature and the fact that there is

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such severe unemployment in the country should also be kept in view by the respondents.

8. As noted by the Full Bench of the Tribunal in I.S. Tomar's case (supra), the judgement of the Delhi High Court in Man Sukh Lal Rawal's case (supra) is clear and specific. The issue of jurisdiction which has again been raised by the learned counsel for the respondents under Sections 19, 20 and 21 of the Administrative Tribunals Act, 1985, is rejected in the light of this decision. In the Full Bench order dated 25.11.1999, it has been noted that the Scheme submitted by the respondents vide O.M. dated 10.9.1999 cannot be construed to be the Scheme contemplated in the Delhi High Court's judgement dated 26.5.1999. The Tribunal further stated in the conclusions that the O.As are disposed of in terms of the Delhi High Court's judgement in Man Sukh Lal Rawal's case (supra).

9. The applicants in O.A. 408/2000 have submitted that they have rendered service as members of the Home Guards for a number of years from 1989. They have submitted that against certain earlier discharge orders they had filed O.As before the Tribunal which had resulted in their being reinstated as members of the Home Guards. Shri U. Srivastava, learned counsel has contended that the impugned orders have been issued by the respondents against the applicants while they still had balance period of the tenure which was upto 14.6.2001 in the case of applicant Nos. 1 and 3, upto 5.11.2001 in the case of applicant No. 2 and 2.2.2001 in the case of applicant No. 4. No reason



have been given by the respondents as to why the applicants have been picked up and discharged as members of the Home Guards with immediate effect. It is also relevant to note that it is not the case of the respondents that they do not need any more Home Guards, but as contended by the learned counsel for the respondents that after discharging the applicants in the aforesaid cases, others are being enrolled as Home Guards, as it is a Voluntary Organisation. While that may be so, the respondents cannot also act as an arbitrary manner especially after taking action to extend the tenure of the applicants. From the facts mentioned above, it is clear that there are no discernible reasons as to why the respondents have discharged the applicants during the extended period of ~~one~~ of three years which are to expire by efflux of time in the years 2001-2002. In the facts and circumstances of the case, the action of the respondents cannot be held to be reasonable or that they have followed a transparent or workable policy with regard to the discharge of the applicants, or enrolment or re-enrolment of the concerned persons as Home Guards.

10. In the policy guidelines laid down by the respondents dated 18.4.2000, they have stated, inter alia, that in the case of volunteers who have served the Organisation for more than three years and upto a period of fifteen years and more, it has been decided to give one last opportunity to the discharged Home Guard Volunteers to seek appointment as Home Guard Volunteers for another term of three years. One of the main contentions of the applicants in the present O.As is that their services as

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Home Guards have been terminated before completion of the extended term of three years tenure and that too without any reason in an arbitrary manner. The policy guidelines do not appear to lay down any transparent and workable policy in the matter of discharge of Home Guards like the applicants in the aforesaid cases. In this view of the matter, the action of the respondents in terminating the services of the applicants whose tenure on re-engagement has not expired and that too not on any grounds of misbehaviour or indiscipline cannot, therefore, be upheld. The termination orders have also been issued without complying with the principles of natural justice or giving a show cause notice to the applicants as to why their services are being terminated suddenly and immediately.

11. In the result, for the reasons given above, the aforesaid four applications succeed and are allowed. The impugned termination orders passed by the respondents quashed and set aside. The respondents shall take the applicants back in service immediately as Home Guards for the remaining part of the unexpired tenure for which they had been re-engaged as Home Guards. Thereafter, further action may be taken by the respondents in accordance with the relevant rules, decisions of courts, policy guidelines and instructions. No order as to costs.

12. Let a copy of this order be placed in O.A.

1937/2000, O.A. 410/2000 and O.A. 433/2000.

Stamp:   
 CERTIFIED TRUE COPY   
 Dated: 18/7

(Smt. Lakshmi Swaminathan)   
 Member (J)

Stamp:   
 SRE Officer (J-I)   
 Section Officer (J-I)   
 Central Administrative Tribunal   
 Principal Bench, New Delhi

Handwritten signatures and initials:   
 22-CC-11

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL

BENCH, NEW DELHI.

