

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO.516/2000

This the ~~11~~ day of May, 2001

(X)

HON'BLE SHRI KULDIP SINGH, MEMBER (J.)

1. Dinesh Chand

s/o Nathu Lal

L-180 Ram Nagar

Lakshman Puri,

Pahar Ganj,

New Delhi.

2. Jiya Lal

S/o Sartam

H.No.7058

Nabi Karim,

Pahar Ganj,

New Delhi-110055.

3. Parmod Kr.Singh

S/o Ram Sawroop

1/2077 Durga Mandir

Shahdara, Delhi.

4. Megha Ram

S/o Rana Ram

C-29, Near Shiv

Mandir, Baljeet Nagar,

New Delhi.

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5. Hari Ram,  
S/o Babu Ram  
6A Parveen Colony  
S.N.Puri, New Delhi

6. Satbir Singh  
s/o Kanha Singh  
2401, Gali No. 19,  
Ranjit Nagar,  
New Delhi-8.

7. Prithvi Raj Singh  
S/o Shiv Raj Singh  
2094/1A/B-6 Prem  
Nagar, New Delhi-8

8. Ram Sagar Yadav  
s/o Ram Shubhag Yadav  
D-39 Teesra Pusta,  
Sonia Vihar, Delhi-94.

9. Bajrang Lal  
s/o Kalpnath Yadav  
D-4/41 Sonia Vihar  
Delhi-94.

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10. Chandra Prakash  
S/o L.Ratan Lal  
H.No.11008 Gali No.8  
Block 5A Sat Nagar  
Karol Bagh,  
New Delhi-5.

11. Sandeep Kumar  
s/o Bahadur Singh  
16/383 I, Bapa Nagar  
Karol Bagh,  
New Delhi-5.

12. Subhash Kumar  
s/o Ram Phal  
DDA Park, ISBT,  
Delhi.

13. Biraj Nandan  
Laljeet Parsad  
H.No.210 Gokul  
Puri, New Delhi

14. Hari Ram  
Sh. Kunjal  
131 Main Sadar Bazar  
Delhi-6.

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15. Pati Ram

s/o Sri Ram  
S.K.50 Chawki No.2  
Sindhora Kalan,  
Delhi-7.

16. Satpal Singh

s/o Shiv Charan Singh  
54-A Krishna Vihar  
Delhi-41.

17. Chunni Lal

s/o Bhikajee Lal  
T-60 Baba Fareed Puri  
West Patel Nagar,  
New Delhi-8.

18. Jai Prakash

Shambhu Nath  
Sector 53, NOIDA.

19. Jag Mohan

s/o Sita Ram  
A- Block 100/10  
South Gamri Extn-53.

20. Ram Tosh

S/o Bhawani Prasad

6105/3 Gali Rari Das

Nabi Karim, Delhi.

21. Hari Kishan

s/o Jamna Das

E-138 New Ranjit

Nagar, West Patel

Nagar, Delhi-8.

22. Sishu Pal Singh

s/o Channu Singh

C-320 Albert Square

Rama Krishna Marg,

New Delhi-1.

23. Jagdish Kumar

s/o Mool Chand

7904, Ram Nagar

Nai Basti, Pahar

Ganj, Delhi.

24. Devinder Kumar

Mangloo Singh

Qr. No. 3, P.S. Darya

Ganj, Delhi.

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25. Roop Chand,  
s/o Nand Kishore  
D-441, Gali No. 9  
Bhajan Pura,  
Delhi.

26. Inderjeet Singh  
s/o Sohan Singh  
A-17B, Mangol Puri  
Near Marble Mkt.  
Delhi.

27. Rajesh Kumar  
s/o Hari Singh  
H.No. 310/4, Khub  
Ram Ward, Prem  
Nagar, Delhi-41.

28. Chotte Lal  
Ram Swaroop Pandey  
H.No. 317, Haiderpur  
Hospital, Delhi.

29. Lalit Kumar  
Ram Bali Paswan  
Type-I, C5, Krishan  
Kunj Pur, Delhi.

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30. Prem Chand Jha  
s/o Hari Chand  
WZ-276 B/4, Inderpuri  
New Delhi.

