

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/1405/2020

This the 22nd day of January, 2021



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

1. Ashiq Hussain, age 26 years
S/o Shri Husam Din,
R/o Dhareveri, Tehsil Gandoh,
District Doda.
(Belt NHo.199)
(Year of engagement: last engagement 2015)
2. Liyaket Ali, age 28 years,
S/o Sh. Ahmudullah Dar,
R/o Shilala Dharevery
Tehsil Gandoh District Doda
(Belt No.140/181)
(years of engagement: last engagement 2017)
3. Mohd. Saleem Dar, age 27 years
S/o Sh.Abdul Qayoom Dar,
R/o Dharevery Shailala,
Tehsil Gandoh Bhallessa,
District Doda,
(Belt No.96),
(Year of engagement: last engagement 2015)
4. Basharat Hussain, age 28 years,
S/o Sh. Farid Ahmad,
R/o Village Dharevery Latizo,
Tehsil Bhalessa, District Doda,
(Belt No.228)
(Year of engagement-last engagement 2015)
5. Shah Nawaz, age 26 years,
S/o Sh.Abdul Majeed,
R/o Dhareveri, Tehsil Bhalessa,



- District Doda,
(Belt No.208)
(Year of engagement: last engagement 2015).
6. Mohd.Ayub, age 28 years,
S/o Sh.Mohd. Hussain,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.210),
(Year of engagement: last engagement 2015)
 7. Mohd. Rafi, age 29 years,
S/o Sh.Shah Mohd. Batt,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.203),
(Year of engagement: last engagement 2015)
 8. Ghulam Abass, age 26 years,
S/o Sh.Ghulam Nabi,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.231)
(Year of engagement: last engagement 2015)
 9. Abdul Majeed, age 27 years,
S/o Sh.Mohd. Akbar,
R/o Dhareveri, Tehsil Bhalessa,
District Doda.
(Belt No.91),
(Year of engagement: last engagement 2015)
 10. Nissar Ahmad, age 28 years,
S/o Sh.Saif-u-Din,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.229),
(Year of engagement: last engagement 2015)
 11. Imtyaz Hussain, age 27 years,
S/o Sh.Mohd. Sultan,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.211)
(Year of engagement : last engagement 2015)
 12. Ashiq Hussain, age 27 years,



S/o Sh. Fareed Ahmad,
R/o Dhareveri, Tehsil Bhalessa,
District Doda,
(Belt No.179),
(Year of engagement; last engagement 2015)

13. Guffar Hussain, age 33 years,
S/o Sh. Gulab Din,
R/o Rahya Tehsil,
District Samba,
(Belt No.32),
(Year of engagement: last engagement 2013)
14. Parvesh Kumar, age 32 years,
S/o Shashi Pal,
R/o Sujwan Tehsil,
District Samba,
(Belt No.68),
(Year of engagement: last engagement 2013)

.....Applicants

(Advocate: Mr.C.S. Azad)

Versus.

1. State of Jammu and Kashmir,
Through
Commissioner-cum-Secretary to Govt.,
Home Department
J&K Govt., Civil Secretariat, Jammu.
2. Additional Director General of Police,
Home Guards, Civil Defence & SDRF,
Jammu.
3. Divisional Commander,
Home Guards,
Jammu.
4. Area Commander,
Home Guards, Doda.
5. Area Commander,

Home Guards, Samba.

.....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 TA has been filed by the applicants directing the respondents to allow the petitioners to perform their duties as Home Guards by further allowing maintenance of their present status and also directing the respondents to regularly engage the petitioner for 30 days each month throughout every year till they reach the age of superannuation and pay them wages at enhanced rates as are fixed from time to time. 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, the case be sent back to the Registrar (Judicial), High Court of Jammu & Kashmir to be listed before the appropriate Bench.



4. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back to Registrar (Judicial), High Court of Jammu & Kashmir at Jammu to place before the Hon'ble Bench for further orders.

5. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 25.02.2021.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Ak/-