

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 591 of 1998

Jabalpur, this the 3rd day of April 2003.

**Hon'ble Mr. R.K. Upadhyaya - Member (Adminv.)
Hon'ble Mr. A.K. Bhatnagar - Member (Judicial)**

- 1. All India Telecom Employees Union
Class-IIIS.S.A Branch, Durg
(A Trade Union registered under
the provisions of the Indian
Trade Unions Act),
Through its Divisional Secretary
Shri G.S. Kumbhare,
aged about 49 years,
s/o Late Shri S.R. Kumbhare,
R/o B-10, Karmachari Nagar
Durg (M.P.)**
- 2. All India Postal Employees Union
Class-III,
Durg Division, Durg
Through its Divisional Secretary
Shri V.K. Agrawal,
S/o Late Shri K.P. Agrawal,
aged about 37 years,
R/o Beniyapara
Durg (M.P.)**
- 3. G.S. Kumbhare, aged about 49
years, S/o Shri S.R. Kumbhare,
Senior Telephone Supervisor
Telephone Exchange,
Durg.**

= APPLICANTS

(By Advocate - Shri Sanjay Agrawal)

VERSUS

**Union of India,
Through Secretary
Ministry of Finance
Department of Expenditure
North Block,
New Delhi**

- RESPONDENTS

(By Advocate - Shri B. Dasilva)

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O R D E R (ORAL)

By R.K. Upadhyaya, Member (Adminv.):

The applicants have claimed the following the reliefs:-

- "1. The Hon'ble Tribunal may be pleased to declare by issuing appropriate writ, order or direction that the Durg-Bhilai Nagar Urban Agglomeration is entitled to be upgraded as Class-B-2 city and all employees posted in the said area are entitled to received HRA at the said rate wef 1991.
2. The Hon'ble Tribunal may be further pleased to direct the respondents to upgrade Bhilai-Durg Urban Agglomeration as B-2 city wef 1991 and to pay its employees HRA at the rate applicable to B-2 cities with arrears thereof since 1991.
3. Any other appropriate writ, order or direction which this Hon'ble Tribunal may deem fit and proper be also issued."

2. It is stated by the learned counsel for the applicant that Durg-Bhilai Nagar Urban Agglomeration should have been declared as Class-B-2 city for the purpose of house rent, payable to the Central Government employees. According to the learned counsel of the applicants, the Finance Ministry has to classify different cities for the purpose of house rent. Any city having population of more than four lakhs is to be classified as Class-B-2. Bhilai-Durg Nagar Urban agglomeration has much more population than the prescribed number of population. Bhilai itself ^{has} more than 6 lakhs population as per census report of 1991. Therefore, the rejection of the representation of the applicants by letter dated 24.11.1986 (Annexure A-8) was not justified and the fresh representation dated 09.09.96 (Annexure A-16) based on the census report of 1991 made by the applicants has remained to be unreplied so far. It is further stated by the learned counsel for the applicants that the claim of house rent depends on

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the classification of the cities by the Finance Ministry. Therefore, the grievance of the applicants is within the scope of service matter and this Tribunal should direct the respondents to issue necessary classification and payment of house rent allowance etc.

3. The learned counsel for the respondents stated that classification of a city is not a service matter. Therefore, this Tribunal has no jurisdiction in respect of the present application. He also stated that Durg-Bhilai Nagar Urban Agglomeration is falling in the category of unclassified cities, and there is no civic body. It was also urged by the learned counsel for the respondents that the present petition filed by the Association of All India Telecom Employees Union and All India Postal Employees Union, all of them are working in the Ministry of Communication, but the Ministry of Communication has not been made a party. Therefore, the petition also deserves to be dismissed on the ground of non-joinder of necessary parties.

4. We have heard the learned counsel of both the parties and have perused the material available on record.

5. Without going into the merit of the claim of the applicants, we are of the view that this Tribunal is not a proper forum for agitating the grievances of the applicants. The declaration of a city of a particular class is not a service matter within the meaning of Section 3(q) of the Administrative Tribunals Act, 1985. Reliance has been placed by the learned counsel for the applicant on the certain cases decided by this Tribunal regarding declaration of unauthorised occupation of a Government servant in a Government accommodation allotted to him, but

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these decisions stand over-ruled in view of the latest decision of the Hon^{ble} Supreme Court in the case of Union of India Vs. Basila Ram & others, 2002 SCC (L&S) 1016, wherein the Hon^{ble} Supreme Court has held that this Tribunal is not vested with jurisdiction in respect of orders of Estate Officer for eviction of Government quarters. On the facts of this case, we are of the view, if the applicants are aggrieved, they can still prosecute their grievances before an appropriate forum. In view of the above mentioned decision that this Tribunal has no jurisdiction, as the grievances of the applicants does not pertain to service matter, we do not express any opinion on the other issues raised by the applicants.

6. For the reasons mentioned in the preceding paragraph, this application is dismissed for want of jurisdiction without any order as to costs.

(A.K.Bhatnagar)
Member (Judicial)

(R.K.Upadhyaya)
Member (Adminv.)

'MA'



पृष्ठानक सं ओ/न्या.....जयलपुर, दि.....

परीक्षित - आने मिल:-

- (1) श्री जयलपुर, जयलपुर
- (2) श्री जयलपुर, जयलपुर
- (3) श्री जयलपुर, जयलपुर
- (4) श्री जयलपुर, जयलपुर

सूचना १५/०८/२००३

Thirugal
8/10/03

S Agnewall, ACU
B da Silva ACU

Issued
9.4.03
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