

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No.3834/2018
M.A. No.4293/2018**

This the 22nd day of October, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Anil Kumar Yadav,
S/o Rambir Singh Yadav,
Aged about 45 years, Near Rastriya Inter College
Village - Dhanpur, Tofapur,
Tofapur, Meerut Uttar Pradesh-250401
Sand No.6479, Group C, Desi: Constable.
2. Ramesh Chand,
S/o Shri Pat,
Aged about 44 years,
R/o A-331, Jawahar Lal Nehru Camp Govindpuri,
Aali, Ali, South Delhi, Delhi-110019.
Sand No.603, Group C, Desi: Constable.
3. Dal Chand,
S/o Pranu Aged about 51 years,
R/o H.No.296, Shahpur Jat,
Andreswganj, S.O. South Delhi,
Delhi-110049.
Sand No.6318, Group C, Desi: Constable
4. Devender Singh Bhati,
S/o Samay Singh Bhati,
Aged about 46 years,
R/o House No.110, Gali No.17-A,
Sindhu Farm Road, Meethapur,
Extension Badarpur,
Sand No.8856, Group C, Desi: Constable
5. Kanta,
W/o Anil Kumar,
Aged about 45 years,
R/o G-IIInd 113, Madangir,
Dr. Ambedkar Nagar,
South Delhi, Delhi-110062.
Sand No.2550, Group C, Desi: Constable

6. Ram Prasad,
S/o Jamman Lal,
Aged about 46 years,
R/o B-207, Dakshinpuri,
Dr. Ambedkar Nagar,
South Delhi, Delhi-110062.
Sand No.6708, Group C, Desi: Constable
7. Ramesh Kumar Saxena,
S/o Siyaram,
Aged about 51 years,
R/o 540, Block-5, Dakshinpuri Extension,
Ambedkar Nagar, Pushpa Bhawan,
S.O. South Delhi,
Delhi-110062.
Sand No.6137, Group C, Desi: Constable
8. Ratan Singh,
S/o Premdas,
Aged about 46 years,
R/o H.No.320, Block-E-II,
Madangiri Phase-II,
Dr. Ambedkar Nagar,
Pushpa Bhawan,
South Delhi, Huz Khas,
Delhi-110062.
Sand No.8882, Group C, Desi: Constable
9. Dinesh Kumar,
S/o Sukhvir Singh,
Aged about 49 years,
R/o House No. E-44,
Gandhi Market Sagar Pur,
Nangal Raya, Nagala Raya,
South West Delhi,
Delhi-110046
Sand No.1131, Group C, Desi: Constable
10. Raj Kumar,
S/o Tek Chand,
Aged about 53 years,
R/o B-6/339, DDA Market,
Nand Mangari, Nand Nagari,
North East,

Delhi-110093
Group C, Desi: Constable

11. Rajpati,
S/o Matadin,
Aged about 48 years,
R/o H.No.109, Block-C, Gali No.4,
Ramesh Enclave Kirari Suleman Nagar,
North West Delhi,
Delhi-110086
Sand No.9389, Group C, Desi: Constable
12. Virendra Kumar,
S/o Asha Ram,
Aged about 48 years,
R/o A-65, Gali No.07, Khajoori Khas,
North East Delhi, Delhi-110094.
Sand No.CA389, Group C, Desi: Constable
13. Lalman Singh,
S/o Jhamman Singh,
Aged about 48 years,
R/o H.No.186, D-Block, Jai Vihar,
Najafgarh,
South West Delhi, Delhi-110043
Sand No.9937, Group C, Desi: Constable.
14. Surender Kumar,
S/o Ram Kumar,
Aged about 51 years,
R/o House No.7/544,
Hari Mandir Gali Jwala Nagar,
Shahdara S.O. East Delhi,
Delhi-110032
Sand No.6979, Group C, Desi: Constable
15. Rani,
W/o Yogender Singh,
Aged about 43 years,
R/o House No.265, Gali No.5 Saboli,
Bagh Saboli Khadda,
Khasra No.103, Mandoli,
North East Delhi,
Delhi-110093.