M.A. NO. 2129 OF 1995

in

O.A. NO. 1757 OF 1995

In the Matter of \_\_\_\_\_

Jagbir Singh Applicant  
(Through Counsel U. Srivastav)  
Vs

Union of India Respondents.

M.A. Under Section 4(3) of A.T. Act 1985.

MOST RESPECTFULLY SHOWETH :

1. That the accompanying O.A. is being filed by the 2231 applicants jointly because they have a common cause of action and claiming for the same relief.
2. It is therefore most respectfully prayed that the Hon'ble Tribunal may be pleased to permit the applicants to file the O.A. jointly. Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

Date : 4/9/95  
Place : Delhi

Applicant's  
Signature

21/5/82 21/5/82

Rshyam (162) 21/5/82

Krishna Ram  
Harish Chandra G. V.  
नारायण मठ

Rshyam  
D. S.  
R. S.  
R. S.

फारोग  
पुनर्निर्माण

R. d. Ram  
C. Kumar.  
APPLICANT

Verification :

21/5/82 21/5/82

मोह  
21/5/82 21/5/82

I hereby verify that the contents stated above are true to the best of my knowledge and that i have not superssed any material fact.

21/5/82 21/5/82

Krishna Ram Applicant

Through :  
U. Srivastav, Advocate  
C.A.T. Bar Room,  
Faridkot House,  
New Delhi.

Harish Chandra

नारायण मठ

फारोग

पुनर्निर्माण

21/5/82 21/5/82

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21/5/82 21/5/82

21/5/82 21/5/82

Rshyam

D. S.  
R. S.  
R. S.

R. d. Ram

C. Kumar.

APPLICANT

मोह  
21/5/82 21/5/82

21/5/82 21/5/82

Shiv Narayan (163)

निवेदन (अर्ज)

U. Shukla  
Mitulbhai Tiwari  
अनारखी  
Jagbir  
Bimal  
निवेदन  
इ. १४/१२/६८  
Signature

APPLICANT  
Bimal

Verification :

I Mitulbhai of the applicants do hereby verify that the contents stated above are true to the best of my knowledge and that i have not suppressed any material fact.

Applicant

Through : h  
U. Srivastav, Advocate  
C.A.T. Bar Room,  
Faridkot House,  
New Delhi.

Jagbir  
U. Shukla  
Mitulbhai Tiwari  
अनारखी  
Bimal

Shiv Narayan

निवेदन  
इ. १४/१२/६८  
Bimal

Signature

h



8 13/11

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(PRINCIPAL BENCH)  
NEW DELHI.

O.A.No.1754 of 2000.

WITH

M.A.No.2129 of 2000.

IN THE MATTER OF:

Sh.Jagbir Singh & Others  
Through  
Sh.U.Srivastava, Advocate .....Applicants

VERSUS

Govt. of NCT of Delhi & Others  
Through  
Sh.Rajinder Pandita, Advocate ....Respondents

I N D E X

Sl.No.	PARTICULARS	PAGE NOS.
1.	Reply on behlaf of the Respondents to the application filed by the applicants.	1-15.
2.	Memo of Appearance.	16.

25 OCT 2000

21/06/20

NEW DELHI:

DATED: -

FILED BY,  
Rajinder Pandita  
(RAJINDER PANDITA)  
GOVT. ADVOCATE  
CAT-BAR ROOM: NEW DELHI.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
( PRINCIPAL BENCH )  
NEW DELHI.

C.A.No.1754 of 2000.

WITH

M.A.No.2129 of 2000.

IN THE MATTER OF:

Sh.Jagbir Singh & Others  
Through  
Sh.U.Srivastava, Advocate .....Applicants

VERSUS

Govt. of NCT of Delhi & Others  
Through  
Sh.Rajinder Pandita, Advocate .....Respondents

REPLY ON BEHALF OF THE  
RESPONDENTS TO THE APPLICATION  
FILED BY THE APPLICANTS.

