

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.443/2000

Wednesday, this the 16th day of May, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

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1. Sh. Manoj Narain,
S/o Sh. Ganesh Thakur,
849 B.F.P, West Patel Nagar,
New Delhi.

2. Sh. Devinder Kumar,
S/o Sh. Bhagwati Pd.
K-170, Prem Nagar,
Nagloi, Delhi-41.

3. Sh. Ram Prakash,
S/o Sh. Asarfi Lal,
R/o 17/90 Gali No.3,
Than Singh Nagar,
New Delhi-5.

4. Madan Kumar,
S/o Sh. Chandra Bhan,
R/o 16/149 Bapa Nagar,
New Delhi-5

5. Bal Kishan,
S/o Late Data Ram,
R/o 16/913 Bapa Nagar,
Pyare Lal Road, Karol Bagh,
New Delhi-5.

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6. Raj Kumar,
S/o Sh. Rarain Singh,
R/o 16/927 Bapa Nagar,
Pyare Lal Road, Karol Bagh,
New Delhi-5.

7. Umed Singh,
S/o Balwan Singh,
R/o C-35, Aman Puri,
Nagloi-41.

8. Sabir Hussain,
S/o Sahid Ansari,
R/o 6/47 DDA Quarters
Inder Park, Delhi.

9. Santosh Kumar,
S/o Mangal Singh,
R/o 554/B, Gali No. 11
Nehru Nagar,
New Delhi-8.

10. Virendra Dubey,
S/o Kapil Dev Dubey
R/o 321/2T, Akhare Wali Gali,
Than Singh Nagr, Anand Parbat
New Delhi-5.

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11. Ram Naryan,
S/o Sh. Kedar Nath,
R/o A-B 275, Amar Puri
Pahar Ganj,
New Delhi-55.

12. Om Prakash,
S/o Aydesh Singh,
R/o D-96, Taigore Road,
New Delhi.

13. Mhd. Aesfaq,
S/o Chote Khan,
R/o H.No. 3613. Bara Hindu Rao,
New Delhi-6.

14. Suresh Kumar,
S/o Tota Ram,
R/o 128/5, Near Shiv Mandir,
Sahadatpur Extension,
Delhi-54.

15. Ram Gopal Sharma,
S/o Paras Ram,
R/o 2145 Shora Kothi,
Subzi Mandi, Delhi-7.

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16. Raj Kumar Gupta,
S/o Late prithvi Raj,
R/o 915 Farash Khana,
Delhi.

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17. Hari Ram,
S/o Sahdev
R/o 283/24 X Block
Gali No.5, Brahma Puri,
Delhi-54.

18. Sant Ram,
S/o Sudama Prasad,
R/o 91/1 Rani Jhansi Road,
Pahar Ganj, Delhi.

19. Ram Das,
S/o Genda Lal,
R/o C-5 8/31 Motia Khan,
New Delhi.

20. Suresh Chand,
S/o Nathu Ram,
R/o 16/964, Bapa Nagar,
Pyare Lal Road, Karol Bagh,
New Delhi-5.

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21. Suresh Kumar,
S/o Shyam Babu,
9531 Pahar Ganj, Multani Dhanda,
52 Quarter. Delhi.

22. Shankar Lal,
S/o Jai Lal,
A-788 Prem Nagar,
Nabi Kazim, Pahar Ganj,
New Delhi.

23. Shiv Charan,
S/o Surat Lal
2895. Ram Nagar, Pahar Ganj,
Delhi-55.

24. Parveen Kumar,
S/o Brij Bihari Sharma,
17683 Gali No. 7,
Than Singh nagar, Anand Parbat,
New Delhi.

25. Brij Mohan Mishra,
S/o Late R.D. Mishra,
52/36 D-1, Gali No. 16,
Nai Basti, Anand Parbat,
New Delhi-5.

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26. Rajesh Mishra,
S/o D.S. Mishra,
254/10 A X Block, Bharpuri,
Delhi-54.