16. Brijpal,
S/o Ranjeet Kumar,
Aged about 48 years,
R/o Asadpur, Saharanpur,
Uttar Pradesh-247232
Sand No.1817, Group C, Desi: Constable
17. Bheem Singh,
S/o Jagdeesh Prasad,
Aged about 58 years,
R/o H.No. B-52, Gali No.1,
Harijan Basti Neb Sarai Ignou,
South Delhi, Delhi-110068.
Sand No.6851, Group C, Desi: Constable
18. Rajpal Singh,
S/o Lakhpat Singh,
Aged about 48 years,
R/o H.No. G-69, Gali No.9,
Ganga Vihar,
Dayalpur,
North East Delhi-110094.
Group C, Desi: Constable
19. Inder Pal Singh,
S/o Hari Singh,
Aged about 45 years,
R/o H.No.D-55/C, Street No.14,
Near Jagat Dairy Pusta Road,
West Karawali Nagar,
Dayalpur, North East,
Delhi-110094
Sand No.8405, Group C, Desi: Constable
20. Ashok Kumar,
S/o Shri Ram
Aged about 47 years,
R/o Village-Bagthala Bawal,
Rewari Haryana-123501
Sand No.8286, Group C, Desi: Constable
21. Narender Kumar,
S/o Baikunth Prasad,
Aged about 48 years,
R/o H.No.A-21, Street No.4,

Phase-10, Shiv Vihar Karawal Nagar,
Gokalpuri,
North East, Delhi-110004.
Sand No.1983, Group C, Desi: Constable

22. Charan Singh,
S/o Beni Ram,
Aged about 48 years,
R/o C-2/359, Nand Nagri,
Mandoli, Saboli,
North East,
Delhi-110093.
Sand No.1982, Group C, Desi: Constable
23. Lal Singh,
S/o Budh Prakash,
Aged about 44 years,
R/o C-241-A, Sangam Vihar,
New Delhi, South Delhi,
Delhi-110062.
Sand No.2816, Group C, Desi: Constable
24. Krishan Kumar Sharma,
S/o Shri Ram Chander Sharma,
Aged about 53 years,
R/o J-127, Street No.11, Kartar Nagar,
Welcome, North East Delhi, 110053.
Sand No.8234, Group C, Desi: Constable
25. Bajrang Bahadur Mishra,
S/o Loknath Mishra,
Aged about 55 years,
R/o House No.W-153, C-6,
B-58, T Huts, C-Block,
Rama Road, Zakhira,
Ramesh Nagar H.O. West Delhi,
Delhi-110015.
Sand No.9600, Group C, Desi: Constable
26. Surendra Singh Yadav,
S/o Sukhram Singh,
Aged about 53 years,
R/o H.No.77, Sidhpura,
Kamalpur, Kashganj,
Uttar Pradesh
Sand No.3176, Group C, Desi: Constable

27. Satender Kumar,
S/o Phool Singh,
Aged About 47 years,
R/o House No.105-A,
Post Office Malviya Nagar
Begam Pur South Delhi,
Delhi-110017
Sand No.6170, Group C, Desi: Constable
28. Suman,
S/o late Shri Rakesh,
Aged about 40 years,
R/o E-10, Gali No.12,
Mandawali, Fazalpur,
East Delhi Laxmi Nagar
(East Delhi), Delhi-110092
Group C, Desi: Constable
29. Net Ram,
S/o Chhaju Ram,
Aged about 48 years,
R/o D-332, Block-D,
JJ Camp Tigri, South Delhi,
Delhi-110062
Sand No.657, Group C, Desi: Constable
30. Om Prakash,
S/o Late Ram Prasad,
Aged about 44 years,
R/o H.No. 7/217, Dakshinpuri,
South Delhi, Delhi-110062
Sand No.6545, Group C, Desi: Constable
31. Ram Bahadur,
S/o Ram Harakh,
Aged about 47 years,
R/o House No.43, Sainik Farms,
Khanpur, South Delhi,
Delhi-110062
Sand No.2775, Group C, Desi: Constable
32. Mahak Singh,
S/o Baru Singh,
Aged about 50 years,

R/o 12/382 Ratiya Marg,
Tigri, Hauz Khas,
South Delhi, Delhi-110062.
Sand No.6375, Group C, Desi: Constable

