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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO.:2160/2000

New Delhi this the 4th of May 2001.

Hon'ble Shri V.K. Majotra, Member(A)

1. Shri Brij Mohan Tyagi, S/o Shri Gyaneshwar Prasad, C-288, Hardev Puri, Shahdara, Delhi.
2. Shri Nanak Chand, S/o Shri Ami Chand C/2-24 Sultan Puri, Delhi.
3. Shri Kamal Singh, S/o Shri Saheb Singh, A-47, Paharganj, New Delhi.
4. Shri Ramdhari Mehto, S/o Shri Ramjee Mehto, H.No.-650/E, Baljeet Nagar, New Delhi.
5. Shri Shyamvir Gupta, S/o Shri Lal Hans Gupta, H.No. W-116/83, Jhuggi, Block-A, Jawalapuri, New Delhi.
6. Shri Shivjee Lal, S/o Shri Anokhe Lal, H.No. 5, New Chandrawal, New Delhi.
7. Shri Sindhi Ram, S/o Shri Madhu Ram H.No.AB-489, Gali No.15, Nabir Karim, New Delhi.
8. Shri Raj Singh, S/o Shri Ranvir Singh, Vill & P.O. Issapur, New Delhi.
9. Shri Devinder Singh S/o Shri Ranvir Singh, Vill & PO Issapur, New Delhi.
10. Shri Ram Prakash S/o Shri Munshi Ram, E-39, Sewak Park, Najafgarh Road, Delhi-59.
11. Shri Om Prakash S/o Shri Karam Raj, H.No.95, Baba Farid Puri, West Patel Nagar, New Delhi-8.
12. Shri Rajpati, S/o Shri Mata Din, D,49/2, Ramesh Enclave, Rohini Sec.22, Sultanpuri, Delhi-41.
13. Shri Radhey Lal, S/o Shri Nand Lal, R/o N-31/260, Saraswati Colony, Ashok Vihar, Delhi-52.
14. Om Prakash Sharma, S/o Shri Bhagwati Prasad Sharma R/o E-175, Vijay Vihar, Phase-I, Suny Bazar, Delhi-85.
15. Shri Shiv Shanker Pandey, S/o Shri Ramdev Pandey R/o Gulati Hardware, Gali No.26, Bidan Puri, Karol Bagh, New Delhi-5.
16. Shri Chote Singh, S/o Shri Ram Gopal Singh, Near-D-8412, Yogshala Camp, Okhla Phase-I, New Delhi-20.

(By Advocate: Shri N.A. Khan proxy counsel
of Shri Vinay Sabharwal)

Versus

1. Government of NCT of Delhi,
Through its Chief Secretary,
5-Sham Nath Marg, New Delhi.
2. The Commandant
Home Guards, Delhi,
Directorate General of Home Guards & Civil Defence,
Nishkam Sewa Bhawan, Raja Garden,
New Delhi-110027.
3. The Commissioner of Police,
Delhi Police Headquarters,
I.P. Estate, New Delhi. Respondents

(By Advocate:Shri Rajinder Pandita)

O R D E R (Oral)

By Shri V.K. Majotra, Member(A)

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Learned counsel for the applicants stated that he does not wish to file rejoinder and synopsis of arguments submitted on behalf of the applicants on 22.1.2001 may be taken into consideration. I have heard both the counsel at length and perused the material on record.

2. The learned counsel of the respondents brought to my notice order dated 16th February, 2001 in OA 376/2001, Delhi Home Guards Welfare Association (Delhi Pradesh) Vs. Lt. Governor of Delhi and Others) read with order dated 20.12.2000 (Shri Dharmilal and Ors Vs. Lt. Chief Secretary, Govt. of NCT, Delhi and Ors) in OA 1974/2000 in which it has been held that the Home Guards do not come within the jurisdiction of this Tribunal. The learned counsel also brought to my notice order dated 16th February, 2000 in OA 376/2001 in which though the applicants' counsel has referred to orders of the Hon'ble High Court of Delhi dated 18.1.2001 in CWP 375/2001 and CM 649/2001 yet as the Hon'ble High Court had not stayed the operation of the aforesaid order, no relief was granted to the applicants in that OA. The matter is also covered by judgement in OA 493/2000 decided on 20.10.2000 Upendra Tripathi and Others Vs. Government of NCT of Delhi and Others where it was held that

the Home Guards have a right to make a representation to the Government and have not to approach the Court seeking to quash the order of discharge. In the circumstances, following the above judgements, the OA is accordingly dismissed, however, without any cost.

V.K. Majotra

(V.K. Majotra)
Member(A)

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