27. Suresh Pal Singh,
S/o Asha Ram
H.No. 1601, Chawri Bazar,
Delhi-6.

28. Beraj Singh,
S/o Bhagwant Singh,
H.No. WB-5, Gali No.1,
Shaker Pur Delhi-92.

29. Shri Niwas,
S/o Shiv Charan Lal,
Qr.No. A/2 CPWD Service Center,
Sector 4, Gole Market,
New Delhi.

30. Nanhey Lal,
S/o Dhari Ram Yadav,
E-50 Ankur Enclave, Karaval Nagar
Delhi-92.

31. Ramesh Kumar,
S/o Sh. Parbhu Dayal,

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H.No. 7921 Ram Nagar,
Nai Basti, Pahar Ganj,
New Delhi.

32. Thakur ^{Singh} Dasse,
S/o Pan Singh,
98/4 Anand Parbat,
New Delhi-5.

33. Aneurul Haque
S/o Abdul Wahid
52/72, A-5 Gali No.20
Anand Parbat, Delhi-5.

34. Rajendra Kumar Sharma
S/o Dori Lal,
2/142 Kichripur,
Delhi-91.

35. Khem Chand Sharma
S/o Mohan Lal Sharma
H/No. 63118,
Krishna Gali Nagar
Adarsh Muhalla, Mayapuri,
Shahdara, Delhi-32.

36. Babu Lal
S/o Ghure Lal
d/

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H/No. 20/490,

Trilokpuri,

Delhi-91.

....Applicants.

(By Advocate: Shri N.A. Khan for Shri Vinay Sabharwal)

vs

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 Head Quarters,

I.P. Estate,

New Delhi.

....Respondents.

(By Advocate: Shri Rajinder Pandita)

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ORDER (ORAL)

Heard the learned counsel on either side at length.

2. The grievance in this OA relates to Delhi Home Guards a number of whom have been discharged by the Commandant Home Guards on various dates in accordance with the powers vested ~~in~~ him under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and the Delhi Home Guards Rules, 1959. The impugned orders of discharge have been passed on completion of the tenures of the Home Guards.

3. Soon after the present OA was filed, an ad-interim order of stay was granted by this Tribunal on 16.3.2001. Non-compliance of the aforesaid interim order was made the basis of a Contempt Petition filed by the same applicants and decided by the Division Bench of this Tribunal on 17.4.2001. The C.P. was dismissed. It was held that since the applicants had already been discharged prior to the passing of the aforesaid interim order, the respondents had not committed any misconduct by not reengaging them in compliance of the said interim order.

4. In their relief column, the applicants have sought to place reliance on the judgement rendered by this Tribunal on 12.12.1997 in OA-1753/1997 and other connected OAs. The respondents have reproduced in extenso the order passed by the Tribunal in the C.P.

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filed for non-compliance of the order passed on 12.12.1997. In the order made in the C.P., the court found that "Under these circumstances, we are of the view that there is no executable or operative order of the D.B. that heard OA No.1753/97 and other connected matters". In view of this, the applicants placing reliance on the aforesaid judgement will not assist them in any manner.

5. Insofar as the question of jurisdiction of this Tribunal in matters relating to Delhi Home Guards is concerned, the learned counsel for the respondents has drawn my attention to a number of decisions rendered by this very Tribunal holding that this Tribunal has no jurisdiction in the matter as the Home Guards cannot be treated as holders of civil posts ~~nor~~ as Govt. servants. The learned counsel has placed reliance on the following orders passed by this Tribunal:-

- i) O.A.No.493/2000 - decided on 20.10.2000
Sh. Upendra Tripathi & Ors. Vs. Govt. of NCT of Delhi & Ors.
- ii) O.A.No.1974/2000 - decided on 20.12.2000
Sh. Dhunni Lal & Ors. Vs. Chief Secretary & Ors
- iii) O.A.No.376/2001 - decided on 16.2.2001
Delhi Home Guard Welfare & Anr. Vs. Lt. Governor of Delhi & Ors.
- iv) O.A.No.2160/2000 - decided on 4.5.2001
Sh. Brij Mohan Tyagi & Ors. Vs. Govt. of NCT of Delhi & Ors.

6. If one has regard, the judgements rendered by this Tribunal in the aforesaid cases, the present OA

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should also be disposed of similarly. Accordingly, the present OA is dismissed in the aforesated terms. No costs.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

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