33. Radha Krishan Sharma,
S/o Sukram Sharma,
Aged about 45 years,
R/o House No.SB-1173,
Sanjay Colony, Faridabad Sector-22,
S.O. Sector-22,
Haryana-21005
Sand No.2848, Group C, Desi: Constable
34. Mangat Ram Sharma,
S/o Bhagirath Sharma,
Aged about 49 years,
R/o H.No.2, Near Hanuman Mandir Fatak,
Ashok Nagar Shahdara Mandoli,
Saboli, North East Delhi-110093
Sand No.3198, Group C, Desi: Constable
35. Ram Avtar Sharma,
S/o Shri Jagdish Parsad,
Aged about 58 years,
R/o H.No. C-8/8 Street No.11,
Near M.C.D. School Bhagirathi Vihar Dayalpur,
North East Delhi-110094
Sand No.6144, Group C, Desi: Constable
36. Ramesh Chand Yadav,
S/o Jagdish Prasad,
Aged about 45 years,
R/o 97/2 Gali No.2,
Harigan Basti, neb Sarai,
Ignou, South Delhi, Delhi-110068.
Sand No.8868, Group C, Desi: Constable
37. Madan Lal,
S/o Tej Pal,
Aged about 45 years,
R/o House No.B-14-B, Sanwal Nagar,
Andrewganj, S.O. South Delhi,
Delhi-110049
Sand No.6163, Group C, Desi: Constable

38. Mohan Lal,
S/o Kalyan Singh,
Aged about 48 years,
R/o D-123 jj Camp Tigri,
Deoli, Dr. Ambedkar Nagar,
Hauz Khas South Delhi,
Delhi-110062
Sand No.6174, Group C, Desi: Constable
39. Vedram Singh,
S/o Prithi Singh,
Aged about 47 years,
R/o Village/Town/City : Chhainsa, (202)
District-Faridabad P.O. Chhainsa,
State-Haryana
PIN Code-121004
Sand No.6449, Group C, Desi: Constable
40. Ram Bharose Lal,
S/o Nathu Lal,
Aged about 48 years,
R/o House No.S-81/89,
Sun Light Colony-2,
Indira Gandhi Camp-2,
Hari Nagar Ashram,
South Delhi, Delhi-110014
Sand No.6502, Group C, Desi: Constable
41. Raj Kumar,
S/o Hari Kishan Nirwal,
Aged about 45 years,
R/o H.No.20-A,
New Mangla Puri,
Mehroli,
Gadaipur,
South Delhi,
Delhi-110030.
Sand No.6664, Group C, Desi: Constable
42. Birbal Prasad,
S/o Anokhe Lal,
Aged about 38 years,
R/o H.No.E-44, Street No.2,
Ganga Vihar,

Dayalpur, North East Delhi-110094
Sand No.1752, Group C, Desi: Constable

43. Parveen Kumar,
S/o Jai Bhagwan,
Aged about 46 years,
R/o H.No.65, Street No.7,
Block-A, Khajoori Khas,
North East,
Delhi-110094
Sand No.4177, Group C, Desi: Constable
44. Vinod Kumar,
S/o Om Prakash Sharma,
Aged about 43 years,
R/o Sikarpur, Darveshpur,
Bohich, Bulandshahar,
Uttar Pradesh-202395
Sand No.644, Group C, Desi: Constable
45. Rajendra,
S/o Har Dayal,
Aged about 47 years,
R/o H.No.114, Gulavali, Noida,
Gautam Buddha Nagar,
Maharish Nagar (U.P.)-201304
Sand No.8990, Group C, Desi: Constable
46. Kishan Lal,
S/o Shri Puran Chand,
Aged about 48 years,
R/o A-30, Sanwal Nagar,
Ansal Plaza Sadiq Nagar,
Andrewsganj, S.O. South Delhi,
Delhi-110049.
Sand No.6144, Group C, Desi: Constable
47. Rakesh Kumar,
S/o Gokal Chand,
Aged about 45 years,
R/o Shahaghazipura,
Jalalabad (Rural) Shamli,
Uttar Pradesh-247772
Sand No. N.E.4389, Group C, Desi: Constable

48. Karan Singh,
S/o Ramdin,
Aged about 45 years,
R/o House No.K-1-192, Gali No.18,
Ratiya Marg Sangam Vihar,
South Delhi, Delhi-110062
Sand No.6725, Group C, Desi: Constable
49. Vijay Pal,
S/o Chandra Pal,
Aged about 44 years,
R/o 1-1803, Gali No.22,
M.C.D. School, Sangam Vihar,
Mehrauli, South Delhi,
Delhi-110062
Sand No.6681, Group C, Desi: Constable
50. Suresh Kumar,
S/o Vasudev,
Aged about 44 years,
R/o 266, Gali No.1,
Near Geeta Bhawan,
Bhola, Nath Nagar,
Shahdara, S.O. East Delhi,
Delhi-110032
Sand No.1984, Group C, Desi: Constable
51. Mahender Singh,
S/o Bhajan Lal,
Aged about 53 years,
R/o 17, main Road,
Bus Stand, Bajregi,
Jonapur Village,
Jaunapur, South Delhi,
Delhi-110047.
Sand No.6952, Group C, Desi: Constable
52. Umesh Singh,
S/o Ram Singh,
Aged about 46 years,
R/o E-154, Street No.4,
West Karawal Nagar,
Near 20 Feet Road,
Delhi, East Delhi,
Delhi-110094
Sand No.4155, Group C, Desi: Constable

