

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.41 of 1991

Dated New Delhi, this 3rd day of January, 1994

Hon'ble Shri J. P. Sharma, Member (J),
Hon'ble Shri B. K. Singh, Member (A)

1. Jeet Lal, Company Commander, Delhi Home Guards,
r/o B-3/277, Sultanpuri, Delhi.
2. Rati Ram, Platoon Haveldar, Delhi Home Guards,
r/o S-573, Mangolpuri, Delhi.
3. Surya Prasad, Section Leader, Delhi Home Guards,
r/o O-459, Mangol Puri, Delhi.
4. Hamesh Kumar, Section Leader, Delhi Home Guards,
B-3/428, Sultanpuri, Delhi.
5. Swarath Ram, Section Leader, Delhi Home Guards,
r/o O-47, Mangol Puri, Delhi.
6. Sheo Lal, Home Guard, Delhi Home Guards, r/o O-67,
Mangol Puri, Delhi.
7. Ram Supher, Home Guard, Delhi Home Guards, r/o
O-64, Mangol Puri, Delhi.
8. Gulab Singh, Home Guard, Delhi Home Guards, r/o
R-91, Mangol Puri, Delhi.
9. Jag Datt, Home Guard, Delhi Home Guards, r/o
B-3/283, Sultanpuri, Delhi.

By Advocate: None Applicants.

Versus

1. Union of India, through Ministry of Home Affairs,
North Block, New Delhi
2. State (Delhi Administration), through Secretary,
Department of Home, Rajpur Road, Delhi.
3. Commandant, Home Guards, Delhi, Vikas Bhawan,
I.P. Estate, New Delhi.

..... Respondents.

By Advocate: None

O R D E R
(Oral)

Shri J. P. Sharma, M(J)

The applicants jointly filed this application praying that the order dated 19.1.90 discharging the applicant No.1 and order dated 10.7.90 discharging applicant No.2 to 9 as members of the Delhi Home Guards Organisation, be quashed with the direction that the applicants are still members of the Delhi Home Guards Organisation.

2. A notice was issued to the respondents who filed their reply and contested the application. An interim direction was issued on 4.1.91 whereby the respondents were restrained from insisting on the surrender of the uniforms, Identity Cards and other credentials which had been issued to the applicants while they were in service. The interim order appeared to have been continued till 6.5.91.

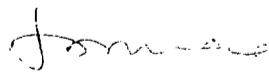
3. The respondents in their reply have stated that the case is fully covered by a decision of the Principal Bench in T.A. No.713/86 Baboo Ram Vs UOI & Ors decided on 5.5.89 where Baboo Ram, the applicant also joined Home Guards Organisation in the year 1967 and subsequently he was promoted as Section Leader. He was discharged from service on 2.11.79. He, therefore, came before the Tribunal assailing the aforesaid order of discharge as the same had been passed without issuing a show cause notice to the said petitioner and even without assigning any reason, as such, the notice of discharge is illegal and unconstitutional. The power under rule 8 had been

misused in issuing Notification No.F-4/59-CD dated 20.7.59. The Tribunal, after hearing the parties, gave the following findings:

"...We are satisfied from the above, that the discharge of the Applicant by the Commandant of the Home Guards was not contrary to law. An enquiry was conducted in which the Applicant participated. There is a recording by the Commandant of his unfitness to continue in the Home Guards Organisation and his further retention in the Organisation was held to be not desirable. Thus, it cannot be said that there was an arbitrary exercise of power in this case. Discharge is provided under the Act and no person has a vested right to remain for his life in the Home Guards Organisation. They are asked to report for duty from time to time and sometimes to assist the Police. That does not make them regular employees. Discharging the applicant from the Home Guards was therefore in accordance with law and as such we find no merits in this Transferred Application..."

4. None is present on behalf of the applicant inspite of the fact that the case was given a pass over. None is present on behalf of the respondents also. The case is fully covered by the case of Baboo Ram(supra) and is decided in terms of the said judgement that the applicants have no case and the OA is devoid of merit and is dismissed. The interim order granted on 4.1.91 by this Tribunal is vacated and the applicants/deposit the uniforms, Identity Cards and other credentials with the respondents. Cost on parties.


(B. K. Singh)
Member(A)


(J. P. Sharma)
Member(J)