Information Sought (जानकारी मांगी):	I required the following information and documents under RTI Act, 2005: 1. Certified copy of Minutes of DPC for the post of Inspector to Superintendent held on 06.03.2017. 2. Certified copy of Minutes of DPC for the post of Inspector to Superintendent held on 23.03.2018.

Information Provided:

Please refer to your RTI application Registration No. GSTJP/R/E/25/00078 dated 02.04.2025 for providing information under the RTI Act, 2005.

With reference to the information sought by you in your above mentioned RTI application, please find enclosed herewith certified copies of Minutes of DPC dated 06.03.2017 & 23.03.2018 for promotion to the grade of Superintendent from Inspector (Total 14 pages).

OFFICE OF THE CHIEF COMMISSIONER, CENTRAL EXCISE (JZ): JAIPUR

MINUTES OF THE SUPPLEMENTARY DPC HELD ON 06.03.2017 IN OFFICE OF THE CHIEF COMMISSIONER CENTRAL EXCISE (JZ), JAIPUR FOR REGULAR PROMOTION TO THE GRADE OF SUPERINTENDENT GROUP 'B' IN THE PAY BAND/ SCALE OF RS. 9300-34800 (PB-2) WITH CORROSPONDING GRADE PAY OF RS. 4800/- (REVISED AS LEVEL-8 IN PAY MATRIX RS. 47600 - 151100) FROM AMONGST THE INSPECTORS IN THE PAY BAND/ SCALE OF RS.9300-34800 (PB-2) WITH CORROSPONDING GRADE PAY OF RS. 4600/- FOR FILLING UP 17 REGULAR VACANCIES (11 UR + 6 SC) FOR THE PANEL / VACANCY YEAR 2016-2017 (01.04.2016 TO 31.03.2017).

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Present :

	S/Shri		
1.	S.S. Lenka, Chief Commissioner, Central Excise(JZ), Jaipur	-------	Chairman
2.	Arun Kumar, Commissioner (Appeals), Central Excise Jaipur	-------	Member
3.	C.K. Jain, Commissioner, Central Excise, Jaipur.	-------	Member
4.	Mahendra Singh, Additional Commissioner (P&V/Cadre Control), O/o the Chief Commissioner Central Excise (JZ), Jaipur.	-------	Member
5.	Ram Dev Raiger, Assistant Commissioner, Central Excise, Jaipur.	-------	Member

This supplementary DPC has been informed vide self contained note that a panel is to be prepared for regular promotion to the grade of Superintendent, Group 'B' for filling up 17 vacancies for the vacancy year 2016-2017. As per the Post Based Roster of Superintendent, Group 'B', out of 17 vacancies, 11 vacancies are unreserved and 6 are reserved for SC category candidates.

2. A DPC meeting was held on 29.03.2016 for preparation of an advance panel for regular promotion to the grade of Superintendent Group 'B' for filling up 18 regular vacancies (10 UR + 6 SC + 2 ST) for the panel/vacancy year 2016-2017. The said DPC prepared a select panel of 12 Inspectors (10 UR + 2 ST) due to non-availability of eligible SC category Inspectors against 6 SC vacancies in the prescribed zone of consideration for promotion to the grade of Superintendent, Group, 'B'. An extended panel of one Inspector namely Shri Rajiv Kumar was also prepared by the said DPC dated 29.03.2016 in terms of DOPT's O.M. No. 22011/8/87-Estt. (D) dated 09.04.1996. Six posts reserved for the SC category were kept vacant due to non-availability of SC category Inspector even in the extended zone of consideration (i.e. 18 vacancies X 5 = 90).

RTI Document

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3. In terms of DOPT's O.M. No. 22011/2/2014-Estt. (D) dated 30.01.2015, a supplementary DPC for promotion to the grade of Superintendent was held on 10.11.2016 for filling up 19 vacancies (11 UR + 8 SC) for the panel/vacancy year 2016-2017. The said supplementary DPC prepared a select panel of 13 Inspectors (11 UR + 2 SC) against 19 vacancies (11 UR + 8 SC) due to non-availability of the required number of eligible SC category Inspectors against 8 vacancies in the prescribed extended zone of consideration for promotion to the grade of Superintendent, Group, 'B'. In addition to above, an extended panel of one Inspector namely Shri Naresh Kumar Sain was also prepared by the said supplementary DPC in terms of DOPT's O.M. No. 22011/8/87-Estt. (D) dated 09.04.1996. Six posts (8-2) reserved for the SC category were kept vacant due to non-availability of more SC category Inspector even in the extended zone of consideration.