MOST RESPECTFULLY SHOWETH:

1. Without setting out detailed brief facts and detailed parawise reply the answering respondents craves the leave of this Hon'ble Tribunal to allow to raise the following preliminary objections.
  - i) That the instant application is an abuse of process of court of law and is not warranted by the provisions under which it has been sought.
  - ii) That the instant application is liable to be dismissed due to non-joinder of necessary

Contd.....

Party to the application, as per section 52(b) of the Govt. of National Capital Territory Act, 1992 the Govt. of India is the necessary party to the application.

- iii) That the instant application is barred by Section 19, 20, 21 of the Administrative Tribunal Act, 1985 and is liable to be dismissed with costs in favour of the answering respondents.
- iv) That the M.A. for joining together filed by the applicants is also liable to be dismissed as is not as per the Rule 4(5) (a) of Central Administrative Rules 1987.
- v) That this Hon'ble Tribunal has got no jurisdiction to entertain the present application is as much as there is no relationship between the applicants and the Respondents. The applicants are the 'VOLUNTEERS' who are called on at the time of emergency to assist the law and order enforcing agencies and is paid subsistence allowances and parade allowances for the period they perform the parade and training. The said payments is made out of contingency fund. There are no service conditions and the applicants were self employed at the time of enrolment. They have been attending to call duties as

'VOLUNTEERS'. It is relevant to add that Home Guards is a Voluntary Organisation with motto of 'NISHKAM SEWA'. No statutory rights and obligation either on the respondents or the applicants regarding their service condition. The respondents can put the volunteers off at any time if their assistance is not required.

- vi) That some of the Home Guards Volunteers working with Chandigarh Administration with a grievance that they had been working as Home Guards for over a decade and their service was terminated by verbal order. Some of the Home Guards Volunteers filed an application before the Central Administrative Tribunal, Chandigarh Bench vide O.A.No. 1013/CH/88, dated 31.1.1995 which was rejected by the Chandigarh Bench. The Home Guards Volunteers filed an S.L.P. in the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India was pleased to pass the following order:-

"The petition for special leave is dismissed. The representation must be made to the Government and not to the Court."

Contd.....

- vii) That the Character/Status of Home Guards can be well imagine from the fact that even the Government Servants are enrolled as Volunteers to assist the law and order enforcing agencies which that this is only a Voluntary Organisation. The deployment of Home Guards is done on the basis of suitability and rotation, operation required and also on administrative reasons.
- viii) That this instant application is liable to be dismissed as there are series of judgement/orders of the Central Administrative Tribunal, New Delhi and so many judgements of the Hon'ble High Court of Delhi.

However, without prejudice to the preliminary objections the detailed brief facts and detailed parawise reply to this application filed by the applicants is as follows:-

BRIEF FACTS:

1. That as per the Home Guards Act and Rules, Director General Home Guards and Director Civil Defence, Govt. of NCT of Delhi is authorised under whom the Organisation of Home Guards function. The same authority is competent for their command and control including enrolment, discharge, call-out training, placement of duties and discipline.

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2. That this is the admitted position that Home Guards is Voluntary Citizen Organisation for local defence was raised in the United Kingdom during world war-II. In India, initially, Home Guards were raised in December, 1946 to assist local bodies and police voluntary in character and this concept has been kept in view throughout this organisational setup. As per the O.M.No.18/111/66/CD, dated 31.12.1966, the age group for initial recruitment/enrolment to the Home Guards should be 18-50 years with relaxation in favour of those specially qualified to act as Instructor/ Leaders and specialised personnel. That vide O.M. No.1/16/67-CD, dated 20.11.67 and O.M.No.III/14011/3/93-DGCD(HG), dated 16.12.93 the Home Guards Organisation should broad based free from political applications as requisited from amongst all classes of people and from all walks of life. In facts Home Guards Organisation intend to trained and enroll more and more people after three years. Govt. Servants, Advocates, Doctors and Engineers are also recruited/enrolled in Home Guards, as the Govt. Service is no bar in terms of Home Guards Act and Rules. As the policy laid down by the Govt. of India as far as possible unemployed persons should not be retained as Home Guards over a long period as to preserve the Voluntary character of the Organisation. That the present applicants were provided the membership of the Voluntary Organisation

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as per the format.

