

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

This the 11th 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, B. 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.

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11. Gopal
s/o Param Singh
J-6/4 Panjabi 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, Chiriy Colony,
New Delhi.

29. Ram Sarovar Rai,

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

30. Lalu Rai

Yogesh Rai
J-278 Chiriy 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 Chiranjit 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

ORDER

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.

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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