

**Central Administrative Tribunal
Ernakulam Bench**

OA/181/00099/2015

Thursday, this the 7th day of February, 2019.

CORAM

Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. Mohammed Rafeek K.I., aged 37 years,
S/o late Shamsudheen,
Lakshadweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Kadappuratha Illam House,
Agathi Island, Lakshadweep – 682 553.
2. Badarudheen B.P., aged 34 years,
S/o Aboobacker,
Lakshadweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Bappathiyoda House,
Agathi Island, Lakshadweep – 682 553.
3. Attakoya K, aged 45 years,
S/o Kasimkoya,
Lakshadweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Kamal Malmiyoda House,
Agathi Island, Lakshadweep – 682 553.
4. Showkathali M.K., aged 38 years,
S/o Koyammu,
Lakshadweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Moideen Kakkada House,
Agathi Island, Lakshadweep – 682 553.
5. Mohammed Manikfan T.P, aged 36 years,
S/o Late Bahther Koya,
Lakshadweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Thekk Puthiya Illam House,
Agathi Island, Lakshadweep – 682 553.

6. Ali Akber C.K, aged 34 years,
S/o late Saidul Hameed,
Lakshaweep Home Guard,
Agathi Police Station, Agathi Island.
Residing at Chekakkal House,
Agathi Island, Lakshadweep – 682 553.
7. K.P. Hussain, aged 41 years,
S/o late Mudasir,
Lakshaweep Home Guard,
Kadamath Police Station, Kadamath Island.
Residing at Kunhi Pandal House,
Kadamath Island, Lakshadweep.
8. H.M. Husama, aged 31 years,
S/o Mohammed Haji,
Lakshaweep Home Guard,
Kadamath Police Station, Kadamath Island.
Residing at Hudaibiya Manzil,
Kadamath Island, Lakshadweep.
9. P.V. Mohammed Shafi, aged 46 years,
S/o late Adbulla,
Lakshaweep Home Guard,
Kadamath Police Station, Kadamath Island,
Residing at Puthiya Veedu House.
Kadamath Island, Lakshadweep,
10. C.P. Shafi, aged 42 years,
S/o late Sayed,
Lakshaweep Home Guard,
Kadamath Police Station, Kadamath Island.
Residing at Cheriya Pandal House,
Kadamath Island, Lakshadweep.
11. K.P. Hyder, aged 39 years,
S/o Abdul Kader,
Lakshaweep Home Guard,
Kadamath Police Station, Kadamath Island.
Residing at Kannipura House,
Kadamath Island, Lakshadweep.
12. Safiyath L.G., aged 37 years,
D/o Mohammed Manikfan,
Lakshaweep Home Guard, Minicoy Police Station,
Minicoy Island, residing at Lenumauganduvar Aloodi Village,
Minicoy Island, Lakshadweep.

13. Kamarudheen Beamouge, aged 38 years,
S/o Hassan Koharathuge,
Lakshaweep Home Guard, Minicoy Police Station,
Minicoy Island, residing at Beamouge, Kudehi Village,
Minicoy Island, Lakshadweep.
14. Mohammed Jaseer Khan A.K., aged 33 years,
S/o Sayed Koya, Lakshaweep Home Guard,
Kalpani Police Station,
Kalpeni Island, residing at Akkara House,
Kalpeni Island, Lakshadweep.
15. Jaffer Khan B.I, aged 37 years,
S/o Raheemkoya,
Lakshadweep Home Guard, Kilthan Police Station,
Kilthan Island, residing at Bentha Illam House,
Kilthan Island, Lakshadweep.
16. Yousuff T, aged 41 years,
S/o Abdulla,
Lakshadweep Home Guard, Kilthan Police Station,
Kilthan Island, residing at Thottathakkara House,
Kilthan Island, Lakshadweep, Kilthan.
17. Ibrahim A.C. aged 39 years,
S/o Yunis,
Lakshadweep Home Guard, Kilthan Police Station,
Kilthan Island, residing at Arakkala Chattha House,
Kilthan Island, Lakshadweep.
18. Mohammed Hafiz K.I, aged 39 years,
S/o late Kasimkoya,
Lakshadweep Home Guard,
Kalpeni Police Station, Kalpeni Island.
Residing at Kadappuratha Illam House,
Kalpeni Island, Lakshadweep.
19. Mohammed Ali K.O, aged 40 years,
S/o Hamaza,
Lakshadweep Home Guard,
Kalpeni Police Station, Kalpeni Island,
Residing at Kakkachiyoda House,
Kalpeni Island, Lakshadweep.