3. Thus, the Home Guards Organisation is Voluntary in character in which all the persons are Volunteers excepting a nucleus of paid staff for the purpose of command and control. The Volunteers offer themselves to receive training during the peace of time and place their services at the disposal of the Nation during the country's hours of need in peace or war time or emergency they also act as watch and ward. The Volunteers are enrolled under the Home Guards Act and Rules with the motto of 'NISHKAM SEWA' having no statutory obligation on the respondents regarding their service condition. There is no relationship of Master and Servant as recognised by the Labour and Service Department. The Volunteers can be called at the time of emergency to assist law and order enforcing agencies and they are paid honorarium for the period they perform their duties within the funds of the user department. Most of the Home Guards Volunteers are in private service or employed with the Govt. There is no restriction on the Home Guards including the applicants in respect of private service. Govt. has issued various instructions/ memorandum from time to time in respect of enrolment of Home Guards, copies of which have already been submitted to this Hon'ble Tribunal the course of

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arguments. As per O.M.No.18/50/65-CD, dated 22.3.66 and No.1.1.69-DCD(HG), dated 17.2.69, the Home Guards Organisation is basically Voluntary in character and this concept has been kept in view throughout the setup. As per OLM. No.18/III/65-CD, dated 31.12.66 the age group for initial recruitment to the Home Guards should be 18-50 years with relaxation in favour of the those specially qualified to act as Instructor/ Leaders and specialised personnel.

4. As per the O.M.No.VI-31011/1/81-DCD(HG), dated 29.9.1993, the VIIIth Biennial Conference of Home Guards and Civil Defence held in New Delhi in November, 1980 had recommended that unemployed Home Guards and Civil Defence Volunteers after rendering National Service for few years should be given some weightage for employment in Govt. Service as an incentive. In pursuance of the decision, Department of Personnel and Administrative Reforms and Departments had issued detailed instructions to Central Ministries and Departments on the question of giving preference to Home Guards and Civil Defence Volunteers having three years service and requisite training in these posts in Group-C & D where such experience would a added advantage for efficient performence of duties vide letter dated 5.11.93. State Governments were requested to consider issueing similar instructions in the matter and the copies of the instruction issued may be

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forwarded to the Ministry of Home Affairs. Ministry of Home Affairs also requested the State Governments to provide assistance to unemployed Home Guards in seeking gainful employment on the completion of their terms of enrolment.

5. That in view of the above submission, it is respectfully stated that the applicants have not holding any civil posts and as such they have no case before this Hon'ble Tribunal.

6. That the applicants are estopped from filing the present application as such they gave an undertaking to the effect that they are 'VOLUNTEERS' and will be serving the law and order enforcing agencies with motto of 'NISHKAM SEWA' and was already self-employed. Hence, there is no question of their regularisation or granting them any benefits as are allowed to public servants as there is a lot of difference between the Volunteers and Home Guards and Regular employees of the Government.

7. That the Hon'ble Supreme Court of India has already disposed of similar petition and the interlocutory application on the grounds that an employees under this system cannot be regularised and is not entitled to any relief as per the judgement and order in the case of Shri Rameshwar Dass Sharma and Others versus State of Punjab & Others in SLP (Civil) No. 12465/1990. The Hon'ble Chandigarh Bench of this

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Tribunal in O.A.No.440-CH-94, dated 31.1.1995 and also recent decision of Chandigarh Bench dated 27.8.97 in O.A.No.1001/91 are strengthend the hand of the respondents. It is further submitted that the Hon'ble Supreme Court of India has disposed/passed an order in SLP No.4550 of 1989 on the judgement/order of Central Administrative Tribunal, Chandigarh Bench in O.A.No. 1013/CH/88 Sh.Raj Kamal Belt No.62 and Others Versus Union of India and Others. The Hon'ble Supreme Court of India was pleased to pass the following orders:-

UPON hearing counsel the court made the following.