4. **In terms of the DOPT's O.M. No.22011/6/2013-Estt.(D) dated 28.05.2014, the crucial date for determining the eligibility of the officers for promotion to the grade of Superintendent for the panel/vacancy year 2016-2017 is 01.04.2016.**

5. As per the Recruitment Rules forwarded by the Ministry under letter F.No.A-12018/7/85-Ad.II(B) dated 08.01.1987, the post of Superintendent, Group 'B' is to be filled up by the **selection method** and Inspectors with 8 years regular service as on 01.04.2016 are eligible to be considered for promotion to the grade of Superintendent Group 'B'. In terms of para 3.4 of DOPT's O.M. No.35034/7/97-Estt.(D) dated 08.02.2002, the bench mark for promotion in selection posts below the pre-revised pay scale of Rs. 12000-16500 (Revised as Rs. 15600-39100 + Grade Pay of Rs. 7600), is **'Good'** and the DPC shall grade the officer as 'Fit' or 'Unfit' only w.r.t. the bench mark of **'Good'** only. Those who are graded as 'Fit' shall be included in the select panel prepared by the DPC in order of their inter-se-seniority in the feeder grade.

6. In terms of DOPT's O.M. No. 22011/2/2002-Estt. (D) dated 06.01.2006 readwith DOPT's O.M. NO. 22011/2/2014-Estt. (D) dated 30.01.2015, a consideration list of 30Inspectors removing the names of all such Inspectors who have already been assessed by the DPC dated 29.03.2016 and supplementary DPC dated 10.11.2016, has been prepared for filling up 17 vacancies (11 UR + 6 SC). No eligible SC category Inspector as on 01.04.2016 is available even in the extended zone of consideration (i.e. 44 vacancies for the vacancy year 2016-2017 x 5 = 220-43 = 177) for consideration for promotion to the grade of Superintendent for filling up 6 vacancies reserved for the SC category.

7. As per para (2) of the Ministry of Personnel, Public Grievances & Pension's O.M.No.22011/4/91-Estt.(A), dated 14.09.1992, in respect of the Government Servants – (a) who are under suspension: (b) to whom a charge-sheet has been issued and the disciplinary proceedings are pending; and (c) against whom prosecution for a criminal charge is pending, the DPC shall assess their suitability along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC, including `Unfit for promotion' and the grading awarded by it will be kept in a sealed cover.

8. As per DOPT's O.M. No.22011/9/98/Estt.(D) dated 16.06.2000, for the vacancy year 2016-2017, ACRs upto the year 2014-2015 have been taken into consideration irrespective of the date of convening of DPC and as per DOPT's O.M. No.22011/7/98-Estt.(D) dated 06.10.2000, the DPC should assess the suitability of the employees for promotion on the basis of their service records and with particular reference to the CRs for 5 preceding years irrespective of the qualifying service prescribed in the Service / Recruitment Rules.

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9. As per para 6.2.1(c) of the DPC guidelines, where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question.

10. As per the criterion adopted for making selection, the candidates whose gradings in all 5 ACRs are at least 'Good' without any adverse remarks, have been graded as 'Fit'. The candidates whose gradings are less than 'Good' in these 5 ACRs or with any adverse remarks in any ACR(s), have been graded as 'Unfit' for regular promotion to the grade of Superintendent , Group 'B'.

11. The recommendations of the supplementary DPC for regular promotion to the grade of Superintendent Group 'B' for filling up 17 regular vacancies (11 Unreserved + 6 reserved for SC category) for the vacancy year 2016-2017 are as under:

S. No	Name of Inspectors S/Shri	Category	Date of Birth	Recommendations of the DPC
1.	Ashok Sen	OBC	20.05.71	Fit
2.	Vijay Nath	OBC	19.09.70	Fit
3.	Sanjay Kumar Soni	OBC	06.12.73	Fit
4.	Rajendra Chaturvedi	-	22.06.66	Fit
5.	Pradeep Kumar	-	21.01.72	Fit
6.	Meena Ku.Gupta	-	05.08.61	Fit
7.	Sanjay Kumar Sethi	-	04.12.72	Fit
8.	Anil Kumar Jain	-	25.10.71	Sealed Cover
9.	Sanjay Sharma	-	14.11.71	Fit
10.	Hanuman Ram Mundal	-	29.03.74	Fit
11.	Rajesh Kumar Saini	OBC	30.08.71	Fit
12.	Gopal Das Sawnani	-	30.11.70	Fit
13.	Punam Chand	-	03.10.69	Fit (For extended panel)
14.	Hari Ram Chejara	-	01.09.68	Not considered for want of unreserved vacancy
15.	Jaipal	OBC	21.09.71	Not considered for want of unreserved vacancy
16.	Deepak Punjabi	-	02.02.72	Not considered for want of unreserved vacancy

