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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1873/2000

New Delhi, this day the 20th August, 2001

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

1. Sh. Saroj Kumar s/o. Shri Onkar Singh,
R/o. A-43, Mithapur, Badarpur,
New Delhi.
2. Ram Pal Singh s/o. Shri Bhim Sen,
R/o. Type-1664, Press Colony,
Mayapuri, New Delhi.
3. Yogendra Manjhi s/o. Shri Ram Lochan Manjhi
R/o. WZ-776, Naraina Village,
New Delhi-110 028.
4. Brij Kishore Singh s/o. Satya Narain Singh
R/o. WZ-858, Naraina Village, New Delhi.
5. Himmat Singh s/o. Shri Govind Singh
R/o. 7/98, Lodhi Colony, New Delhi.
6. Satish Kumar s/o. Radhey Shyam Sharma
R/o. S-198, Prem Nagar, -II, Mubarakpur, Road,
Nangloi, New Delhi.
7. Satya Pal Singh s/o. Shri Chandra Bhan,
R/o. Vill. Gadaipur, Mehrauli,
New Delhi.
8. Dharam Pal s/o. Late Shri Hira Lal
R/o. B-757, Dr. Ambedkar Nagar,
Tigri, New Delhi-110 062.

contd..2/-

9. Sh. Jai Prakash Kardan S/o. Sh. Ratiram,
R/o. E-448, J.J. Colony, New Delhi-62.
10. Rajkumar S/o. Munshiram
R/o.Vill.& P.O. Issapur,
Najafgarh, New Delhi.
11. Gauri Shankar S/o. Shri Akali Ram,
R/o.H-206, Jahangirpuri,
New Delhi.
12. Ravinder Singh S/o. Sh. Bhoji Lal
R/o.H.No. — Katwaria Sarai,
New Delhi.
13. Giriraj Sharma S/o. Sh. Nitya Nand Sharma
R/o.K-3/2, Police Colony, Andruj Ganj,
New Delhi.
14. sriniwas S/o. Shri Vidya-ram,
R/o.D-867, Netaji Nagar,
New Delhi.
15. Jagdish S/o. Shri ~~Khokeshwar~~ Bholaram,
R/o.Vill. & Post - Masudpur,
New Delhi.
- PALAT*
16. Ram *PALAT* S/o. Baiju Das
R/o.C-183, Sanjay Camp, Jhuggi No.W-159/81,
N.I.A. Phase-I, New Delhi-110 028.

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17. Raj Narain S/o. Shri Jagdev Mehto
R/o.Jhuggi No.A-77, Samta Dham,
Hari Nagar, New Delhi.
18. Brahma Nand S/o. Sh. Ballo Ram,
R/o.Village & Post office-Jhronda Kalan,
New Delhi.
19. Satbir Singh S/o. Sh. Puran Singh
R/o.Jhuggi No.305, Labour Camp,
I.I.T., Hauz Khas, New Delhi.
20. Durai Rajan S/o. Shri S. Pritam,
R/o.Q-II-195, Kidwai Nagar,
New Delhi.
21. Jamuna Prasad S/o. Shri Durga Prasad,
R/o.4/1, Railway Colony, Sarojini Nagar,
New Delhi.
22. Rambir Singh S/o. Late Shri Mahendra Singh
R/o.D-904, Netaji Nagar,
New Delhi.
23. Ramesh Kumar Sharma S/o. Late Shri Brij Lal Sharma
R/o. RZ-56/Gali No.5, Main Sagarpur,
New Delhi.
24. Om Prakash S/o. Shri Jagat Singh
R/o. 2/460, R.K. Puram,
New Delhi.