ORDER

"The petition for special leave is dismissed. The representation must be made to the Govt. and not to the Court."

The Hon'ble Central Administrative Tribunal have discussed all the points and have delivered judgements on 11th January, 1999 in O.A.No.2006/98 Shri Chandeshwar and Others versus Govt. of NCT of Delhi & Others. It is further submitted that the cases involving disengagement of the Home Guards the Full Bench, New Delhi in its order dated 25.11.99 has followed the Hon'ble Delhi High Court's order dated 25.6.99 in CWP No.4286/97 Shri Mansukh Lal Rawal & others versus Union of India & Others. Under these

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circumstances the Hon'ble Delhi High Court's order the Hon'ble Supreme Court of India's order and the Full Bench order dated 25.11.99 holds the field.

PARAWISE REPLY:

1. In reply to para (1) of the application, it is submitted that the instant para is matter of record. It is further submitted that the order passed by the Competent Authority are under the Act and Rules of Delhi Home Guards and now orders of the Hon'ble Delhi High Court in CWP No.4286/97 and Full Bench order dated 25.11.99 holds the field. In light of the Hon'ble Supreme Court of India judgement as already submitted in para 7 of the brief facts.
2. In reply to para (2) of the application, it is submitted that so far as the territorial jurisdiction of this Tribunal is taken into the consideration the same too is denied as per the detailed brief facts of the case.
3. In reply to para 3 of the application, it is submitted that the instant application is barred by Section 19.20.21 of the Administrative Tribunal Act, 1985 and is liable to be dismissed with costs in favour of

Contd....

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the answering respondents.

4.1 &  
4.2

In reply to para 4.1 and 4.2 of the application, it is submitted that these paras are matter of record. It is further submitted that the applicants are Volunteers of the Home Guards Organisation and every body has right to get the membership of the said organisation. The tenure is fixed for three years as per Rule-8 of Delhi Home Guards Rules, 1959. The volunteers of Home Guards are not public servants and is engage for eight hours whenever needed. The Home Guards is an volunteers citizen's organisation for local defence and was raised in India to assist to local bodies and police. In facts Home Guards Organisation intend it to trained and enroll more and more people after discharging the ones after every three years. Govt. Service is no bar in terms of Home Guards Act and Rules. As per the policy laid down by the Govt. of India as far as possible unemployed persons should not be retained as Home Guards Volunteers over a long period so as to preserve the Voluntary character of the Organisation. The concept has been hold valid by the Hon'ble Supreme Court of India, Hon'ble Delhi High Court

Contd.....

and by the Central Administrative Tribunal,  
Principal Bench, New Delhi.

4.3 & In reply to para 4.3 and 4.4 of the applica-  
4.4 tion, it is submitted that instant paras are  
matter of record and points of arguments.  
It is further submitted that most of the  
applicants have already deposited their  
Govt. articles with departments.

4.5 to In reply to para 4.5 to 4.16 of the applica-  
4.16 tions, it is submitted that the competent  
Authority Sh.L.S.Sandhu, Commandant Home  
Guards, Delhi is exercise of the powers  
conferred upon him under the Bombay Home  
Guards Act, 1947 as extended to the Union  
Territory of Delhi and Delhi Home Guards  
Rules, 1959 read with the judgements of the  
Hon'ble Supreme Court of India, Judgement  
of the Hon'ble Delhi High Court vide CWP  
NO.4286/97 Sh.Mansukh Lal Rawal & others  
and Full Bench Judgement of the Hon'ble  
Tribunal have passed the legal order. The  
Home Guards Volunteers are not public servants  
and are engaged for eight hours whenever  
called out to perform the duties. Home Guards  
Organisation intend ~~to~~ trained more and more  
people so that they would be called out

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whenever needed. Identity cards issued by the respondents is not employment card. The Identity cards are issued to every Home Guards Volunteers only for identification as it is done in all Govt. Departments. The date of the validity of the Identify Card does not give any extention of their tenure which has been proved by the series of judgements of this Hon'ble Tribunal and Hon'ble High Court of Delhi.

