



कार्यालय मुख्य आयुक्त
Office of the Chief Commissioner
सीजीएसटी एवं केन्द्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CGST & Central Excise (Jaipur Zone), Jaipur

F.No. GCCO/RTI/APP/2418/2023-LEGAL

Dated .12.2023

To

Sh. Satyender Singh,
Steno-II, CGST Alwar,
A Block, Surya Nagar,
Alwar-301001

Sir,

Subject: - Online RTI application bearing registration No. GSTJP/R/E/23/00222 dated 14.12.2023, filed by Sh. Saytender Singh, Steno-II, CGST Alwar, A Block, Surya Nagar, Alwar-301001 - reg.

Please refer to your RTI application Registration No. GSTJP/R/E/23/00222 dated 14.12.2023 for providing information under RTI Act, 2005.

With reference to the information sought please find enclosed copies of notesheets and correspondence (total 13 pages).

If you are not satisfied with above reply, you may prefer an appeal against the reply within 30 days of receipt of this reply to The Appellate Authority and Additional Commissioner, Office of the Chief Commissioner, CGST & Central Excise (JZ) Jaipur, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur-302005. _

Yours sincerely,

Signed by Anupama Saksena

Date: 21-12-2023 17:57:39

Reason: Approved

(Anupama Saksena)

CPIO & Assistant Commissioner

Copy to:-

1. Superintendent (Computer), CGST & Central Excise, Jaipur to upload on Zonal website.

Kindly peruse the Board's letter F.No.22015/117/2012016-Ad.IIIA-Part(1) dated 07.08.2023 wherein it is mentioned/clarified that:

“The Board's Circular F.No. A-22015/117/2016-Ad.IIIA dated 20.09.2018 wherein Board has issued clarification regarding Inter Commissionerate Transfer (ICT) in respect of the Inspector grade that Recruitment Rules, 2016 do not have any provision for recruitment by absorption and accordingly, no ICT application can be considered after coming into force of the Recruitment Rules, 2016.

2. Further, Hon'ble Supreme Court vide its judgment dated 10.03.2022 in the matter of Shri SK Nausad Rahaman & Ors. case (CA No. 1243 of 2022) has upheld the Board's view that in absence of special provision in the Recruitment Rules ICT cannot be granted.

3. In view of the above, it is further clarified that in absence of special provision i.e., absorption as a method of recruitment in the Recruitment Rules of the concerned posts, ICT cannot be done/allowed for the same. The same will be applicable from the date of issuance of the Recruitment Rules for the concerned posts where absorption is not one of the methods of recruitment.”

Accordingly, the Board has requested CCAs to take necessary steps in line with the instructions and to bring deviations, if any, in the notice of the Board.

It is submitted that ICT in the cadres of Inspector, Executive Assistant & Stenographer Grade-II has been allowed in Jaipur Zone after issuance of New RRs of the cadres wherein absorption is not one of the methods of recruitment. The status of such officers, cadrewise, is as under:

Inspector:

In compliance of CBIC, New Delhi's Circular F.No. A-22015/117/2016-Ad.III A dated 20.09.2018 , 73 Inspectors who had been allowed ICT to Jaipur Zone after 26.12.2016, were treated as working on deemed loan basis in Jaipur Zone till 31.03.2019, vide this office Establishment Order No. 93/2018 dated 03.10.2018 .

Being aggrieved of the Board's aforesaid Circular dated 20.09.2018, out of aforesaid 73 Inspectors, 71 Inspectors had approached Hon'ble CAT Bench, Jaipur by way of filing 8 Original Applications in the year 2018. The Hon'ble Tribunal vide 8 Orders all dated 07.01.2019 disposed of the Original Applications as having been rendered infructuous in view of the Order dated 15.11.2018 of Hon'ble CAT Bench, Bangalore in O.A. No. 170/101/2018 (filed by Shri Ajay Pratap Singh) whereby the Board's Circular dated 20.09.2018, was quashed.

The Department filed 8 D.B. Civil Writ Petitions before the Hon'ble Rajasthan High Court Bench, Jaipur against the aforesaid 8 Orders dated 07.01.2019 of the Hon'ble CAT Bench, Jaipur.

Pending decision in the said Writ Petitions, out of aforesaid 73 Inspectors, 7 Inspectors were repatriated to their parent zones on their requests.