31. Rajinder Singh  
s/o Nigam Singh,  
H.No.632, Prem  
Nagar, New Delhi-8

32. Kailash Chand  
s/o Sh. Anant Ram  
13712, Nehru Ngr.  
Delhi.

33. Jagdish Kumar  
A-257, J.J. Colony,  
Madipur, Delhi.

34. Rajeshwar Prasad.  
s/o Ramsewak Kishra,  
Sh. Mahabir Trading Co.  
29, Bagh Diwar,  
Fatehpuri, Delhi.

35. Pran Singh  
S/o Sh. Veer Singh,  
21/205, Trilokpuri  
Phase II, Delhi.

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36.Uday Bhan  
D-78, Delhi University  
Delhi.

37.Subhash Rai,  
s/o Anil Kumar  
H.No.1400/95,  
Shastri Nagar,  
Delhi.

38.Dal Chand  
S/o Parsadi Lal  
Gali No. 19,Brahmpuri,  
Seelampur, Delhi.

39.Chakradhari  
Akha Prasad,  
4/51, Chawk Mata  
Mandir, S.Mandi,  
Delhi.

40.Mahipal Singh  
s/o Sh. Tek Chand  
H.No. AB-116,  
Amarpuri, Ram Ngr.  
Pahar Ganj,  
New Delhi. *kr*

41. Hari Ram  
s/o Sh. Phule Ram  
N-486, Mangolpuri  
Delhi.

42. Surinder Singh  
s/o Pan Singh  
708, Pootkalan  
Delhi.

43. Shiv Kumar  
Sh. Hardayal Singh  
D-1268, G.No. 10B  
Ashok Nagar, Delhi.

44. Ghansham Yadav  
Sukhdev Yadav  
581, Prem Nagar  
New Delhi.

45. ~~Samrat~~ Som Pal  
Vir Singh  
WP-129, Wazirpur  
Ashok Vihar, Delhi

46. Dev Kumar  
Ramji  
WZ 277A Inderpuri  
New Delhi.

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47. Shyambabu

s/o Sukhdev Singh  
H.No. 59, Village  
Zaroda Ramesh Colony  
Mohra Burari,  
Delhi.

48. Ramkishore Jha

Sh. Baachi Jha  
K-163, Kalibari  
New Delhi.

49. Rambhajan,

s/o Daya Ram  
Block No. 9/1  
President Estate  
New Delhi-4.

50. Inder Nath

Sh. Ram Avtar  
H.No. 64-65,  
Nabi Karim,  
Pahar Ganj, Delhi.

51. Harish Kumar

s/o Dhan Singh  
R/o 33 Ram Nagar  
Nabi Karim, Delhi. ....Applicants.

(By Advocates Vinay Sabharwal, Mrs. Vinod Sabharwal,  
Anurag Ranjan, Sanjeev Kumar.

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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.

(By Advocate: Shri Rajinder Pandita, ..... Respondents

O R D E R

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

The applicants were engaged under the Bombay Home Guards Act, 1947 and Delhi Home Guards Rules, 1954 and they have worked with the respondents from 12 to 30 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 on various dates which is at annexure A-I of the OA. They have, therefore, prayed the following reliefs as under:-

(a) Quash and set aside the impugned orders of discharge passed by the Respondent No.2 against the applicants, to grant reinstatement with all arrears of wages and continuity of service;

(b) To hold and declare the applicants to be Civil Servants and to be in regular service of the respondents;

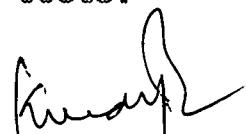
(c) To follow the directives given by this Hon'ble Tribunal vide its Judgement dated 12.12.1997 in OA Nos. 1753/1997 and other OAs; and

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(d) Such other and further relief as is deemed fit may also be awarded to the applicants alongwith costs of the present petition.

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