5. In reply to para 5 of the application, it is humbly submitted that while taking into consideration the detailed brief facts, preliminary objections and parawise reply in consultation with rule-8 of Delhi Home Guards Rules, 1959 read with the judgements of the Hon'ble Supremen Court of India, Hon'ble High Court of Delhi and Central Administrative Tribunal (Principal Bench) New Delhi, none of the grounds support the prayer of the applicants.

6. In reply to para 6 of the application, it is submitted that the instant application is barred by Section 19, 20, 21 of the Administrative Tribunal Act, 1985.

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7. In reply to para 7 of the application, it is submitted that the para is for the applicants to prove it to the entire satisfaction of this Tribunal.

8. In reply to para 8 of the application, it is submitted that in view of the preliminary objections, detailed brief facts and parawise reply to the application the applicants are not entitled to any relief as prayed for and the instant application may be dismissed with costs in favour of the answering respondents at the admission stage.

9. In reply to para 9 of the application, it is submitted that while taking into consideration, the above avernments of this reply the applicants are not entitled to any relief as prayed for.

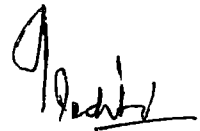
10 to Needs no reply as subject matter of this  
12 Tribunal.

*Me*  
COMPTROLLER  
RESPONDENTS  
DELHI

Contd....

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THROUGH

  
(RAJINDER PANDITA)  
GOVT. ADVOCATE.

V E R I F I C A T I O N

I, L.S. SANDHU, IPS as Commandant Home Guards  
of Directorate of Home Guards & Civil Defence, Govt.  
of NCT of Delhi do hereby verify that the contents of  
of the above mentioned reply are true and correct to  
the entire satisfaction and to the best of my knowledge  
as per the official records and legal advice revealed  
and no part of it is false and nothing material has  
been concealed or suppressed.

Verified at New Delhi on 23 October, 2000.

  
CORRESPONDENTS.  
DEPT. OF GOVT.  
DELHI



15/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH NEW DELHI

O.A. No. 1754 of 2000

IN THE MATTER OF

Shri Jagbir Singh & Ors. .... Applicants

Versus

Govt of NCT Delhi & Ors. .... Respondents

I N D E X

Sl. No.	Description of documents	Page No.
1.	Rejoinder on behalf of the applicants	1 - 6

Date :

Place : New Delhi

Applicants  
through Counsel

(U Srivastav)  
Advocate  
CAT BAR Room, Faridkot House  
New Delhi

प्रधान (FB)  
आज दाखल किया  
Filed Today  
14 FEB 2000  
दफ्तर नं./Filing No. 1620  
न्याय-निर्देशक/Dy Registrar

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

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O.A. No. 1754 of 2000

IN THE MATTER OF

Shri Jagbir Singh & Ors. .... Applicants

Versus

Govt of NCT Delhi & Ors. .... Respondents

REJOINDER ON BEHALF OF THE APPLICANTS

MOST RESPECTFULLY SHOWETH

PARAWISE REPLY

Para 1: That the contents of para 1 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of para 1 of the main OA is correct and the same be reiterated here again. Further it is submitted that on the point of jurisdiction the matter was referred to the larger bench and it has been decided by the Larger Bench of Hon'ble Tribunal in OA No. 346 of 2001 by vide their judgement/order dated 09.11.2001, that this Hon'ble Tribunal is having its jurisdiction to entertain and adjudicate upon the matter of the Home Guards. A copy of the order dated 09.11.2001 issued by the Hon'ble Tribunal in OA No. 346 of 2001 is being annexed hereto and marked as Annexure 'A' and the operative parts of the same is as under :-

"5. We respectfully follow the D.B. decision of the Hon'ble High Court dated 26.04.95

Contd....p/2

in Mansukh Rawat's case (supra) (presided by the then Hon'ble Chief Justice M.J. Rao, later judge of the Hon'ble Supreme Court) wherein the objection raised by the respondents that Home Guards are under the Union Territory of Delhi and any grievance with regard to their service can be agitated only before the Central Administrative Tribunal was sustained. This decision is binding on us. Accordingly we answer the reference to us that the Tribunal has jurisdiction in the matter.