The Hon'ble Rajasthan High Court Bench, Jaipur in its Judgment dated [18.08.2022](#) and [30.09.2022](#) in the said Writ Petitions held that:

“we are inclined to direct the petitioner-Union of India to examine representations of respective respondents, if submitted before the Competent Authority within a period of one month. The Competent Authority is directed to decide those representations in the light of the order passed by the Hon'ble Supreme Court in the case of SK Nausad Rahman & Ors. Versus Union of India & Ors. (supra)., not later than three weeks from the date of submission of the representations.”

In compliance of Judgments/Orders dated 18.08.2022 and 30.09.2022 of Hon'ble Rajasthan High Court in 8 DBCWPs filed by the Department, remaining 66 ICT Inspectors had submitted the representations in the matter. These representations have been forwarded to the Board vide letter dated 20.09.2022 and 31.10.2022 respectively for taking the decision on the said representations. The CBIC vide letter dated [30.09.2022](#) and [07.11.2022](#) had directed that

“The Hon'ble High Court of Rajasthan has directed to decide the representations in light of the order passed by Hon'ble Supreme Court of India in S K Naushad Rahaman case which upheld the letter dated 20.09.2018, it is very clear that no further policy clarification from the Board is required in this case. The CCA is therefore, requested to dispose these representations by issuing speaking order as per the instructions given in Board's letter dated 20.09.2018”

In view of above, after carefully examination of the aforesaid representations in light of the Board's Circular F.No. A-22015/117/2016-Ad.III.A dated 20.09.2018 and Judgment dated 10.03.2022 of Hon'ble Supreme Court in the case of SK Nausad Rahaman & Ors, the same were rejected and all 66 Inspectors have been relieved vide Establishment Order Nos. [CCU-22/2022 dated 03.10.2022](#) and [CCU-32/2022 dated 15.11.2022](#) .

Out of these 66 Inspectors, 2 had joined in their parent zones and remaining 64 Inspectors have filed 12 Original Applications before Hon'ble CAT Bench Jaipur and Jodhpur against the aforesaid Establishment Orders. The Hon'ble Tribunals have granted the stay on operation of the speaking orders. Out of these 64 Inspectors, till date 15 Inspectors had withdrawn their names from the Original Applications filed before Hon'ble Tribunal and they have been relieved from Jaipur Zone for joining their parent Zones. Replies to the OAs have been filed alongwith Misc. Applications for vacation of stay. Further, against the Order dated [13.10.2022](#) passed by the CAT, Jaipur Bench by which status-quo ante has been granted by the Tribunal, the Department has approached before the Hon'ble High Court, Jaipur Bench by way of filing a D.B. Civil Writ Petition No. 3533/2023. The Hon'ble Court observed that Original Application filed by

the Respondent itself is coming up for hearing before the Tribunal on 10.05.2023, therefore, did not comment on the legality and validity of the interim order. The Hon'ble Court directed to the Tribunal to hear and decide the matter. The case is pending in the Hon'ble CAT Jaipur Bench. Next date of hearing is 29.11.2023.

As on date, out of 73 Inspectors who were initially treated as working on deemed loan basis in Jaipur Zone, 49 Inspectors are working under CGST & Central Excise, Jaipur Zone, Jaipur.

Executive Assistant:

One Executive Assistant namely Shri Ved Prakash, was allowed Inter Commissionerate Transfer from Mumbai Customs Zone-I to the Customs, Central Excise & Service Tax, Jaipur Zone in terms of the Board's letter F.No. A.22015/23/2011-Ad.III.A dated 27.10.2011, vide this office Establishment Order No. 96/2017 dated 24.07.2017.

The Board vide [Clarification No. 02/2021 dated 15.01.2021](#) issued under F.No. A.32012/18/2019-Ad.III-A dated 15.01.2021, clarified that no ICT is permissible in the grade of Executive Assistant in light of 2015 RRs of EA and it was further decided to maintain status quo in respect of ICTs carried out in E.A. cadre till date, until the matter of ICT of Inspectors reaches finality. Further mentioned that pending this decision, while the EAs transferred on ICT after 28.09.2015 (i.e. date of notification of [RRs of EA](#)) will continue to work in the place where they were posted till the sub-judice matter attained finality in the grade of Inspector.

Further, the Board vide letter [F.No. A.32012/18/2019-Ad.III-A dated 22.04.2022](#) w.r.t. its aforesaid letter dated 15.01.2021 had informed that the matter in S.K. Nausad Rahman Case (CA No. 1243 of 2022) has been decided by the Hon'ble Supreme Court vide its [judgment dated 10.03.2022](#). Therefore, the direction to maintain status quo given by the Board vide aforesaid letter dated 15.01.2021, in respect of ICT carried out in Executive Assistant cadre, was withdrawn by the Board in view of the said judgment of Hon'ble Supreme Court. It was further stated by the Board that wherever ICTs were effected in EA cadre, the same are not permissible, CCAs should treat such ICTs as **deemed loan cases** in terms of Board Circular dated 20.09.2018.