53. Khazan Singh,
Aged about 45 years,
C/o B-4/335, Nand Nagri ,
North East Delhi,
Delhi-110091
Sand No.7892, Group C, Desi: Constable
54. Uday Veer Singh,
S/o Prem Singh,
Aged about 45 years,
R/oE-598, Gali No.4-E-Block,
Jagjeet Nagar,
Indra Gali, Garhi Mendu,
North East Delhi,
Delhi-110053
Sand No.8336, Group C, Desi: Constable
55. Lakhmi Chand,
S/o Paras Ram,
Aged about 47 years,
R/o Dudhola, Near Gurgaon Gramin Bank,
Dudola (40),
Palwal, Haryana-12102
Sand No.6477, Group C, Desi: Constable
56. Sohanpal,
S/o Shri Chand Prithla,
Aged about 47 years,
R/o Dhatir Road, near Gurgaon Gramin Bank,
Dudhola,
Duhdola (40), Baghola, Palwal,
Haryana-121102
Sand No.6476, Group C, Desi: Constable
57. Chote Lal,
S/o Amar Singh,
Aged about 45 years,
R/o I-22/1804, Sangam Vihar,
Pushp Vihar, Pushpa Bhawan,
South Delhi, Delhi-110062.
Sand No.8965, Group C, Desi: Constable

58. Bhup Singh,
S/o Shri Prakash Singh,
Aged about 46 years,
R/o Dudhola, Dudola (40) Palwal,
Baghola, Haryana-121102.
Sand No.8915, Group C, Desi: Constable
59. Ashok Kumar,
S/o Jagdish Prasad,
Aged about 45 years,
R/o RZ-202/A, Arjun Park,
Najafgarh, South West Delhi,
Delhi-110043
Sand No.8505, Group C, Desi: Constable
60. Yadunth,
S/o Madru Ram,
Aged about 43 years,
R/o 23/52, Trilok Puri,
Chila Saroda Khadar, East Delhi,
Delhi-110091
Sand No.1792, Group C, Desi: Constable
61. Raj Kumar,
S/o Ved Prakash,
Aged about 48 years,
R/o RZ-A-7, near State Bank,
Arjun Park, Nangali Sakrawati,
Najafgarh, South West Delhi,
Delhi-110043.
Sand No.4104, Group C, Desi: Constable
62. Gabar Singh,
S/o Hari Singh,
Aged about 55 years,
R/o RZ-H-103, Gali No.4,
Sita Puri Part-2, Dabri,
South West Delhi,
Delhi-110045.
Sand No.7525, Group C, Desi: Constable
63. Laxmi Narayan,
S/o Kamal Singh,
Aged about 43 years,
R/o D-11/402 Ambedkar Colony,

Gali No.11, Chattarpur Pahadi, Chattarpur,
Chattarpur South Delhi,
Delhi-110074
Sand No.6903, Group C, Desi: Constable

64. Jagdamba Prasad Bhagat,
S/o Om Prakash,
Aged about 55 years,
R/o H.No.C-197-A, Pulpehladpur, Jaitpur,
Jaipur, South Delhi, Delhi-11004
Sand No.6743, Group C, Desi: Constable
65. Harinder Singh,
S/o Mam Chand,
Aged about 48 years,
R/o C-893, LIC Flat East of Loni Road,
Ashok Nagar Shahadra,
Mandoli, North East Delhi,
Delhi-110093
Sand No.4309, Group C, Desi: Constable
66. Subhash chand,
S/o Mahavir Prasad Sharma,
Aged about 52 years,
R/o No.82, Gali No.1,
Uttranchal Colony,
Loni Dehat, Loni Ghaziabad,
Ghaziabad (U.P.)-201102
Sand No.5966, Group C, Desi: Constable
67. Jai Singh,
S/o Vasu Dev,
Aged about 45 years,
R/o C-483-A, Block-C,
Sangam Vihar,
Delhi-110062
Sand No.8915, Group C, Desi: Constable
68. Raj Nath,
S/o Shri Krishan ,
Aged about 45 years,
R/o 203, S.O. Type5, Judges Flat,
Karkardooma Courts Complex,
Shakarpur, Gandhi Nagar,
East Delhi, Delhi-110092.
Sand No.6344, Group C, Desi: Constable

