



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1606/2003

Wednesday, this the 10th day of March, 2004

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri S.K.Naik, Member (A)

1. Programme Staff Association of
All India Radio & Doordarshan
represented by its President
Shri V.A. Magazine
Director
Transcription of Programme Exchange
Service
Akashvani Bhavan, 4th Floor
Parliament Street, New Delhi-1
2. Ms. S.S.Patnaik
Deputy Director
All India Radio
Broadcasting House
Parliament Street
New Delhi

..Applicants

(By Advocate: Shri S.Y.Khan)

Versus

Union of India through

1. Secretary
Ministry of Urban Affairs & Employment
Nirman Bhavan, New Delhi
2. Director of Estates
Nirman Bhavan, New Delhi
3. Secretary
Ministry of Information & Broadcasting
Shastri Bhavan, New Delhi

..Respondents

(By Advocate: Shri R.N.Singh for Shri R.V.Sinha)

O R D E R (ORAL)

Justice V.S.Aggarwal:

Applicant No.1 is a recognized Association titled Programme Staff Association of All India Radio & Doordarshan. Applicant No.2 has been working in different capacities and she joined as Production Assistant. Applicant No.2 applied for allotment of general pool accommodation to Director of Estates in the prescribed form but her application for allotment has

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been rejected vide letter of 5.5.2003. It has been held that she is ineligible for Central Government general pool accommodation.

2. By virtue of the present application, she seeks directions:-

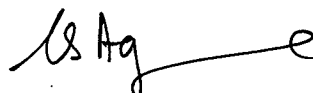
- a) she continues to be a Central Government employee and her services have not been transferred to Prasar Bharati, and
- b) she is entitled to the general pool accommodation.

3. The petition has been contested.

4. A preliminary objection has been taken that this Tribunal has no jurisdiction to entertain the petition even on the premise that if the applicants are the Central Government employees.

5. Our attention has been drawn towards the decision of the Division Bench of the Delhi High Court in the case of Smt. Babli & another v. Government of NCT of Delhi & others, (2002) Delhi Law Times 144 (DB). Therein the Delhi High Court was concerned with a question as to whether or not the Central Administrative Tribunal has jurisdiction to entertain the petitions with respect to allotment of the Government accommodation. It was held that it is not a condition of service. The findings returned were:-

"10. We, accordingly, hold that CAT had no jurisdiction to entertain OAs claiming allotment or regularisation of Government

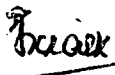


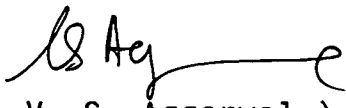
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accommodation unless such claim was shown to be a condition of service. Nor could it assume jurisdiction where eviction was taken against an employee for his alleged unauthorised occupation of the premises under the Eviction Act. These petitions are accordingly dismissed and Tribunal order affirmed."

6. In the hierarchy, once the orders of the Tribunal are subject to judicial review by the Delhi High Court, we have no option but to accept the reasoning of the Delhi High Court. Necessarily, following the ratio decidendi by the decision in the case of Smt. Babli & another (supra). We hold that this Tribunal has no jurisdiction to entertain the petition. Resultantly, we do not express ourselves on the first question which we have referred to above.

7. For these reasons, the petition must fail and is accordingly dismissed. However, the applicants are at liberty to take recourse under the law.


(S. K. Naik)
Member (A)


(V. S. Aggarwal)
Chairman

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