20. Habusabi M.K, aged 38 years,
D/o Attakoya,
Lakshadweep Home Guard,
Kalpeni Police Station, Kalpeni Island.
Residing at Mathilkadanallal House,
Kalpeni Island, Lakshadweep.
21. C.H. Noorulla, aged 37 years,
S/o late Abdullakoya,
Lakshadweep Home Guard,
Chetlat Police Station, Chetlat Island,
residing at Chekakkal House, Chetlat Island,
Lakshadweep.
22. C.B. Mohammed Irshad, aged 38 years,
S/o Ahmedkoya,
Lakshadweep Home Guard,
Chetlat Police Station, Chetlat Island,
residing at Cheriya banglow House, Chetlat Island,
Lakshadweep.
23. P.K. Abdul Muthalif, aged 40 years,
S/o late Sayeed,
Lakshadweep Home Guard,
Chetlat Police Station, Chetlat Island,
residing at Pulinakeel House,
Chetlat Island, Lakshadweep.
24. Sayed Mohammed Kasim M.K, aged 40 years,
S/o Shaikoya,
Lakshadweep Home Guard,
Androth Police Station, Androth Island,
UT of Lakshadweep, residing at Mosankhakada House,
Androth Island, UT of Lakshadweep – 682 551.
25. Hussain T.M, aged 43 years,
S/o Sayed Mohammed,
Lakshadweep Home Guard,
Androth Police Station, Androth Island,
UT of Lakshadweep, residing at Thachery Moosathada House,
Androth Island, UT of Lakshadweep – 682 551.
26. Mohammed Noorul Ameen K.K. aged 40 years,
S/o Nallakoya Thangal,
Lakshadweep Home Guard
Androth Police Station, Androth Island,
UT of Lakshadweep, residing at Kanjarkakkada House,
Androth Island, UT of Lakshadweep – 682 551.

27. Mohammed Khaleel C.E, aged 32 years,
S/o Pookoya,
Lakshadweep Home Guard
Androth Police Station, Androth Island,
UT of Lakshadweep, residing at Chemayath Edayakkal House,
Androth Island, UT of Lakshadweep – 682 551.
28. Mohammed Abdul Gafoor C.E, aged 38 years,
S/o Nallakoya,
Lakshadweep Home Guard
Androth Police Station, Androth Island,
UT of Lakshadweep, residing at Chemayath Edayakkal House,
Androth Island, UT of Lakshadweep – 682 551.
29. Hamzakoya T.P, aged 48 years,
S/o Yousef,
Lakshadweep Home Guard, Androth Police Station,
Androth Island, UT of Lakshadweep,
Residing at Thattampokkada House,
Androth Island, UT of Lakshadweep.
30. T.I. Basheer, aged 39 years,
S/o Aboosala,
Lakshadweep Home Guard, Amini Police Station,
Amini Island, UT of Lakshadweep.
Residing at Thekkila Illam House,
Amini Island, UT of Lakshadweep.
31. P. Abdul Shukkor, aged 40 years,
S/o Abdulla,
Lakshadweep Home Guard,
Amini Police Station, Amini Island,
UT of Lakshadweep, residing at Poodiyam House,
Amini Island, UT of Lakshadweep.
32. P. Jalaludheen, aged 38 years,
S/o Abdulkader,
Lakshadweep Home Guard,
Amini Police Station, Amini Island,
UT of Lakshadweep, residing at Panadaram House,
Amini Island, UT of Lakshadweep.

33. K.C. Badarudheen, aged 36 years,
S/o Hamza,
Lakshadweep Home Guard,
Amini Police Station, Amini Island,
UT of Lakshadweep, residing at Kuluvadachetta House,
Amini Island, UT of Lakshadweep.
34. K.C. Abdul Shukkor, aged 36 years,
S/o late Khalid, Lakshadweep Home Guard,
Amini Police Station, Amini Island, UT of Lakshadweep.
Residing at Kuluvadachett House,
Amini Island, UT of Lakshadweep..
35. C.P. Abdulla, aged 36 years,
S/o Mohammed Haneefa,
Lakshadweep Home Guard,
Amini Police Station, Amini Island,
UT of Lakshadweep, residing at Cheriyaapura House,
Kalpeni Island, UT of Lakshadweep.
36. P. Safiya, aged 32 years,
D/o Yousuff,
Lakshadweep Home Guard,
Amini Police Station, Amini Island,
UT of Lakshadweep, residing at Pallam House,
Amini Island, UT of Lakshadweep.
37. Shamsudheen T.P, aged 34 years,
S/o Muthukoya,
Lakshadweep Home Guard,
Androth Police Station,
Androth Island, UT of Lakshadweep.
Residing at Thachery Perela House,
Androth Island, UT of Lakshadweep
38. Jaffer U.P, aged 41 years,
S/o Hamzath,
Lakshadweep Home Guard,
Kavaratti Police Station,
Kavaratti, U.T. Lakshadweep,
residing at Ullikkanapura House,
Kavaratti Island, U.T. of Lakshadweep.