contd...4/-

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25. Shiv Mangal Singh S/o. Nag Narain Singh,
R/o. Thana Vasant Vihar, New Delhi.
26. Ombir Singh S/o. Sh. Bharat Singh
R/o.212, Vill. Munirka, C/o. Sh. Kadam Singh
New Delhi.
27. Jitendera Prasad Singh S/o Sh. Munna Singh
R/o. K-334, Sewa Nagar, New Delhi-110003.
28. Hukam Singh S/o. Tej Ram,
R/o. Jhuggi No. 192/185, Labour Camp, I.I.T.,
New Delhi.
29. Chatar Pal S/o. Sh. Shiv Shankar Lal Upadhyay
R/o. K-II, H.No. 788, Sangam Vihar,
New Delhi.
30. Rashal Singh S/o. Sh. Attar Singh
R/o. Office 105-109, Ansal Chamber-I,
Bhikaji Cama Place, New Delhi.
31. Puttu Lal S/o. Sh. Puran Mal
R/o. Jhuggi No. S-192/185, I.I.T. Labour Camp,
Hauz Khas, New Delhi.
32. Rasuddin S/o. Nasiruddin
R/o. WZ-42-B, Naraina Vihar,
New Delhi.
33. Netai Chandra S/o. Shri
Type-E-I-168, Press Colony,
Mayapuri, New Delhi.

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34. Yadu Nath S/o. Shri Sheetla Prasad Pathak
R/o. 405, Sonia Gandhi Camp, Jhuggi No. 291,
N.I.A, New Delhi.

35. Laxmi Dutt S/o. Shri Prajapati Sharma
R/o. C-3/143, Shahi Enclave, Mohan Garden,
Uttam Nagar, New Delhi.

36. Shiv Pal S/o. Shri Chhte Lal
R/o. RZ-672, Gali No. 22, Sadh Nagar,
Palam, New Delhi.

37. Bhim Prasad S/o. Feku Prasad
R/o. C-75/72, Indira Market,
Ring Road, Naraina,
New Delhi.

38. Parmanand S/o. Shri Bhagmal
R/o. H.No. 399 Main Mathura Road,
Badarpur, New Delhi-110 044.

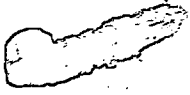
39. Ashok Kumar S/o. Shri Ram Swaroop
R/o S-32/92, Pul Prahladpur,
New Delhi-110 044.

40. Ravinder Kumar S/o Sh. Madan Mohan (P.C.)
R/o D. 71 Aruna Park Shakarpur
Delhi - 92

41. Ram Bahu S/o Sh. Ram Singh
R/o 6/172 DOK Shikhpuri Delhi

(By Advocate : Shri U. Srivastava)

Applicants

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Guard Volunteers cannot be treated on par with Government servants. Similar decisions have been taken by this Tribunal in OA Nos. 443/2000, 376/2001 and OA No. 377/2001. In this view of the matter, the present OA has no force and has to be dismissed.

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

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Versus

Government of N.C.T. Delhi, through

1. The Chief Secretary,
Government of NCT Delhi
5, Sham Nath Marg, New Delhi
2. The Commandant General,
Home Guards & Civil Defence,
CTI Building, Raja Garden,
New Delhi
3. The Commandant,
Delhi Home Guards, CTI Buildings,
Raja Garden
New Delhi Respondents
(By Advocate : Shri Rajinder Pandita)

O R D E R (ORAL)

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

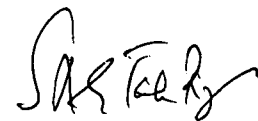
2. The learned counsel appearing on behalf of the respondents submits that this Tribunal lacks jurisdiction in the matter in as much as Home Guards are a volunteer force and those enrolled as Home Guards cannot be said to hold any civil post nor are they members of any service under the Government. The aforesaid matter, according to the learned counsel, has been considered at length by this very Bench in OA No. 1974/2000 decided on 20th December, 2000. The aforesaid O.A. was dismissed by holding, inter alia, that Home

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rendered by the High Court of Delhi in the order passed on 20th December, 2000 in OA No. 1974/2000. In the circumstances, I will not like further to dilate on what has been held therein in regard to the status of Home Guards. Suffice it to say that in view of the aforesaid judgement of Delhi High Court Delhi, the views expressed in the order passed by the Division Bench of this Tribunal on 1.6.1995 in OA No. 188/1995 as regards the status of the Home Guards cannot find application any longer. The corresponding plea advanced by the learned counsel for the applicants is, in the circumstances, rejected thus leaving the OA without merit.

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



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

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