



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

**OA No.1873/2020
MA No.2371/2020**

Today this the 19thday of November, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Sribatsa Kumar Parida
Aged about 51 years,
S/o Shri Bidyadhar Parida,
Presently working as "Economic Officer"
In the Forward markets Commission Cell, Department of
Economic Affairs, Ministry of Finance,
Government of India,
North Block, New Delhi – 110001.

Presently resides at Flat No.506, Second Floor,
Sector-4, Type II, Timarpur (near Balak Ram Hospital)
Delhi 110 054. ...Applicant

(Applicant in person)

Versus

1. Union of India
Through the Secretary
Department of Economic Affairs,
Ministry of Finance, North Block,
New Delhi 110 001. ..Respondents

(By Mr. Manish Kumar)
Order (Oral)

Justice L. Narasimha Reddy:

MA No. 2371/2020

The present MA has been filed for condoning the delay in filing the OA. In view of the reasons stated in the MA, the same is ordered.



OA No.1873/2020

2. The applicant is an officer of Indian Economic Service. Since 04.09.2014, he is holding the post of Accounts Officer. Next promotion is to the post of Assistant Director. According to the recruitment rules of 2008 for the service, the Economic Officers with 7 years standing are eligible to be considered for promotion to the post of Assistant Director.

3. The applicant contends that the 6th Pay Commission made the recommendations to the effect that the officer in the Grade Pay of Rs. 4600 would become eligible to be promoted to the post with the Grade Pay of Rs. 5400 on completion of 3 years of service. He contends that the Grade Pay for the post of Economic Officer is Rs. 4600 and that of Assistant Director is Rs./ 5400 and though the DoP&T issued OM dated 24.03.2009 accepting the recommendations of the 6th Pay Commission and suggesting an amendment of the relevant recruitment rules, no steps have been taken there on and as a result, he is being denied the opportunity of being promoted. In this background, he filed this OA with a prayer to direct the respondents to amend the recruitment rules for Indian Economic Service to be in conformity with OM dated 24.03.2009.

3. We heard the applicant, who argued his case in person and Mr. Manish Kumar, learned counsel for the applicant at the stage of admission in detail, through video conferencing.



4. It is true that the 6th Pay Commission made certain recommendations minimizing the standing in a lower post for promotion to a higher post as indicated above. The fact, however, remains that the 2008 recruitment rules provided for promotion to the post of Director only in case, the Economic Officer completes 7 years of service in that post.

5. Unless the recruitment rules are amended, the recommendations of the 6th Pay Commission or the measures indicated in OM dated 24.03.2009 will not become operative. Each department has its own typical features in the context of framing or amendment of rules. The number of incumbents in each cadre, the sources of recruitment, the financial implications, nature of duties etc. become relevant. The courts cannot direct the Government to frame or amend the rules. Much would depend upon the factors indicated above. Added to that, the applicant is not the only person to be at disadvantage if at all. He is part of the large cadre. Maximum that the Tribunal can do is to direct the respondents to take a decision as to the amendment suggested in OM Dated 24.03.2009, as early as possible.

6. We, therefore, dispose of the OA directing that the respondents shall take a decision on the recommendations of the 6th Pay Commission as regards the amendment of

recruitment rules of 2008 as suggested in OM dated 24.03.2009 of DoP&T, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.



(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/ns/ankit/sd