In compliance of the directions as contained in the Board's aforesaid letter dated 22.04.2022, Shri Ved Prakash, EA was repatriated to his parent zone i.e. Mumbai Customs Zone-I vide [Establishment Order No. 31/2022 dated 16.06.2022](#).

Stenographer Grade-II:

With reference to the Board's letter [F.No.A.32018/09/2020-Ad.IIIA dated 11.08.2020](#), addressed to the Nagpur Zone, this office vide letter [GCCO/II/3/TRAN/35/2021-ADMN-O/o CC-CGST-ZONE-JAIPUR dated 15.04.2021](#) has sought clarification from Board as to whether the directions contained in the Board's letter F.No. A-22015/117/2016-Ad.IIIA dated 20.09.2018 are also applicable in the matter of ICT in the cadre of Stenographer Grade-II allowed in terms of CBEC's letter dated 27.10.2011. In Jaipur Zone, total 6 Steno Gr. -II, as detailed below, were allowed ICT during the period 31.01.2012 to 20.12.2017 after issuance of RR of the Steno Gr.-II on 03.03.2011.

S. No.	Name of Stenographer Grade-II	Zone from ICT done	Date of joining in the department	Date of joining in this Zone on ICT	Remarks (Present status)
1	Karan Kumar (OBC)	Directorate of Data Management, New Delhi	06.04.2009	31.01.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 15.10.2014 vide ET Order No. 64/2017 dated 18.05.2017.
2	Manoj Kumar Bairwa (SC)	Bangalore Zone	05.12.2008	09.04.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.07.2014 vide ET Order No. 64/2017 dated 18.05.2017.
3	Dungar Singh	Vadodara Zone	01.07.2010	21.08.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
4	Santosh Kumar Bairwa (SC)	Vadodara Zone	28.09.2010	02.12.2013	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
5	Sunil Kumar Gupta (PH-OH)	Chandigarh Zone	05.04.2011	14.03.2014	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.04.2015 vide ET Order No. 20/2017 dated

					15.02.2017.
6.	Satyendra Singh	Mumbai Zone	27.05.13	20.02.17	He is due to for consideration for promotion to the grade of Stenographer Grade-I as on 01.01.2024.

Out of aforesaid 6 Steno Gr. II allowed ICT to Jaipur Zone, 5 had since been promoted notionally to the post of Steno Gr. I and out of these 5 Steno Gr. I, 4 Steno Gr. –I have been further promoted as Inspector, Group ‘B’ (Non-Gazetted).

Further, it is submitted that Shri Manoj Kumar Bairwa (mentioned at Sl. No. 2 above), was falling within the extended zone of consideration for promotion to the grade of Superintendent, Group ‘B’ for filling up the vacancies for the SC category for the vacancy year 2020, 2021, 2022 & 2023 but he was not considered for the said promotion on the grounds that his initial promotion in the grade of Stenographer Grade-I was not as per the relevant RR in terms of the Board’s letter F.No. A.32018/07/2018-Ad.II.A dated 20.02.2020. One post reserved for the SC category in the grade of Superintendent, Group ‘B’ has been kept vacant for him till receipt of the decision / clarification from the Board in the present matter of promotion to the grade of Stenographer Grade-I. The Board vide letter F.No. A-32018/44/2016-Ad.IIIA dated 02.02.2023 had called for a report regarding impact assessment on the issue of promotion of Stenographers Cadre during the intervening period between restructuring of Steno cadres in 2010 and notification of RRs. The requisite report in respect of CGST Jaipur Zone was provided vide this office letter dated 20.03.2023 with request to convey the decision taken in the matter followed by reminders dated 11.07.2023 and 27.09.2023. However, decision in the matter is still awaited.

In view of above, a detailed report may be sent to the Board. Further, as regards ICT in the grade of Steno Gr. II, who have been further promoted to the grade of Steno Gr. I & Inspector, Board’s directions may be sought.

Submitted for perusal & approval please.

01/11/2023 12:59 PM
PRANAV SHARMA
EXECUTIVE ASSISTANT

Note # 29

Detailed note as above may please be persued.

