

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

This the 11 day of May, 2001

OA No.541/2000

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

In the matter of :

1. Ashok Kumar

s/o Prabhu Dayal

Vill. Haroula, Near

Union Bank,

Ghaziabad (U.P)

2. Virender Singh

s/o Subedar Singh

H.No. 62, B-Line

Kishan Ganj, Delhi.

3. Vishwa Nath

s/o Hanuman Pd.

H.No. 172/9,

Gali No. 1, East

Moti Bagh, Sarai

Rohalla Delhi.

4. Dharam Datt

s/o Ram Sahay

D-58 Budh Vihar

Phase II, Delhi.

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5. Nathu Ram

s/o Pokh Lal

Subzi Mandi

Tikona Park Hut,

Delhi.

6. Ramjeet

s/o Jantu Ram

1120/2 Gali Pipal

Wali, Motia Khan,

Pahar Ganj, Delhi.

7. Indresh Kumar Yadav,

S/o Shri Nath Yadav,

6, D. B. Gupta Road

Kasol Bagh.

New Delhi

8. Param Hans

s/o Raja Ram

T-543 Gali No.21B

Baljeet Ngr. Delhi.

9. Nand Kishore, Pandey

s/o Surya Kiran Pandey

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10. Balak Ram  
s/o Puran Chand  
G.No.4 Panjabi  
Basti, Delhi.

11. Gopal  
s/o Param Singh  
J-6/4 Punjabi Basti  
Anand Parbat,  
New Delhi.

12. Nand Kumar  
s/o Sita Ram  
10328 Tokri Walan  
Azad Market, Delhi-6.

13. Babu Lal  
B-152, Gali No.5  
Sonia Vihar,  
Delhi.

14. Raghubir Parsad  
s/o Jaggan Nath  
B-16 East Baram Road  
Minto Road, Delhi.

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15. Lalji Singh

s/o Sukh Ram Singh

3866 Chudiwalan

Kaha Bera Walan Bagh

Sita Ram, Delhi.

16. Shiv Sagar

s/o Ram Avadh

S-210 G.B.Road

Ajmeri Gate,

Delhi.

17. Ranjeet Yadav

s/o Ram Kishan Yadav

5253 G.B.Road,

Delhi-6.

18. Jagannath Yadav

s/o Sh. Tukur Yadav

10315 Motia Khan

Thandewalan,

New Delhi-55.

19. Sita Ram Yadav

s/o Shri Ram Parsad Yadav

3210 G.B.Road, Delhi.

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20. Satya Narain

s/o KLhubi Lal

515-A Prem Nagar

Delhi-8.

21. Ram Parkash

s/o Jwala Parsad

H.No.820 Gali No.5,

Zarada Extension,

Delhi-9.

22. Yogender Jha

s/o Subash Nath Jha

369 Singalpur

RM No. 43 Shalimar

Bagh, Delhi-54.

23. Shobha Kant Jha

s/o Ram Shanker

12, Basti Hasphool

Singh, Sadar Bazar,

Delhi.

24. Kul Kumar Jha

s/o Umesh Jha

J-204, Jhandewalan

New Delhi.

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25. Upendra Jha

s/o Sarva Narayan Jha  
Jhandewalan, Delhi-55

26. Harish Chand

s/o Jai Narain  
628 Sadar Bazar,  
Delhi.

27. Ram Swaroop Rai

s/o Bharati Rai  
RZ-2, Todapur Village  
New Delhi.

28. Sikander Rai

S/o Kishori Lal  
I-91, Chiriya Colony,  
New Delhi.

29. Ram Sarovar Rai,

s/o Bel Yadav  
WZ-127 Todapur,  
New Delhi.

30. Lalu Rai

Yogesh Rai  
J-278 Chiriya Colony,  
Hardpura, New Delhi.

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31. Jitender Pd. Singh  
s/o Ram Lagan Singh  
I-1647, Krishi Kunj  
Pusa, New Delhi.

32. Chauinath Pandey  
s/o Shetal Din  
E-L. 192 Lakshman Puri  
Nabi Karim, Pahar Ganj  
Delhi-55.

33. Gaya Prashad  
s/o Kushi Ram  
E-L, 218 Lakshman Puri  
Nabi Karim, Pahar Ganj  
Delhi-55.

34. Lal Bahadur Singh  
s/o Ram Prayug Singh  
1-104 LARI Pusa  
New Delhi-110012.

35. Prem Lal  
s/o Janki Prashad  
H.No. 476 New Basti  
Kishan Ganj, Delhi.

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36. Salik Ram

s/o Ram Kulap

A-377 Railway Colony,

Kishan Ganj, New Delhi.

37. Narayan Singh

s/o Trilok Singh

H.No. J-157-72,

Jahagir Puri,

Delhi-33.

38. Goremal

s/o Chiranjil Lal

A-170 Mangol Puri

J.J. Colony,

New Delhi-63.

39. Prem Dutt

s/o Roop Ram

Wazirpur Village

Ashok Vihar, Delhi.

40. Daya Ram

143, Railway Colony,

Kishan Ganj, Delhi.

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41. Dharam Raj

s/o Sh. Lakhan Ram

F-885 Rj & Com

D.B.Gupta Road,

Pahar Ganj,

New Delhi.

42. Suresh Bharti

s/o Dineshwar Bharti

T-1206, Mangolpuri

New Delhi-83.

43. Satender Kumar

Daljeet Nath

D-4/208 Sultanpuri

New Delhi-41.

44. Jagan nath

s/o Shitla Pd.

H.No. 10335 Double

Storey, Jhandewalan

New Delhi-55.

45. Inderdev

S/o Munna Lal

H.No. 3282 RanjeetNagar

South Patel Nagar

New Delhi.

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46. Ajay Sharma

s/o Mahender Sharma,

WB-509, Wazirpur

Ashok Vihar, Delhi.

47. Om Prakash

s/o Baro Singh

6486 Gali Hanuman Mandir

Gali No. 15, Nabi Karim,

Pahar Ganj, New Delhi.

48. Om Prakash

s/o Dharam Singh,

1791/21 Basti Jullanadev Bazar

Delhi-6.

49. Karan Singh

s/o Bhagwan Sahay

357/8, Old Post Office

Wali Gali, Shahdara.

50. Gopi Ram

s/o Sh. Chunni Lal

2164 Gali No. 8,

Kailash Nagar, Delhi-31.



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51. Hari Ram

s/o Nanak Ram,

C-3/140, Gautam Puri

Near I.P.Estate,

New Delhi.

52. Ramesh Singh

s/o Kamal Singh

L-41 Gali No. 12,

Baraham Puri,

Delhi-52.

.....Applicants.

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

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.

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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 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 from November 1999 to February 2000 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
- (d) Such other and further relief as is deemed fit may also be awarded to the applicants alongwith costs of the present petition.

*for*

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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