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17.	Shiv Singh Meena	ST	10.06.69	Not considered for want of unreserved vacancy
18.	Rajesh Kumar Arora	-	16.02.70	Not considered for want of unreserved vacancy
19.	Dhanraj Dhundhana	OBC	05.03.74	Not considered for want of unreserved vacancy
20.	Prem Kumar Jangir	OBC	01.03.71	Not considered for want of unreserved vacancy
21.	Bhanwar Singh	-	10.02.75	Not considered for want of unreserved vacancy
22.	Mohan Lal Nama	OBC	29.08.73	Not considered for want of unreserved vacancy
23.	Gulaba Ram	ST	01.06.58	Not considered for want of unreserved vacancy
24.	Sreekala S.	-	27.10.66	Not considered for want of unreserved vacancy
25.	Avtar Singh Lubana (PH-OL)	-	30.09.71	Not considered for want of unreserved vacancy
26.	Bharat Lal Meena	ST	11.07.64	Not considered for want of unreserved vacancy
27.	Manoj Verma	-	19.12.70	Not considered for want of unreserved vacancy
28.	M.R.Meena	ST	01.01.64	Not considered for want of unreserved vacancy
29.	Ram Sharan Gurjar	OBC	01.07.69	Not considered for want of unreserved vacancy
30.	Arun Bhatnagar	-	08.06.66	Not considered for want of unreserved vacancy

On the basis of the above recommendations, the following select panel is drawn for promotion to the grade of Superintendent Group 'B' for filling up 11 UR vacancies out of 17 regular vacancies (11 UR + 6 SC) for the panel/vacancy year 2016-2017:

S. No	Name of Inspectors S/Shri	Category	Date of Birth
1.	Ashok Sen	OBC	20.05.71
2.	Vijay Nath	OBC	19.09.70
3.	Sanjay Kumar Soni	OBC	06.12.73
4.	Rajendra Chaturvedi	-	22.06.66
5.	Pradeep Kumar	-	21.01.72
6.	Meena Ku.Gupta	-	05.08.61

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7.	Sanjay Kumar Sethi	-	04.12.72
8.	Sanjay Sharma	-	14.11.71
9.	Hanuman Ram Mundal	-	29.03.74
10.	Rajesh Kumar Saini	OBC	30.08.71
11.	Gopal Das Sawnani	-	30.11.70

Shri Rajesh Kumar Saini, Inspector who has been selected by this DPC, is presently on deputation to Directorate of Enforcement, Jaipur. Therefore, in terms of DOPT's O.M. No. 22011/8/87-Estt (D) dated 09.04.1996, an extended panel of one Inspector for regular promotion to the grade of Superintendent, Group 'B', is also drawn as under :

Sl. No.	Name of Inspector	Category	Date of Birth
1.	Shri Punam Chand	-	03.10.69

No eligible SC category candidate is available in the normal as well as extended zone of consideration for promotion to the grade of Superintendent for filling up 6 regular vacancies reserved for the SC category, therefore, these 6 vacancies reserved for the SC category in the grade of Superintendent are kept vacant in terms of the DOPT's O.M. F.No.89011/7/90-Estt.B dated 08.02.1991 and CBEC's letter F. No. A-14011/3/92-Ad.III.A dated 18.05.1993 as discussed/mentioned in the self contained note.

(S.S. Lenka)
Chief Commissioner,
Central Excise (JZ), Jaipur
Chairman

06/03/17
(Arun Kumar)
Commissioner (Appeals),
Central Excise, Jaipur
Member

6/3/17
(C.K. Jain)
Commissioner,
Central Excise, Jaipur
Member

(Mahendra Singh)
Additional Commissioner
(P&V/Cadre Control),
O/o the Chief Commissioner
Central Excise(JZ), Jaipur
Member

6/3/2017
(Ram Dev Raiger)
Assistant Commissioner
Central Excise, Jaipur
Member

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OFFICE OF THE CHIEF COMMISSIONER, CGST & CENTRAL EXCISE (JZ): JAIPUR

MINUTES OF THE DPC HELD ON 23.03.2018 IN OFFICE OF THE CHIEF COMMISSIONER CENTRAL EXCISE (JZ), JAIPUR FOR REGULAR PROMOTION TO THE GRADE OF SUPERINTENDENT GROUP 'B' IN THE PAY BAND/ SCALE OF RS. 9300-34800 (PB-2) WITH CORROSPONDING GRADE PAY OF RS. 4800/- (REVISED AS LEVEL-8 IN PAY MATRIX RS. 47600-151100) FROM AMONGST THE INSPECTORS IN THE PAY BAND/ SCALE OF RS.9300-34800 (PB-2) WITH CORROSPONDING GRADE PAY OF RS. 4600/- (REVISED AS LEVEL-7 IN PAY MATRIX RS. 44900-142400) FOR FILLING UP 11 REGULAR VACANCIES (6 UR + 5SC) FOR THE PANEL / VACANCY YEAR 2018 (01.04.2018 TO 31.12.2018).