69. Sahansarpal,
S/o Charan Singh,
Aged about 53 years,
R/o Village, Singhdi Tagu,
Singhdi,
Taga, Baghpat,
Uttar Pradesh-250101
Sand No.1822, Group C, Desi: Constable
70. Raj Bahadur Singh,
S/o Man Singh,
Aged about 54 years,
R/o House No.I-33, Block-I, Hari Nagar
Extension Badarpur, South Delhi,
Delhi-110044.
Sand No.6526, Group C, Desi: Constable
71. Rakesh Kumar,
S/o Radhey Lal,
Aged about 51 years,
R/o A-502, South Ganesh Nagar,
East Delhi, Delhi-110092.
Sand No.9225, Group C, Desi: Constable
72. Ganga Saran,
S/o Godha,
Aged about 50 years,
R/o Village- Junedpur, Sikandrabad,
Rural, Bulandshahar,
Sikandrabad (U.P.)-203205.
Sand No.8377, Group C, Desi: Constable
73. Anil Kumar,
S/o Laxmi Chand ,
Aged about 48 years,
H.No.259, Street, No.5, Durga Ruri Extension,
Shahdara, Mandolin, Saboli, North East,
Delhi-110093
Sand No.1833/DHG, Group C, Desi: Constable
74. Jag Mohan,
S/o Devi Prashad,
Aged about 44 years,

R/o 2614 Kailash Nagar Delhi.
Sand No.1739, Group C, Desi: Constable

75. Rakesh Kumar,
S/o Jamna Prasad
Aged about 50 years,
R/o House No. 18/69, Block-18,
New Mayur Vihar, Phase-2, Kalyanpuri,
P.O. Kalyanpuri, Chila Saroda Khadar Patparganj,
East Delhi, Delhi-110091
Sand No. 2129 Group-C, Desi-Constable

...Applicants

(By Advocate : Shri Sidharth Chaudhary)

Versus

1. The Government of NCT Delhi
Through its Chief Secretary,
Government of NCT of Delhi,
C Wing, 5th level,
Delhi Sachivalaya,
I.P. Estate,
New Delhi-110002.
2. The Director General of Home Guard,
Nishkam Sewa Bhawan,
Raja Garden,
New Delhi-110027.
3. The Commandant General,
Home Guards and Director,
Raja Garden,
New Delhi-110027.
4. The Commandant,
Delhi Home Guards,
CIT Building Raja Garden,
New Delhi-110027.

...Respondents

ORDER (ORAL)**Mr. V. Ajay Kumar, Member (J) :-**

Heard the learned counsel for applicant.

MA No.4293/2018

For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.3834/2018

The applicants are working as Home Guards under the respondent, Govt. of NCT of Delhi. However, admittedly, their service is voluntary and they are not the employees of any of the respondents. The Hon'ble High Court of Delhi in WP(C) No.375/2001 and No.4388/2001 decided on 29.04.2002 in **Rajesh Mishra & Ors. Vs. Govt of NCT of Delhi and Ors.**, held that Home Guards cannot said to be the civil servants and as such the Tribunal has no jurisdiction to entertain the applications under Section 19 of the Administrative Tribunals Act, 1985.

2. In the circumstances and in view of the decision of the Hon'ble High Court of Delhi in **Rajesh Mishra & Ors.**, the instant OA is liable to be dismissed. At this stage, learned counsel for applicants

seeks leave of this Tribunal to withdraw the OA with liberty to approach competent Court, in accordance with law.

3. Though the applicants initially approached the Hon'ble High Court of Delhi in WP(C) No.9483/2018 and the same was permitted to be withdrawn with liberty to move this Tribunal, but the issue of jurisdiction of this Tribunal to entertain the claims of the applicants was not agitated before the Hon'ble High Court and the said order was passed only basing on the prayer of the applicants.

4. In the circumstances, the OA is dismissed as withdrawn, with liberty to the applicants to approach a competent Court, in accordance with law. No costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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