

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 2262/96

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Monday this the 28th day of October, 1996.

CORAM

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

HON'BLE MR. R.K. AHOOJA, ADMINISTRATIVE MEMBER

1. Kanwar Singh, R/o C/o India Govt. Mint,  
D-2, Sector-1, NOIDA.
2. Virender Singh, R/o Village  
and PO. Duhai, Distt. Ghaziabad.
3. Kailash Chand R/o Village  
Chaura Sadatpur, Sector-22,  
NOIDA.
4. Karan Singh R/o Village and  
PO. Pasonda, Dist. Ghaziabad. .... Applicants

(BY Advocate Rajinder Pandit (not present))

Vs.

1. Union of India through Secretary  
Ministry of Finance,  
Department of Economic Affairs,  
North Block, New Delhi.
2. General Manager,  
India Government Mint, D-2 Sector-1  
NOIDA.
3. Chief Accounts and  
Administrative Officer,  
India Govt. Mint, D-2 Sector I,  
NOIDA. .... Respondents

The application having been heard on 28.10.1996  
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), CHAIRMAN

The application was passed over for  
enabling the learned counsel to appear. There is  
no appearance.

contd....

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2. Applicants seek a direction:


"to amend the Recruitment and Promotion Rules so as to provide promotional avenues to members of non-technical staff...."

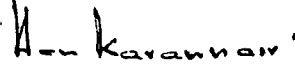
Amendment of Rules implies a statutory exercise. A mandamus cannot be issued to exercise statutory powers. Besides, it is not for the courts to issue direction to frame rules. (See Association for the Officers of the W.B. Audit and Accounts Service and others Vs. W.B. Audit and Accounts Service Association and others, 1996 SCC (L&S) 137). Creation of additional posts involving pecuniary burdens is also not in the domain of the Tribunal. (See Tejram Parashramji Bombhate Vs. Ordnance Factory, Nagpur and Ors. (1991)3 SCC 11.)

3. It is for the Government to evolve policies in the matter of promotions. However, we would remind that providing adequate promotional avenues is necessary as pointed out by the Supreme Court in Reghunath Prasad Singh Vs. Secretary, Home (Police) Department, Govt. of Bihar and others, AIR 1988 SC 1033 and Dr. M. O. Z. Hussain Vs. Union of India and others, AIR 1990 SC 311. Bearing this in mind, we direct second respondent to consider and dispose of Annexure-C representation and inform applicants regarding the orders passed.

4. Application is disposed of with the aforesaid direction. No costs.

Dated the 28th October, 1996.

  
R.K. AHOJJA  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
CHAIRMAN

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