

**Central Administrative Tribunal
Principal Bench, New Delhi**

**R.A. No.89/2020
M.A. No.5119/2018
in
O.A. No.2323/2012**



Today this the 8thday of February, 2021

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Mr. Ishwar Chand
S/o Sh. Ram Saroop
R/o 29, Vasundhara Apartments, Rohini
New Delhi-110085 (Now Retired)
2. All India Association of Central Excise Gazatted Executive Officers through its Secretary General
3. All India Central Excise Inspectors Association, Meerut Unit, through its General Secretary

...Applicant

(By Advocate : Ms. JasvinderKaur)

Versus

1. Union of India through Chairman
Central Board of Indirect Taxes &Customs(earlier known as CBEC)
2. Secretary, Department of Revenue, North Block
New Delhi
3. Department of Personnel & Training
Through Secretary
Government of India, North Block, New Delhi.

...Respondents

(By Advocate : Mr. Krishna Kumar)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :**

This RA indicates the outreaching nature of the applicants herein. They filed OA No. 2323/2012 with a prayer to direct the respondents to amend the relevant recruitment rules, duly providing for the promotional avenues on par with the Preventive Officers and Examiners. The OA was disposed of on 22.02.2017, directing the respondents to expedite the process which was already said to be in progress. They filed MA No. 5119/2019 for implementation of the order.

2. The respondents filed reply stating that the rules have since been amended and they were published in GSR No. 249 on 05.08.2019. Taking that into account, the Tribunal passed an order dated 24.01.2020, holding that the MA has become infructuous. This RA is filed with a prayer to amend the order dated 24.01.2020. According to the applicants, the RRs were amended, but the amendments are not on the expected lines.

3. We heard Ms. Jasvinder Kaur, learned counsel for applicants and Mr. Krishna Kumar, learned counsel for respondents.



4. It is fairly well settled that the Courts/Tribunals cannot issue directions to the Government to frame or amend any rules. It is in the discretion of the concerned rule making authority to take necessary steps.

5. Be that as it may, the OA was disposed of with a direction to the respondents in view of developments in relation to the matter, pending before Hon'ble High Court.

6. On their part, the respondents have amended the rules and published them on 05.08.2019. It is just understandable as to what remains for compliance, once the rules were amended. The applicant seems to be under the impression that the true compliance can be only when the rules are amended to their satisfaction. We do not approve of such an attitude at all.

7. The RA is dismissed.

Pending MAs, if any, shall stand disposed of.

There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

/rk/mbt/ns/sd