Briefly stated, the Board vide letter dated 07.08.2023 has clarified that that in absence of special provision i.e., absorption as a method of recruitment in the Recruitment Rules of the concerned posts, ICT cannot be done/allowed for the same. The same will be applicable from the date of issuance of the Recruitment Rules for the concerned posts where absorption is not one of the methods of recruitment. Accordingly, the Board has requested CCAs to take necessary steps in line with the instructions and to bring deviations, if any, in the notice of the Board.

Matter has been examined and it is observed that in three cadres ICT has been allowed in

Jaipur Zone after issuance of new Recruitment Rules of the posts viz. Inspector (RR dated 26.12.2016), Executive Assistant (RR dated 28.09.2015) and Steno Gr. II (RR dated 03.03.2011) wherein *absorption is not one of the methods of recruitment. In the cadre of Inspector, EA and Steno. Gr.II, 73, 1 and 6 officers had been allowed ICT to Jaipur Zone. Out of 73 officers in the cadre of Inspector, till date 24 officers have been repatriated to their parent Zones and remaining 49 officers have obtained stay from the Hon'ble Tribunals. As regards the only officer in the cadre of Executive Assistant namely Shri Ved Prakash, he was repatriated to his parent Zone on 16.06.2022.*

As regards cadre of Stenographer Gr. II, 6 officers have been allowed ICT to Jaipur Zone between 31.01.2012 to 20.02.2017 (i.e. after issuance of RR on 03.03.2011). Out of 6 such officers, 5 have been promoted as Steno Gr. I and out of these 5 Steno Gr. I, 4 have been further promoted as Inspector in Jaipur Zone. Remaining 1 Steno Gr.II, namely Shri Satyendra Singh, will be eligible for consideration for promotion to the grade of Steno Gr. I on 01.01.2024.

Accordingly, if approved, with reference to Board's letter dated 07.08.2023, a report may be sent to the Board and in the case of ICT allowed in the grade of Steno Gr. II, Board's guidelines/ directions may be sought.

Submitted alongwith draft letter for perusal & approval please.

03/11/2023 05:57 PM
RAJESH KINRA
SUPERINTENDENT

Note # 30

If approved, with reference to Board's letter dated 07.08.2023, a report may be sent to the Board and in the case of ICT allowed in the grade of Steno Gr. II, Board's guidelines/ directions may be sought.

Submitted along with draft letter for perusal & approval please.

03/11/2023 06:49 PM
Rishi Yadav
ADDITIONAL COMMISSIONER

Note # 31

Approved.

07/11/2023 12:31 PM
CHETAN KUMAR JAIN
PRINCIPAL COMMISSIONER

Note # 32

07/11/2023 02:17 PM
Rishi Yadav
ADDITIONAL COMMISSIONER

Note # 33

07/11/2023 02:47 PM
RAJESH KINRA
SUPERINTENDENT

Note # 34

09/11/2023 10:30 AM
प्रदीप कुमार पारवानी|Pradeep Kumar Parwani
अधीक्षक|SUPERINTENDENT



प्रधान आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER

केंद्रीय वस्तु एवं सेवा कर व केन्द्रीय उत्पाद शुल्क आयुक्तालय, जयपुर

CENTRAL GOODS & SERVICES TAX & CENTRAL EXCISE COMMISSIONERATE, JAIPUR
NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR-05

EMAIL: ccu-cgst.jpr@gov.in

(कैडर कंट्रोल यूनिट)

Tele:0141-2385104

To,

The Joint Secretary (Admn.),
Central Board of Indirect Taxes and Customs,
Ministry of Finance, Department of Revenue,
North Block, New Delhi-110001.

Madam,

Subject: Request to adopt uniform method for calculating the Promotion Quota vacancies in the cadre of Stenographer Grade-I as adopted for the post of Executive Assistant-reg

Please refer to the Board's letter F.No.22015/117/2012016-Ad.IIIA-Part(1) dated 07.08.2023 wherein the Board has clarified that in absence of special provision i.e., absorption as a method of recruitment in the Recruitment Rules of the concerned posts, ICT cannot be done/allowed for the same from the date of issuance of the Recruitment Rules for the concerned posts.

2. It is submitted that Inter Commissioner Transfers in the cadres of Inspector, Executive Assistant & Stenographer Grade-II have been allowed in Jaipur Zone after issuance of New RRs of the cadres wherein absorption is not one of the methods of recruitment. The status of such officers, cadrewise, is as under:

(i) Inspector:

(a) In compliance of CBIC, New Delhi's Circular F.No. A-22015/117/2016-Ad.III A dated 20.09.2018, 73 Inspectors who had been allowed ICT to Jaipur Zone after 26.12.2016, were treated as working on deemed loan basis in Jaipur Zone till 31.03.2019, vide this office Establishment Order No. 93/2018 dated 03.10.2018.