6. The OA may now be listed before the appropriate Bench for further action."

Para 2: That the contents of para 2 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of para 2 of the main OA is correct and a detail reply has been given in the above paras, the same be reiterated here again.

Para 3: That the contents of para 3 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of para 3 of the main OA is correct and a detail reply has been given in above paras, the same be reiterated here again.

Para 4.1 & 4.2: That the contents of paras 4.1 & 4.2 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of para 4.1 and 4.2 of the main OA is correct and a detail reply has been given in above paras, the same be reiterated here again.. Further it is submitted that it is admitted that the applicants are volunteers of the Home Guards Organisations and every body has right to get the membership of the said organisation and the tenure is fixed for three years as per rule 8 of Delhi Home Guards Rules 1959. Further it is submitted that all the applicants were engaged by the respondents in terms of the Rule 8 of Delhi Home Guards Rules 1959 initially for a period of three years which has been extended by the respondents on expiry of each and every tenure for a further period of three years again and again time to time and at present the extended tenure for a period of three years has not come to an end, and the respondents are trying to discharge the applicants from their services without following the provisions of Rule 8 of Delhi Home Guards Rules as in terms of Rule 8 &

"8. Terms of Office:- The term of office of a member of Home Guards shall be three years

Provided that the appointment of any such member may, at any time, be terminated by the Commandant General or the Commandant

Contd....p/6

as the case may be, before the expiry of the term of office :

- (a) by giving one month's notice, or
- (b) without such notice if such member is found to be medically unfit to continue as a member of the Home Guards."

As neither one month notice is there nor the applicants has been declared medically unfit by the respondents and the termination from services in such a manner is illegal and the same order which was issued by the respondents in other cases has been quashed and set aside by the Hon'ble Tribunal in OA No. 408/2000. Rest of the para has no legal force at all.

Para 4.3 & 4.4: That the contents of paras 4.3 and 4.4 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of paras 4.3 and 4.4 of the main OA is correct and a detail reply has been given in above paras, the same be reiterated here again.

Para 4.5 to 4.16: That the contents of paras 4.5 to 4.16 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of paras 4.5 to 4.16 of the main OA is correct and the same be reiterated here again. Further it is submitted that the appli-

Contd....p/5

applicants who are the volunteers of the Home Guards i.e. the respondents Organisations were initially appointed for a period of three years which has been extended by the respondents time to time, again and again and now the respondents have discharged the applicants by verbal order dated 09.07.2001 whereas the extended tenure which was fixed for another period of three years has not come to an end and the respondents have discharged the applicants from their services without any rhymes and reasons. Further it is submitted that the case of the applicants are fully covered by the judgement/order dated 01.06.95 issued by the Tribunal in OA No. 188/95 and the judgement/order dated 12.07.2000 in case of Arvind Kumar & Ors. Rest of the para has no legal force at all.

Para 5: That the contents of para 5 of the counter reply is wrong and misconceived as stated and hence it is denied. In reply it is submitted that the contents of para 5 of the main OA is correct and the same be reiterated here again.

In the facts and circumstances mentioned in the above paras it is therefore most respectfully prayed that the Hon'ble Tribunal may be graciously pleased to allow the present OA with all other consequential benefits and costs.

Any other fit and proper relief may also  
be granted.

Date : 14/02/02  
Place : New Delhi

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Krishna Ram  
21/02/02  
Applicants

Verification

Verified that the contents of the above  
paras, are true and correct to the best of my  
knowledge and no material facts have been  
concealed.

Date : 14/2/02  
Place : New Delhi

Krishna Ram  
21/02/02  
Applicants  
through counsel

(U S. Divastav)  
Advocate  
CAT BAR Room, Faridkot House  
New Delhi