39. Fathahulla P.K. aged 48 years,
S/o Muthukoya,
Lakshadweep Home Guard,
Kavaratti Police Station,
Kavaratti, U.T. Lakshadweep,
residing at Puthiya Koliyapura House,
Kavaratti Island, U.T. of Lakshadweep.
40. Nazeemudheen T.I, aged 40 years,
S/o Mohammed,
Lakshadweep Home Guard, Kavaratti Police Station,
Kavaratti, U.T. Lakshadweep,
residing at Thekkila illam,
Kavaratti Island, U.T. of Lakshadweep.
41. Mohammed Salih K.K, aged 41 years,
S/o Kunhikunhi Haji,
Lakshadweep Home Guard, Kavaratti Police Station,
Kavaratti, U.T. Lakshadweep.
Residing at Kunnakalam House,
Kavaratti Island, U.T. of Lakshadweep.
42. Mujeeb Rahman A, aged 41 years,
S/o Sayed Ismail,
Lakshadweep Home Guard,
Kavaratti Police Station, Kavaratti, U.T. Lakshadweep,
residing at Ammelam House,
Androth, U.T. of Lakshadweep.
43. Noor Mohammed M, aged 40 years,
S/o Sayed Mohammed,
Lakshadweep Home Guard,
Kavaratti Police Station, Kavaratti,
U.T. Lakshadweep, residing at Maral House,
Kalpeni, U.T. of Lakshadweep.
44. Najeem M.I, aged 36 years,
S/o Mullakoya,
Lakshadweep Home Guard,
Kavaratti Police Station, Kavaratti, U.T. Lakshadweep,
Residing at Mukkiriya Illam House,
Kavaratti, U.T. of Lakshadweep.

45. Yousafali P.I, aged 36 years,
S/o Muzammil,
Lakshadweep Home Guard,
Kavaratti Police Station,
Kavaratti, U.T. Lakshadweep.
Residing at Puthiya Illam House,
Kadmath, U.T. of Lakshadweep.

Applicants

[Advocate: Mr.T.A.Rajan]

versus

1. Union of India represented by
Secretary, Ministry of Home Affairs
New Delhi-110 001.
2. The Administrator
Union Territory of Lakshadweep
Kavaratti-682 555.
3. The Secretary (Home)
Union Territory of Lsakhadweep
Kavaratti-682 555.

Respondents

[Advocate: Mr.S. Manu for R2 & 3]

The OA having been heard on 7th February, 2019, this Tribunal delivered the following order on the same day:

O R D E R (oral)

By E.K.Bharat Bhushan, Administrative Member

The applicants are Home Guards and they state in the OA that they were appointed on 04.04.2005 and were being utilized in the various Police Stations of the Union Territory of Lakshadweep. Their request is for regularization in service from the dates of their initial appointment, as done in accordance with Annexure A2 & A3 judgments. Learned Standing Counsel for Lakshadweep Administration submitted a copy of the decision of the Hon'ble Supreme Court in Civil Appeal No.2759 of 2015 wherein the claim had been disallowed on the ground that they are volunteer force and used only in emergency situations. In

view of the judgment of the Apex Court on the subject and certain steps taken to regularize Home Guards in Andaman Island, we feel that ends of justice would be met if we direct respondent No.1 to take a considered view on the representations Annexure A7 and A8 which are stated to be pending with the Union of India. We direct accordingly. We fix a time limit of 3 months for taking a final decision on the prayer made by the applicants. OA stands disposed of.

(Ashish Kalia)
Judicial Member

(E.K.Bharat Bhushan)
Administrative Member

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Annexures filed by the applicant:

- Annexure A1: Copy of the letter F.No.1/6/2007-Estt.(Pol)/87 dated 22.2.2011.
Annexure A2: Copy of the judgment dated 22.1.2007 in MAT No.025 of 2006.
Annexure A3: Copy of the judgment dated 6.5.2009 of the Hon'ble Supreme Court of India in SLP No.10496/2007.
Annexure A4: Copy of the order No.U-14040/22/2009-ANL dated 9.9.2009.
Annexure A5: Copy of the notification No.26-223/20089(HG)-Home(PF) dated 11.10.2011.
Annexure A6: Copy of the order No.AC/HGO/Misc/Vol.II/2014-15/1056 dated 11.9.15.
Annexure A7: Copy of the representation dated 4.7.12 submitted by the applicants.
Annexure A8: Copy of the representation dated nil submitted by the applicants.
Annexure A9: Copy of the letter F.No.U-14035/9/2013-ANL dated 14.3.2013.
Annexure A10: Copy of the letter F.No.U-14035/9/2013-ANL dated 7.6.2013.

Annexures filed by respondents:

- Annexure R2(a): Copy of the Home Guard Regulation, 1971.
Annexure R2(b): Relevant extract of Home Guards Compendium of Instructions, 2004.