(b) Being aggrieved of the Board's aforesaid Circular dated 20.09.2018, out of aforesaid 73 Inspectors, 71 Inspectors had approached Hon'ble CAT Bench, Jaipur by way of filing 8 Original Applications in the year 2018. The Hon'ble Tribunal vide 8 Orders all dated 07.01.2019 disposed of the Original Applications as having been rendered infructuous in view of the Order dated 15.11.2018 of Hon'ble CAT Bench, Bangalore in O.A. No. 170/101/2018 (filed by Shri Ajay Pratap Singh) whereby the Board's Circular dated 20.09.2018, was quashed.

- (c) The Department filed 8 D.B. Civil Writ Petitions before the Hon'ble Rajasthan High Court Bench, Jaipur against the aforesaid 8 Orders dated 07.01.2019 of the Hon'ble CAT Bench, Jaipur.
- (d) Pending decision in the said Writ Petitions, out of aforesaid 73 Inspectors, 7 Inspectors were repatriated to their parent zones on their requests.
- (e) The Hon'ble Rajasthan High Court Bench, Jaipur in its Judgment dated 18.08.2022 and 30.09.2022 in the said Writ Petitions held that:

“we are inclined to direct the petitioner-Union of India to examine representations of respective respondents, if submitted before the Competent Authority within a period of one month. The Competent Authority is directed to decide those representations in the light of the order passed by the Hon'ble Supreme Court in the case of SK Nausad Rahman & Ors. Versus Union of India & Ors. (supra)., not later than three weeks from the date of submission of the representations.”

- (f) In compliance of Judgments/Orders dated 18.08.2022 and 30.09.2022 of Hon'ble Rajasthan High Court in 8 DBCWPs filed by the Department, remaining 66 ICT Inspectors had submitted the representations in the matter. These representations have been forwarded to the Board vide letter dated 20.09.2022 and 31.10.2022 respectively for taking the decision on the said representations. The CBIC vide letter F.No. 32012/43/2022-Ad.IIIA dated 30.09.2022 and 07.11.2022 had directed that:

“The Hon'ble High Court of Rajasthan has directed to decide the representations in light of the order passed by Hon'ble Supreme Court of India in S K Naushad Rahaman case which upheld the letter dated 20.09.2018, it is very clear that no further policy clarification from the Board is required in this case. The CCA is therefore, requested to dispose these representations by issuing speaking order as per the instructions given in Board's letter dated 20.09.2018”

In view of above, after careful examination of the aforesaid representations in light of the Board's Circular F.No. A-22015/117/2016-Ad.III.A dated 20.09.2018 and Judgment dated 10.03.2022 of Hon'ble Supreme Court in the case of SK Nausad Rahaman & Ors, the same were rejected and all 66 Inspectors have been relieved vide Establishment Order Nos. CCU-22/2022 dated 03.10.2022 and CCU-32/2022 dated 15.11.2022.

- (g) Out of these 66 Inspectors, 2 had joined in their parent zones and remaining 64 Inspectors have filed 12 Original Applications before Hon'ble CAT Bench Jaipur and Jodhpur against the aforesaid Establishment Orders. The Hon'ble Tribunals have granted the stay on operation of the speaking orders. Out of these 64 Inspectors, till date 15 Inspectors had withdrawn their names from the Original Applications filed before Hon'ble Tribunal and they have been relieved from Jaipur Zone for joining their parent Zones. Replies to the OAs have been filed alongwith Misc. Applications for vacation of stay. Further, against the Order dated 13.10.2022 passed by the CAT, Jaipur Bench granting status-quo ante, the Department has approached before the Hon'ble High Court, Jaipur Bench by way

of filing a D.B. Civil Writ Petition No. 3533/2023. The Hon'ble Court observed that Original Application filed by the Respondent itself is coming up for hearing before the Tribunal on 10.05.2023, therefore, did not comment on the legality and validity of the interim order. The Hon'ble Court directed to the Tribunal to hear and decide the matter. The case is pending in the Hon'ble CAT Jaipur Bench. Next date of hearing is 29.11.2023.

- (h) As on date, out of 73 Inspectors who were initially treated as working on deemed loan basis in Jaipur Zone, 49 Inspectors are working under CGST & Central Excise, Jaipur Zone, Jaipur.

