

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.814/2000

Wednesday, this the 16th day of May, 2001

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

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MEMO OF PARTIES

1. Ajay Sharma s/o Shri M.K. Sharma  
R/o C-10, Kakrola Mode,  
Jai Bharat, Bhagwati Garden,  
New Delhi.
2. Hari Shankar s/o Sh. Banarasi Lal  
R/o W/153/588-20, Rampura,  
New Delhi.
3. Shiv Kumar s/o Sh. Babu Ram,  
R/o Chaman Basti,  
Kishan Ganj, Delhi.
4. Sudarshan Ram  
S/o Shri Gulab Chand  
R/o WZ-116, Camp No. 4,  
Jwalapuri, New Delhi.
5. Siri Chand Sharma  
S/o Shri Pali Ram Sharma  
R/o D-333, Shaheed Sukhdev Nagar,  
Delhi.
6. Panna Lal s/o Sh. Sampati Ram  
R/o 780, Dera Gaji Khan,  
Parvana Road, Pitampura,  
Delhi-110034.
7. Ram Adhar s/o Shri Kedar Nath  
R/o W-153/A-193, B-58, Rama Road,  
New Delhi-110015.
8. Ved Prakash s/o Shri Babu Lal Sharma  
R/o D-157, School Block,  
Nathu colony, Shahdara, Delhi.
9. Balbir Singh s/o Sh. Mahipal Sharma  
R/o T-38, Budh Vihar, Phase-II,  
Delhi.
10. Suresh Prasad Singh  
S/o Shri Darshan Prasad Singh  
R/o 772, Shakurpur, J.J. colony,  
Delhi-110034.

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11. Satbir Singh Chauhan  
S/o Shri Sardar Singh  
R/o RZ-B-38, Jiwan Park,  
Uttam Nagar, New Delhi.
12. Mohan Pal ~~S/o~~ Kashyap  
S/o Shri Murari Lal Kashyap  
R/o 7300-B, Azad Market,  
Purana Rohtak Road, Delhi-6.
13. Prem Pal Singh  
S/o Shri Kundan Singh  
R/o Kharsa No. 21/8/2,  
Shankarpura Road, Kaushik Enclave,  
Delhi-110084.
14. Ram Kumar Singh,  
S/o Shri Babu Lal  
R/o 7300-B, Azad Market  
Purana Rohtak Road, Delhi-6.
15. Bhanwar Singh  
S/o Shri Nagina Singh  
R/o N-2/334, Pragati Market,  
Ashok Vihar, Phase-II  
Delhi-110052.
16. Hari Nath Mishra  
S/o Shri Ram & Nand Mishra  
R/o B-51, Nangali Razapur  
Nizamuddin East,  
New Delhi-110013.
17. Lalji ~~Rai~~ S/o Sh. Vijay Narain Rai  
R/o R-351-352, J.J. Colony,  
Raghubir Nagar, New Delhi-110027.
18. Shiv Kumar S/o Shri Ram Phool Gupta  
R/o House No. 216, Gali No. 83C,  
Shiv Kunj, Sant Nagar,  
Delhi.
19. Mahender Singh  
S/o Shri Netra Ram  
R/o 3244, Aryapura,  
Subzi Mandi, Delhi-110007.

