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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 30/09/2019

+ **W.P.(C) No.10561/2019**

**ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED
EXECUTIVE OFFICERS** Petitioner

Through: Ms. Jasvinder Kaur, Advocate.

versus

**THE CHAIRMAN, CENTRAL BOARD OF EXCISE AND
CUSTOMS AND ORS.** Respondents

Through: Mr. Ravi Prakash, CGSC with Mr.
Farman Ali, Advocate and Mr. Aditya
Ajay, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

C.M. Nos.43709-10/2019 (exemption)

Exemptions are allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) No.10561/2019

The challenge before us is to the order passed by the Central
Administrative Tribunal (CAT) dated 27.02.2019.

2. We may note at the very outset that an O.A. was filed by one Sh. A.K. Gautam as applicant No.1 in which the All India Association of Central Excise Gazetted Executive Officers was impleaded as applicant No.2. On being queried as to how the present petition would be maintainable by an association, learned counsel for the petitioner submits that in the impugned order there is reference to an O.M. which would apply to all officers and in view thereof the present writ petition has been filed.

3. Mr. Ravi Prakash, learned CGSC for the respondents, who enters appearance on an advance copy, submits that a careful reading of the impugned order would show that the O.A. was allowed in favour of applicant No.1 and there is no general direction which has been issued by the Tribunal.

4. We have heard learned counsel for the parties.

5. Applicant No.1 before the Tribunal Sh. A.K. Gautam had filed the O.A. and it is observed that in para Nos. 13 and 14 of the impugned order, the following directions have been passed by the Tribunal with respect to Sh. A.K. Gautam:-

“13. It is represented that the first applicant has retired from service on 31.12.2018. If the retirement benefits are not extended to him by now, the same shall be extended within four weeks from today together with the amount which was recovered from him, unless there exists any other legal impediment, as provided in law. The relief is restricted to the first applicant alone. We also direct that if the retirement benefits are not released within a period of four weeks, the respondents shall communicate the reasons therefor in writing to the applicant.

14. If the recovered amount is not restored to the applicant within 8 weeks from today, it shall carry interest @ 6% per annum till the date of payment. There shall be no order as to costs.”

6. Admittedly no order has been passed with respect to applicant No.2 association or in respect of its members in general. In the absence of any general direction having been passed and in the absence of counsel being able to show how the association is collectively aggrieved by the impugned order, no orders are required to be passed in this writ petition.

7. We find no merit in the petition. Dismissed.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 30, 2019/Ne