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Present:

	S/Shri		
1.	Dr. S.L. Meena, Chief Commissioner, CGST & Central Excise(JZ), Jaipur	-------	Chairman
2.	Nishith Goyal, Commissioner, CGST & Central Excise, Jaipur	-------	Member
3.	C.R. Meena, Commissioner, CGST & Central Excise, Jodhpur	-------	Member
4.	Vikas Kumar Jeph, Joint Commissioner (P&V/Cadre Control), O/o the Chief Commissioner CGST & Central Excise (JZ), Jaipur	-------	Member

This DPC has been informed vide self contained note that in terms of the Ministry's letters F.No. A-32012/8/2008- Ad.II.B dated 22.07.2011 and 15.02.2012 readwith DOPT's O.Ms No.22011/9/98-Estt.(D) dated 08.09.1998, dated 13.10.1998, O.M. No. 22011/4/2013-Estt. (D) dated 28.01.2015 and O.M. No. 22011/4/2013-Estt (D) dated 08.05.2017, a DPC meeting is to be held for preparation of an advance panel for regular promotion to the grade of Superintendent Group 'B' for filling up 11 regular vacancies (6 UR + 5 SC) for the panel/vacancy year 2018.

2. As per DOPT's O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017, in order to streamline the process of timely convening of DPCs, it has been decided that henceforth, the following changes may be effected in the DPC procedure in partial modification of this Department OM No. 22011/5/86-Estt. (D) dated 10.04.1989, OM No. 22011/9/98-Estt. (D) dated 16.06.2000, O.M. No. 22011/9/98-Estt. (D) dated 08.09.1998 and O.M. No. 22011/6/2013-Estt. D) dated 28.05.2014 (crucial date of eligibility) :

(i) The vacancy year may be shifted to Calendar Year from the year 2018 onwards, wherever the financial year based vacancy year being followed now.

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(ii) The crucial date of eligibility will be 1st January of the Vacancy year w.e.f. 2019.

(iii) The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December 2019), the reckoning APARs shall be 2016-2017, 2015-2016, 2014-2015, 2013-2014 and 2012-2013.

(iv) The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-2016, 2014-2015, 2013-2014, 2012-2013 and 2011-2012. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.

Accordingly, advance panel for the panel/vacancy year 2018 has been prepared for the period from 01.04.2018 to 31.12.2018.

3 (i) As per the DOPT's O.M. No. 36012/11/2016-Estt.(Res.) dated 30.09.2016, **till such time that the SLP(s) are decided by the Hon'ble Supreme Court, while considering promotion, the DOPT O.M. dated 10.08.2010 and Railway Board circular dated 14.09.2010 regarding reservation in promotion – Treatment of SC/ST candidates promoted on their own merit are not be relied upon.**

(ii) 3 ST category Inspectors were selected for promotion to the grade of Superintendent, Group 'B' against 1 regular vacancy reserved for the ST category by the DPC dated 26.04.2017. Therefore, adjustment of these 2 excess ST category posts is to be made in future when vacancies will arise in the ST category as per point 5 (c) of clarifications regarding post based reservation rosters issued by C. & A.G., in consultation with the DOPT vide Circular No. 9/NGE/98 NO. 108/NGE (App.)/3-97 dated 23.01.1998.

(iii) Further, 2 ST category Inspectors were selected for promotion to the grade of Superintendent, Group 'B' against nil vacancy reserved for the ST category by the DPC dated 13.03.2018. Similarly, adjustment of these 2 excess ST category posts is to be made in future when vacancies will arise in the ST category.

(iv) In all, adjustment of 4 ST category vacancies is to be made. Out of these 4 ST category vacancies, one ST category Superintendent namely Shri Gulaba Ram (selected by the DPC dated 26.04.2017) is going to be retired on 31.05.2018. Out of remaining 3 vacancies, adjustment of only 2 ST category vacancies can be made by this DPC as only 2 ST category Superintendent namely S/Shri Lala Ram Meena and Suwa Lal Meena are going to retire on 31.05.2018 and 31.08.2018 respectively. Adjustment of remaining one ST category vacancy will be made in future when vacancy in the ST category will arise.