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20. Vinod Kumar s/o Shri R.N. Sharma  
R/o A-59, East Nathu colony,  
Mandoli Road, Shahdara,  
Delhi-110093.
21. Naresh Singh s/o Sh. ~~Nepal~~ Singh  
R/o House No. 59, Purani Kardampuri  
Shahdara, Delhi-110094.
22. Mam Raj Singh s/o Shri Bhim Singh  
R/o D-1134, Jahangirpuri  
Delhi-110033.
23. Ram Kishan Pandey,  
S/o Shri Raghunath Prasad Pandey  
R/o S-293, Prem Nagar II  
Gali No. 10, Durga Mandir Road,  
Nangloi, Delhi-110041.
24. Mahender Pal s/o Shri Ved Pal  
R/o A-19, Adarsh Gali,  
Joharipur, Delhi-110094.
25. Murari Sharma s/o Shri Krishna Sharma  
R/o 21/48, Gautam Vihar  
Kartar Nagar, Delhi-110053.
26. Ravinder Kumar s/o Sh. Bhuvneshwar  
R/o K-487, Mangolpuri,  
Delhi-110083.
27. Shiv Kumar s/o Sh. Ram pal Singh  
R/o X-296, Mangolpuri  
Delhi-110083.
28. Tej pal s/o Shri Jag Ram  
R/o WZ-3276, Mahendra Park,  
Rani Bagh, Delhi-110034.
29. Bal Raj Singh
30. Khushi Ram s/o Shri Umrai  
R/o House No. 62, Jamroodpur,  
New Delhi-110048.
31. Karan Singh s/o Ram Prasad  
R/o House No. 660, Pana Udhan  
Narela, Delhi-110040.

32. Jugal Kishore  
S/o Shri Ram Kishan  
R/o H.No. 327, Janapur  
New Delhi.
33. Ajay Kumar S/o Shri Ganesh Ram  
R/o C-35/297, DZ Area,  
Sector No. 4, Raja Bazar,  
Gole Market, New Delhi.
34. Brahmipali  
D/o Shri Ram Kala  
R/o 14/24, Chandan Vihar  
Mehrauli, West Gant Nagar,  
Delhi.
35. Prem Dutt S/o Shri Roop Ram  
R/o WP-569, Wazirpur Gaon,  
Ashok Vihar, Delhi.
36. Ajay Sharma S/o Shri Mahender Sharma  
R/o ~~WP~~ WP-569, Wazirpur Gaon  
Delhi-110052.
37. Kalu Ram Sharma  
S/o Shri Bhanwar Singh  
R/o B-16, Rishi Nagar,  
Amar Colony, Nangloi, Delhi.
38. Bali Raj Singh  
S/o Shri Ram Bhaju Singh  
R/o D-117, Ashok Nagar,  
Delhi-110093.
39. Tula Ram S/o Shri Anand Kumar  
R/o Village Khairi,  
Najafgarh, Delhi-110043.
40. Nand Ram S/o Shri Ram Prasad  
R/o B-1/2156, Nand Nagari  
Delhi-110093.
41. Sanjay Kumar  
S/o Shri Om Prakash Sharma,  
R/o Vill. & P.O. Mitraon,  
New Delhi-110043.

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42. Harbansh Lal  
S/o Shri Harzan Singh  
R/o B-1/144, Bharat Vihar,  
New Delhi-110043.
43. Avdresh Singh  
S/o Shri Ram Singh  
R/o C-55, Vikash Enclave,  
Shiv Vihar, Uttam Nagar,  
New Delhi-110059.
44. Parmod Kumar  
S/o Shri Rattan Lal  
R/o House No. 98, Chattarpur,  
New Delhi-110030.
45. Subhash Chander  
S/o Shri Kishan Lal  
R/o B-Block, House No. 396,  
Gali No. 16, Near Radha Krishna Mandir,  
Sant Nagar, Burari, Delhi-110009.
46. Som Pal S/o Shri Risal Singh  
R/o Village Holambi Khurd,  
Delhi-110062.
47. Dani Mahto  
S/o Shri Sikander Mahto  
R/o Jhuggi No. 125, Nehru Enclave,  
School Block, Shakarpur,  
Delhi-110092.
48. Surya pal S/o Shri Kedar Nath  
R/o 2101/1, Gali No. 14,  
Prem Nagar, Near West Patel Nagar  
New Delhi.
49. Brij pal S/o Shri Jai Singh Sharma  
R/o House No. 2250, Gali No. 12,  
Block LI, Sangam Vihar  
New Delhi-110062.
50. Mam Chand S/o Shri Inder pal  
R/o H.No. 9562/74, Gau Shala  
Bara Dari, Kishan Ganj,  
Delhi-110006.

