

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 2061/2000

This the 16th day of May, 2001

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

In the matter of :

- 1.. Shri Inder Pal Malik, Ex PI Cdr of Home Guard -
S/O Shri Mula Singh , Sanad No 9990
R/O , R Z -F Ram Park, Shani Bazzar,
Mahavir Enclave Part III
Uttam Nagar New Delhi
2. Shri Gopal Singh, Ex Home Guard
S/O Shri Mohan Singh, D2/154
Uttam Nagar New Delhi
3. Mr Dugar Singh Yadav, Ex Home Guard
S/O Shri Rati Ram Yadav, R/O WZH -36.
Arya Samaj Road , Uttam Nagar
New Delhi
4. Shri Bhagwan Singh S/O Shri Novat Singh
Q 192, Mohan Garden Uttam Nagar
New Delhi.
5. Shri Ram Sanjeevan S/O Shri Bacchi
Sanad No W/9956 R/O Sector , No 15 , block A
House No 242, Kakrola Villiage, Uttam Nagar
New Delhi 110059
6. Shri Kanti Lal S/O Shri Shiv Lal
Sanad No 3754
A-663, Shastri Nagar
Delhi-52
7. Dharm Pal Singh S/o Charan Singh
Sanad No 9810, R/o t 218 Uttam Nagar
New Delhi
8. Shri Tej Pal , S/O Cham Singh
R/O t 218 Uttam Nagar
New Delhi
9. Ved Singh S/O Ram Sahay
Sanad No W/ 9945/JP
1/35, Mohan Garden, Uttam Nagar ,
New Delhi

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10. Shri Ram Rattan S/O Kutia
Sanad No W/9726
L-2 D Block , House No 80,
Mohan Garden , Uttam Nagar
New Delhi
11. Shri Naval Singh Rahav
S/O Shri Khaledu Singh Raghav
Sanad No 4737, F1/8, Rajdhani Park
Nangloi, New Delhi

By Advocate : Sh. S. C. Bhasin.

Versus

1. The Chief Secretary
Govt of N C T DELHI
5 Marg New Delhi
2. The Lt Governor of Delhi
Raj Bhawan New Delhi
3. The Commandant General
Home Guards & Civil Defence
Raja Garden , New Delhi-27
4. The Commandant
Delhi Home Guards; CTI Building
Raja Garden New Delhi -27
5. Commissioner of Police
Police HQ, ITO, New Delhi
6. Ministry of Home Affairs
North Block, New Delhi

..... Respondents

By Advocate: Sh. Rajinder Pandita,





Hon'ble Shri Kuldip Singh, Member (J):

The applicants were engaged under the Bombay Home Guards Act, 1947 and they have worked with the respondents for more than 10 years. It is, further, submitted that for all purposes, they are public/civil servants and they have been declared civil servants by some previous decision of the Hon'ble High Court itself and as such their services cannot be terminated. It is submitted by the applicants that they had been disengaged vide order dated 21.2.2000 in case of applicant in OA 2385/2000, w.e.f. Feb., 2000 in the cases of applicants in OA Nos. 2386/2000 and 2387/2000 without following the rules of natural justice and vide notification dated 20.8.2000 the department is going to appoint fresh persons without considering the applicants. They have, therefore, prayed the following reliefs as under:-

- (i) To stay the recruitment of Home Guards by the respondents published in Hindustan Times on 20.8.2000;
- (ii) To direct the respondents to absorb first the petitioners already discharged arbitrarily;
- (iii) To direct the respondents to first give priority to the petitioners' recruitment;
- (iv) To direct the respondents to make necessary rules for 50% reservations for Home Guards in Police, Jails and other Govts., depts. as per the policy issued by Central Govt. as in the case of MP and Bihar;

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(v) To quash the discharge of all the petitioner and to reinstate them and make them regular with all the benefits; and

(vi) Pass such other and further order/orders as may be found fit and proper in the facts and circumstances of the case.

2. The OA is being contested by the respondents, they have submitted that the applicants were employed as Volunteers and Home Guards is the Voluntary Organisation with the motto of 'NISHKAM SEWA' having no statutory rights and obligations either on the respondents or the applicants regarding their service conditions. They have further submitted that they can put the Volunteers off at any time if there assistance is not required and they have relied on various judgements to substantiate their claim. It is further submitted by the respondents that the Home Guards do not fall within the jurisdiction of this Tribunal as they do not hold civil posts and has referred to a number of judgments such as OA 493/2000, OA 852/2000, OA 377/2001 and OA 376/2001. On going through all these judgments, I find that all these judgments in one voice say that the Home Guards do not fall within the jurisdiction of this Tribunal and as such I think that there is no reason to differ with the reasoning given in the aforesaid judgments.

3. In view of the above, nothing survives in the OA which is accordingly dismissed. No Costs.


(KULDIP SINGH)
MEMBER (J)

Rakesh