(ii) Executive Assistant:

(a) One Executive Assistant namely Shri Ved Prakash, was allowed Inter Commissionerate Transfer from Mumbai Customs Zone-I to the Customs, Central Excise & Service Tax, Jaipur Zone in terms of the Board's letter F.No. A.22015/23/2011-Ad.III.A dated 27.10.2011, vide this office Establishment Order No. 96/2017 dated 24.07.2017.

(b) The Board vide Clarification No. 02/2021 dated 15.01.2021 issued under F.No. A.32012/18/2019-Ad.III-A dated 15.01.2021, clarified that no ICT is permissible in the grade of Executive Assistant in light of 2015 RRs of EA and it was further decided to maintain status quo in respect of ICTs carried out in E.A. cadre till date, until the matter of ICT of Inspectors reaches finality. Further mentioned that pending this decision, while the EAs transferred on ICT after 28.09.2015 (i.e. date of notification of RRs of EA) will continue to work in the place where they were posted till the sub-judice matter attained finality in the grade of Inspector.

(c) Thereafter, the Board vide letter F.No. A.32012/18/2019-Ad.III-A dated 22.04.2022 w.r.t. its aforesaid letter dated 15.01.2021 had informed that the matter in S.K. Nausad Rahman Case (CA No. 1243 of 2022) has been decided by the Hon'ble Supreme Court vide its judgment dated 10.03.2022. Therefore, the direction to maintain status quo given by the Board vide aforesaid letter dated 15.01.2021, in respect of ICT carried out in Executive Assistant cadre, was withdrawn by the Board in view of the said judgment of Hon'ble Supreme Court. It was further stated by the Board that wherever ICTs were effected in EA cadre, the same are not permissible, CCAs should treat such ICTs as deemed loan cases in terms of Board Circular dated 20.09.2018.

(d) In compliance of the directions as contained in the Board's aforesaid letter dated 22.04.2022, Shri Ved Prakash, EA was repatriated to his parent zone i.e. Mumbai Customs Zone-I vide Establishment Order No. 31/2022 dated 16.06.2022.

(iii) Stenographer Grade-II:

(a) With reference to the Board's letter F.No.A.32018/09/2020-Ad.IIIA dated 11.08.2020, addressed to the Nagpur Zone, this office vide letter GCCO/II/3/TRAN/35/2021-ADMN-O/o CC-CGST-ZONE-JAIPUR dated

I/1646255/2023

15.04.2021 (copy enclosed) has sought clarification from Board as to whether the directions contained in the Board's letter F.No. A-22015/117/2016-Ad.IIIA dated 20.09.2018 are also applicable in the matter of ICT in the cadre of Stenographer Grade-II allowed in terms of CBEC's letter dated 27.10.2011. In Jaipur Zone, total 6 Steno Gr. -II, as detailed below, were allowed ICT during the period 31.01.2012 to 20.12.2017, after issuance of Recruitment Rules of the Steno Gr.-II on 03.03.2011.

S. No.	Name of Stenographer Grade-II	Zone from ICT done	Date of joining in the department	Date of joining in this Zone on ICT	Remarks (Present status)
1	Karan Kumar (OBC)	Directorate of Data Management, New Delhi	06.04.2009	31.01.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 15.10.2014 vide ET Order No. 64/2017 dated 18.05.2017.
2	Manoj Kumar Bairwa (SC)	Bangalore Zone	05.12.2008	09.04.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.07.2014 vide ET Order No. 64/2017 dated 18.05.2017.
3	Dungar Singh	Vadodara Zone	01.07.2010	21.08.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
4	Santosh Kumar Bairwa (SC)	Vadodara Zone	28.09.2010	02.12.2013	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
5	Sunil Kumar Gupta (PH-OH)	Chandigarh Zone	05.04.2011	14.03.2014	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.04.2015 vide ET Order No. 20/2017 dated 15.02.2017.
6.	Satyendra Singh	Mumbai Zone	27.05.13	20.02.17	He is due to for consideration for promotion to the grade of Stenographer Grade-I as on 01.01.2024.

(b) Out of aforesaid 6 Steno Gr. II allowed ICT to Jaipur Zone, 5 had since been promoted notionally to the post of Steno Gr. I and out of these 5 Steno Gr. I, 4

I/1646255/2023

Steno Gr. –I have been further promoted as Inspector, Group ‘B’ (Non-Gazetted).