51. Bal Kishan  
son of Shri ~~Ma~~ Gokul Chand  
R/o I-Block, House No. 48,  
Shakurpur, Delhi-110034.
52. Lakshmi Dutt,  
son of Shri Pyara Dutt  
R/o House No. 421,  
Dwarkapuri, Vijay Enclave,  
New Delhi.
53. Ram Murat Pandey  
son of Shri Raj Mani Pandey  
R/o B-58/167, Rama Road,  
New Delhi-110015.
54. Pramod Kumar  
son of Shri Jodha Ram  
R/o J-227, Prem Gali,  
Kartar Nagar, Delhi-110053.
55. Manoj Kumar  
S/o Shri Kalluram  
R/o D-165, New Seelampur, Delhi.
56. Avnish Kumar  
son of Shri Lakhan Dutt  
R/o House No. 296, Kingsway Camp  
New Delhi.
57. Satya Prakash  
S/o Shri ~~Deen~~ Dayal  
R/o C-187, Saboli Extn.  
Delhi.
58. Anil Kumar  
S/o Shri Rajbir Singh  
R/o B-303, Ashok Nagar  
Delhi-110093.
59. Ram phool S/o Shri sohan Lal  
R/o House No. 8, Hemant Vihar  
Sainik Enclave, Sector-3, Gali No. 1  
Mohan Garden, New Delhi-110059.
60. Charan Singh  
S/o Tula Ram  
R/o 58, Harijan colony,  
Sawan Park, Ashok Vihar  
Delhi-110052.

61. Dinesh Kumar  
S/o Shri Kishan Lal  
R/o House No. 127, Chirag Delhi,  
New Delhi.
62. Nanne Babu  
son of Shri Jumman Kxxxx Khan,  
R/o D-351, Vikash Kunj,  
Indrapuri, Lohi, Ghaziabad(U.P.).
63. Alok paswan  
S/o Shri Bhuneshwar Paswan  
R/o H.No.p-149, pilanji  
Sarojani Nagar, New Delhi.
64. Sanjeev Kumar  
S/o Shri Omveer Singh  
R/o I-5303-A, Balbir Nagar  
Shahdara, Delhi-110032.
65. Mohan Lal  
S/o Shri ~~XXXXXX~~
66. Shri Bandu Khan, S/O Qasim Ali,  
Sanad No.4596.

..Applicants.

(By Advocate: None)

VERSUS

1. Union of India  
Through its Secretary,  
Ministry of Home Affairs,  
Department of Internal Security  
North Block, New Delhi.
2. Director General Home Guard and  
Civil Defence, Delhi  
Nishkam Sewa Bhawan,  
Raja Garden, New Delhi.
3. Commandant General  
Delhi Home Guard,  
Nishkam Sewa Bhawan,  
Raja Garden, New Delhi.
4. Chief Secretary,  
National Capital Territory of Delhi  
5, Sham Nath Marg,  
Delhi.

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5. Lt. Governor, Delhi  
Raj Niwas Marg,  
New Delhi.
6. Commissioner of Police  
MSO Building,  
Police Headquarters,  
ITO, New Delhi.

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..Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R - (ORAL)

Heard the learned counsel on either side at length.

2. The present OA relates to the termination of the services of the members of Delhi Home Guards by orders passed by the Commandant Home Guards in exercise of powers conferred on him under the Bombay Home Guards Act, 1947 as extended to the Union Territory of Delhi and the Delhi Home Guards Rules, 1959, on various dates. By the impugned order, the applicants have been discharged following completion of their respective tenures of three years as specified in Rule 8.

3. The learned counsel appearing on behalf of the respondents submits that the Home Guards are not holders of civil posts nor are they Govt. servants and, therefore, this Tribunal lacks jurisdiction in the matter. He places reliance on the following orders passed by this Tribunal in similar cases:-

- 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.

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iv) O.A.No.2160/2000 - decided on 4.5.2001  
Sh. Brij Mohan Tyagi & Ors. Vs. Govt. of NCT  
of Delhi & Ors.

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4. If one has regard to the ratio of the judgements rendered by this Tribunal in the aforesaid cases, the present OA should also be disposed of similarly by way of dismissal. Accordingly, the present OA is dismissed in the aforestated terms. No costs.



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

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