

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 2252/2000

New Delhi, this the 22th day of May, 2001

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

1. Shri Ram Naresh Singh, Pl. Cdr. Sanad No. 9853
s/o Shri Bare Singh
r/o WZ-53, F Block, Nand Ram Park,
Mahavir Enclave, Part III Shani Bazzar Chowk
Uttam Nagar, New Delhi-110059.
2. Shri Mahesh Kumar, Sanad No. 9940
s/o Shri Om Prakash
WZ 97 Uttam Nagar,
New Delhi.
3. Shri Wakil Hussain, Sanad No. 6916
s/o Shri Jannat
r/o RZA-42, Dabri Extention,
Dabri, New Delhi.
4. Shri Mahesh Singh Tomar, Sanad No. 10195
s/o Shri Hakim Singh Tomar,
r/o Y1939 Mangol Puri,
New Delhi-110083.
5. Shri Vidya Nand Sharma, Sanad No. 8520
s/o Shri Raghubir Singh
r/o WZ-29, Mahesh Vihar-IIND Om Vihar,
Uttam Nagar, New Delhi-59.
6. Shri Rajender Prasad, Sanad No. 10055
s/o Jagdish Prasad,
r/o Ram Datt Enclave, WZ-E-20,
Uttam Nagar, New Delhi-110059.
7. Shri Mast Ram, Sanad No. 8483
s/o Shri Sada Nand Sharma
r/o C-172, JJ Colony, Khalya,
New Delhi.
8. Shri Ram Lal, Sanad No. 8506
s/o Shri Shiv Prasad
r/o C-31, Main Market Subhash Nagar,
New Delhi.
9. Shri Anand Kumar, Sanad No 7577
s/o Shri Bharoo Singh
RZ A-91, Dabri Extension,
New Delhi.
10. Shri Raj Kumar, Sanad No. 10266
S/o Shri Ved Prakash
r/o A/28, Javan Park Uttam Nagar,
New Delhi-110059.
11. Shri Laxman Singh, Sanad Nu. 8588
s/o Shri Ekdesb Singh,
C-49 A, Sanik Enclave, Uttam Nagar,
New Delhi.

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12. Shri Dharm Bir Singh, Sanad No.9964
s/o Shri Balbir Singh
r/o RZ 202 Extn. Uttam Nagar,
New Delhi.

- APPLICANTS

(By Advocate: Shri S. C. Bhasin)

Versus

1. The Chief Secretary
Govt. of NCT 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-110027.
4. The Commandant
Delhi Home Guards, CTI Building,
Rana Garden, New Delhi-110027.
5. Commissioner of Police
Police HQ, ITO, New Delhi.
6. Ministry of Home Affairs
(Through Secretary)
North Block, New Delhi,
DHQ PO Pin 110011.

- RESPONDENTS

(By Advocate: Shri Rajinder Pandita)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member(Judl):

The applicants were engaged as Home Guards 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



(3)

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 Aug 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 and make their services regular;
- (iv) To quash the discharge of all the petitioner and to reinstate them and make them regular with all the benefits; and
- (v) 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.

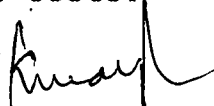
3. The learned counsel for the respondents has also relied upon the judgement in OA No. 1974/2000 in which it was held as follows:-

"15. From the above discussion, it will be clear that the Home Guard Volunteer cannot be equated to Govt. servants etc. covered by Section 14 of the A.T. Act, 1985. As a class, therefore, the Home Guards cannot approach this Tribunal for relief in the circumstances in which the applicants have done so in the present case.

"The Govt. of N.C.T. of Delhi has already issued a policy circular for giving imployment to Home Guard Volunteers as security personnel/Guard in Govt. Departments, Govt. aided Insitutions/ Autonomous Bodies etc."

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.

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


(KULDIP SINGH)
MEMBER (J)

Rakesh