- (c) Further, it is submitted that Shri Manoj Kumar Bairwa (mentioned at Sl. No. 2 above), was falling within the extended zone of consideration for promotion to the grade of Superintendent, Group ‘B’ for filling up the vacancies for the SC category for the vacancy year 2020, 2021, 2022 & 2023 but he was not considered for the said promotion on the grounds that his initial promotion in the grade of Stenographer Grade-I was not as per the relevant Recruitment Rules in terms of the Board’s letter F.No. A.32018/07/2018-Ad.II.A dated 20.02.2020. One post reserved for the SC category in the grade of Superintendent, Group ‘B’ has been kept vacant for him till receipt of the decision / clarification from the Board in the present matter of promotion to the grade of Stenographer Grade-I. The Board vide letter F.No. A-32018/44/2016-Ad.IIIA dated 02.02.2023 had called for a report regarding impact assessment on the issue of promotion of Stenographers Cadre during the intervening period between restructuring of Steno cadres in 2010 and notification of RRs. The requisite report in respect of CGST Jaipur Zone was provided vide this office letter dated 20.03.2023 with request to convey the decision taken in the matter followed by reminders dated 11.07.2023 and 27.09.2023. The decision in the matter is still awaited from the Board office.

3. In view of above submission, the Board is requested to issue suitable directions/guidance with regard to Inter Commissionerate Transfers of the officers in the grade of Steno Gr. II looking into the fact that some of them have been further promoted to the grade of Steno Gr. I & Inspector.

Encl: As above.

Yours faithfully,

Signed by

Chetan Kumar Jain

Date: 07-01-2023 12:30:19
Principal Commissioner

**MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE
OFFICE OF THE CHIEF COMMISSIONER
CGST & CENTRAL EXCISE ZONE, JAIPUR
NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR-302005
(CADRE CONTROL UNIT)**

To,

The Under Secretary (Ad.III.A),
Central Board of Indirect Taxes & Customs,
Ministry of Finance, Department of Revenue,
5th Floor, Hudco Vishala Building, Bhikaji Cama Place,
R. K. Puram, New Delhi - 110066.

Sir,

Sub: Lifting of ban on Inter Commissionerate Transfer in respect of willing officers in Group 'B', 'C' & 'D' posts under the CBEC - reg.

Please refer to Board's letter F. No. A.22015/23/2011-Ad.III.A dated 27.10.2011 whereby the ban on ICT was lifted with immediate effect and it was directed therein that "any willing Group 'B', 'C' employee and the erstwhile Group 'D' employee may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy".

2. In compliance of Board's said letter dated 27.10.2011, following Stenographer Grade-II have been allowed ICT in erstwhile Central Excise Jaipur Zone from other Zones :

S. No.	Name of Stenographer Grade-II	Zone from ICT done	Date of joining in the department	Date of joining in this Zone on ICT	Remarks (Present status)
1	Karan Kumar (OBC)	Directorate of Data Management, New Delhi	06.04.2009	31.01.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 15.10.2014 vide ET Order No. 64/2017 dated 18.05.2017.
2	Manoj Kumar Bairwa (SC)	Bangalore Zone	05.12.2008	09.04.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2012 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.07.2014 vide ET Order No. 64/2017 dated 18.05.2017.
3	Dungar Singh	Vadodara Zone	01.07.2010	21.08.2012	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
4	Santosh Kumar Bairwa (SC)	Vadodara Zone	28.09.2010	02.12.2013	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.01.2014 vide ET Order No. 20/2017 dated 15.02.2017 and further notionally promoted to the grade of Inspector (CE) w.e.f. 01.04.2016 vide ET Order No. 64/2017 dated 18.05.2017.
5	Sunil Kumar Gupta (PH-OH)	Chandigarh Zone	05.04.2011	14.03.2014	Notionally promoted to the grade of Steno Grade-I w.e.f. 01.04.2015 vide ET Order No. 20/2017 dated 15.02.2017.

6	Satyendra Singh	Mumbai Customs Zone- I	27.05.2013	20.02.2017	--
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3. Recently, on being represented by a Steno Gr-II for promotion to next grade, a copy of Board's letter F. No. A.32018/09/2020-Ad.IIIA dated 11.08.2020 (copy enclosed) issued by Under Secretary (Ad.IIIA), CBIC, New Delhi, addressed to the Chief Commissioner, CGST, Central Excise & Customs, Nagpur Zone, has come to notice of this Zone. In the said letter, it has been mentioned that **"as there is no provision of transfer of Stenographers in their Recruitment Rule through Absorption/ICT, so transfer of Stenographer through ICT cannot be considered"**.

4. Earlier, the Ministry vide Circular F. No. A.22015/117/2016-Ad.IIIA dated 20.09.2018 has intimated that the Recruitment Rules, 2016 of Inspector do not have any provisions for recruitment by absorption & accordingly no ICT application can be considered after coming into force of said RRs.

