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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 2136/2000

New Delhi, this the 16th day of the May, 2001

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

1. Sh. Chander Shekhar Prasad,  
S/o Sh. Gulam Chand Prasad,  
Sanad No. 6130,  
R/o WZ-5775, Naraina,  
New Delhi
2. Shri Naveen Chand,  
S/o Sh. Buddiv Bathbh,  
Sanad No. 6129,  
R/o 5/211, Dr. Ambedkar Nagar,  
Dakhin Puri, New Delhi-62
3. Sh. Dharam Pal Singh,  
S/o Sh. Ram Charan,  
Sanad No. 6232,  
R/o J-153, Dakhinpuri,  
New Delhi ..... Applicants  
(By Advocate : Shri Rakesh K. Pandit)

V E R S U S

1. Govt. of NCT of Delhi  
Through the Chief Secretary,  
Govt. of NCT Delhi  
5, Sham Nath Marg, Delhi
2. The Directorate General,  
Home Gaurds & Civil Defence,  
Nishkam Sewa Bhawan,  
Raja Garden, Delhi
3. The Commandant,  
Home Guards Delhi,  
CTI Buildings,  
Raja Garden, Delhi ... Respondents  
(By Advocate : Shri Rajinder Pandita)

O R D E R (ORAL)

By S.A.T. RIZVI, MEMBER (A):

Heard the learned counsel on either side at some length.

2. The applicants, 3 in number, are Home Guards under the Directorate General of Home Guards & Civil Defence, New Delhi, in the Govt. of NCT of Delhi. All

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the three applicants have been discharged on completion of their respective tenure of 3 years in accordance with the relevant rules by the Commandant, Home Guards Delhi by his orders passed on 25.2.2000.

3. The learned counsel appearing in support of the OA contends that the services of the aforesaid Home Guards have been extended by a further period after their discharge in terms of the aforesaid orders. In support of this claim, the learned counsel relies on copies of the Identity Cards issued to the applicants and placed on record at Annexures A-4, A-5 and A-6. The dates of validity of the Identity Cards shown therein are respectively 2.7.2001, 27.8.2001 and 30.8.2001. That being so, according to the learned counsel, the present OA will be covered by the decision rendered by this Tribunal on 12.7.2000 in OA No.408/2000 with connected OAs. In that case, the services of the members of the Home Guards were terminated before their ~~standard~~ <sup>extended</sup> tenures had expired. The Tribunal had in that case held as follows:-

"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."

4. I have had occasion to notice the aforesaid decision in the order passed on 20th December, 2000 in OA No.1974/2000. The contention raised by the learned

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counsel for the respondents that due to the Home Guards not being holders of civil posts <sup>and</sup> not being servants of Govt., <sup>either</sup> this Tribunal will lack jurisdiction, <sup>was taken note of in OA 1974/2000</sup> was not raised before the Tribunal in OA No. 408/2000 and connected cases. In view of this, the decision taken therein will not find application in the present OA. Furthermore, according to the learned counsel for the respondents, mere production of Identity Cards cannot be advanced as an argument in support of the applicants' contention that their services were extended by the respondents. Thus there is no material evidence to show that the applicants have been re-engaged following the expiry of their tenures.

5. The status of the Home Guards has been discussed, in detail, in the aforesaid order dated 20.12.2000 passed in OA No.1974/2000. The same has been discussed separately in other orders passed by this Tribunal in OA No. 493/2000 decided on 20.10.2000 and OA No.2160/2000 decided on 4th May, 2001. The decision taken therein has been relied upon in the order dated 16th February, 2001 passed by this Tribunal in OA No.376/20001. In all the OAs aforesaid, it has been held that the members of Home Guards are not holders of civil post nor <sup>they</sup> ~~they~~ can be treated as servants of Government and, therefore, this Tribunal lacks jurisdiction in the matter. Accordingly, the aforesaid OAs were dismissed. The present OA must <sup>meet</sup> ~~be~~ the same fate.

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6. In the circumstances, the OA is dismissed without any order as to costs.

*S. A. Rizvi*

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

(pkr)