

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/82/2021

This the 21st day of January, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Tripta Devi age 42 years D/o Girdhari Lal R/o Sehran Tehsil Marh, District Jammu.
2. Babli Devi Sharma, age 52 years W/o Rattan lal A/p Sureksha Vihar, Paloura Top, Jammu.
3. Shakuntla Kumari (Devi) age 53 years W/o Mohan Lal R/o House No.283 Mohall Ustad, Jammu.
4. Shakuntla Kumari (Devi) age 50 years D/o Ramma Ram W/o Ram Lal R/o Pratao Singh Pura Tehsil Bishnah District Jammu.

.....Applicants

(Advocate: Mr.Raghu Mehta)

Versus.

1. UT of Jammu and Kashmir, through Principal Secretary to Government, Home Department, J&K Government Civil Secretariat, Jammu. Pin-180001.
2. Chief Secretary, UT of J&K, Civil Secretariat, Jammu Pin-180001.
3. Commandant General, J&K, Home Guards, Jammu Pin-180001.

4. Commandant, J&K Home Guards, Jammu Pin-180001.

.....Respondents



(Advocate: Mr. Amit Gupta, Id. Additional Advocate General)

ORDER
[O R A L]

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J))

The present OA has been filed by the applicants directing the respondents to enhance the duty allowances/monthly pay of Home Guards and also not to be replaced them by new appointees. It is submitted by the learned counsel for the applicants as well as Mr. Amit Gupta, learned A.A.G. for respondents that the applicants were engaged as Home Guards and it is not a civil post. As such, this Tribunal has no jurisdiction to hear the case.

2. Contention of both the learned counsel for the applicants and learned A.A.G. has force and it is to be accepted. The post of Home Guard is not a civil post and it has not been brought within the jurisdiction of this Tribunal by notification to be issued by the Central Government under Section 14 (2) of the Administrative Tribunal Act, 1985.

3. In similar circumstances, the Bench of Armed Forces Tribunal, Jammu comprising of Hon'ble Mr. Justice Mohammad Tahir, Member (J) and Hon'ble Vice Admiral A. G. Thapliyal in TA No. 267 of 2017 (SWP No. 1188 of 2014) titled Bahadur Singh v/s Union of India vide order dated

25.03.2019 held that since the Tribunal does not have the jurisdiction to deal with the service matters related to Home Guards.



4. In view of the submission made above, we are of the view that the OA. deserves to be dismissed and accordingly, OA is dismissed having no jurisdiction. Applicants are at liberty to approach appropriate forum, if they so advised. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Ak/-