5. Further, the Ministry vide Clarification No. 02/2021 dated 15.01.2021, in respect of ICT in the grade of Executive Assistant, issued under F. No. A.32012/18/2019-Ad.IIIA dated 15.01.2021, has also clarified that "In view of this prevailing situation, it may be decided to maintain status quo in respect of ICT carried out in EA cadre till date, until the matter of ICT of Inspectors reaches finality. Pending this decision, while EAs transferred on ICT after 28.09.2015 will continue to work in the place where they are currently posted till the above mentioned sub-judice matter attains finality, no promotion can be affected by the zone to which they are transferred. The parent zone can consider their promotion. Their transfer as well as promotion would be subject to outcome of the pending ICT related court case in respect of Inspector."

6. As mentioned above, the ICT in the grade of Steno Grade-II have been made by this office in consequence of CBEC's letter dated 27.10.2011. However, from the contents of the letter dated 11.08.2020 of the Board which has been issued to CCA, Nagpur zone only, it appears that ICT is not admissible in the cadre of Steno. Hence, it is requested to please clarify as to whether the directions contained in the Board's aforesaid Circular dated 20.09.2018 are also applicable in the matter of ICT in the cadre of Stenographer Grade-II, if so suitable directions/guidance with regard to ICT of the said officers, which has already been made by this office, in the grade of Steno Gr-II may please be issued for the necessary action.

Signed by Alok Sharma

Date: 15-04-2021 12:17:27

Reason: Approved

7. An early clarification/ direction is solicited.

Yours faithfully,

Encl: As above.

(Alok Sharma)
Additional Commissioner (CCU)

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	GSTJP/R/E/23/00222	Date of Receipt (प्राप्ति की तारीख) :	14/12/2023
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Satyender Singh	Gender (लिंग) :	Male
Address (पता) :	Steno-II, CGST Alwar, A Block, Surya Nagar, Alwar, Pin:301001		
State (राज्य) :	Rajasthan	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-8619598002	Mobile Number (मोबाईल नंबर) :	+91-7424810253
Email-ID (ईमेल-आईडी) :	bikarathore90@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	Anupama Saksena, CCO, JZ
Information Sought (जानकारी मांगी) :	Please find attached letter dated 07.08.2023 issued by the CBIC regarding ICT in grade of Group B and C. Please provide me the copies of notesheet and correspondence made by CGST Jaipur Zone for this letter from receiving of letter to till date.		
<input type="button" value="Print"/> <input type="button" value="Save"/> <input type="button" value="Close"/>			

F.No.22015/117/2016-Ad.IIIA-Part(1)
भारत सरकार/Government of India
वित्त मंत्रालय/Ministry of Finance
राजस्व विभाग/Department of Revenue
केंद्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड/Central Board of Indirect Taxes & Customs

5thFloor, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi, July, 2023

To,

All CCAs under CBIC.

Subject: ICT in the grade of Group 'B' (Non-Gazetted) & Group 'C' in light of the Recruitment Rules for the posts concerned – Reg.

Sir/Madam,

I am directed to refer to the Board's Circular F. No. A-22015/117/2016-Ad.IIIA dated 20.09.2018 wherein Board has issued clarification regarding Inter Commissionerate Transfer (ICT) in respect of the Inspector grade that Recruitment Rules, 2016 do not have any provision for recruitment by absorption and accordingly, no ICT application can be considered after coming into force of the Recruitment Rules, 2016.

2. Further, Hon'ble Supreme Court vide its judgment dated 10.03.2022 in the matter of Shri SK Nausad Rahaman & Ors. case (CA No. 1243 of 2022) has upheld the Board's view that in absence of special provision in the Recruitment Rules ICT cannot be granted.

3. In view of the above, it is further clarified that in absence of special provision i.e., absorption as a method of recruitment in the Recruitment Rules of the concerned posts, ICT cannot be done/allowed for the same. The same will be applicable from the date of issuance of the Recruitment Rules for the concerned posts where absorption is not one of the methods of recruitment.

4. All CCAs are requested to take necessary steps in line with the instructions. Any deviations may be brought to the knowledge of Board.

5. This issues with the approval of the Competent Authority in the Board.

Yours faithfully,

**Signed by Manish Kumar
Sahay
Date: 07-08-2023 15:56:37
Reason: Approved**

(Manish Kumar Sahay)
Deputy Secretary to Govt. of India
E-mail: ds-admn3a@gov.in