As per the post based roster of Superintendent, Group 'B', after adjustment of these vacancies, out of 11 regular vacancies, 6 vacancies are unreserved and 5 are reserved for the SC category.

4. As per the Recruitment Rules forwarded by the Ministry under letter F.No.A-12018/7/85-Ad.II(B) dated 08.01.1987, the post of Superintendent Group 'B' is to be filled up by the **selection method** and Inspectors with 8 years regular service as on 01.04.2018 are eligible for consideration for promotion to the grade of Superintendent Group 'B'. In terms of para 3.4 of DOPT's O.M. No.35034/7/97-Estt.(D) dated 08.02.2002, the bench mark for

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promotion in selection posts below the pre-revised pay scale of Rs. 12000-16500 (Revised as Rs. 15600-39100 + Grade Pay of Rs. 7600 and further revised as Level-12 in Pay Matrix Rs. 78800-209200), is **'Good'** and the DPC shall grade the officer as 'Fit' or 'Unfit' only w.r.t. the bench mark of 'Good' only. Those who are graded as 'Fit' shall be included in the select panel prepared by the DPC in order of their inter-se-seniority in the feeder grade.

5. As per para 2 (ii) of Ministry's letter F.No. A.22015/23/2011-Ad.III.A dated 27.10.2011 regarding Inter Commissionerate transfer of officers in Group 'B' and 'C', the transferee will be placed below all officers appointed regularly to that post/grade on the date of his/her appointment on transfer basis in terms of Para 3.5 of DOP&T's O.M. dated 03.07.1986. In other words, such a transferee will be junior to those regularly appointed officers prior to his/her transfer. However, such transferred officer will retain his/her eligibility of the parent Commissionerate for his/her promotion to the next higher grade, etc. Further, as per para-2(iii) ibid, on Inter Commissionerate transfer, the officers will not be considered for promotion in the old Commissionerate.

6. In terms of the DOPT's O.M. No.22011/6/2013-Estt.(D) dated 28.05.2014 readwith O.M. No.22011/4/2013-Estt. (D) dated 08.05.2017, the crucial date for determining the eligibility of the officers for promotion to the grade of Superintendent for the panel/vacancy year 2018, is 01.04.2018.

7 (i). As per the instructions contained in the DOPT's O.M. No.22011/2/2002-Estt(D) dated 06.01.2006 regarding size of zone of consideration for promotion by 'Selection' method, the normal zone of consideration for filling up 11 regular vacancies is 24. However, only 22 eligible Inspectors who have completed 8 years of regular service in the grade of Inspector as on 01.04.2018 are available in the normal zone of consideration of 22 Inspectors. Hence, a consideration list of 22 Inspectors from the normal zone of consideration has been prepared. Two SC category candidates are available in the prescribed normal zone of consideration against 5 vacancies reserved for the SC category. Further, 3 eligible SC category candidates are available in the extended zone of consideration (i.e. 5 x 11 vacancies = 55). Accordingly, a separate consideration list of the said 3 eligible SC category candidates available in the extended zone of consideration has been prepared for filling up 5 vacancies reserved for the SC category.

S/Shri Kishan Lal Meena (Date of Joining – 07.04.10) and Nemi Chand Soni (Date of Joining – 20.07.10) who are falling in the normal zone of consideration of 24 Inspectors have not been considered as they have not completed the required 8 years of regular service in the grade of Inspector as on 01.04.2018 in terms of CBEC's letter F.No A-32012/3/2014-Ad.IIB dated 29.07.2015 readwith CBEC's other letter dated 29.07.2015 and DGHRD's letter F.No. 8/B/119/HRD(HRM)/2015 dated 19.08.2015. As per these letters the senior Inspectors who had not completed 8 years of regular service in the grade of Inspector cannot be considered for promotion to the grade of Superintendent Group 'B' on the basis of the DOPT's O.Ms dated 25.03.1996 and 24.09.1997 on the grounds that their juniors have the required qualifying service of 8 years because there is no such clause in the extent Recruitment Rules of Superintendents and DOPT has also not provided any relaxation in this regard.

(ii) Shri Raj Kumar Pannu (SC) had joined in his parent Commissionerate (i.e. Mumbai) as Inspector on 21.10.2009 and he joined in this zone on Inter Commissionerate transfer on 28.02.2011. Hence, his

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services rendered in his parent Commissionerate as Inspector will be counted for the purpose of promotion to the grade of Superintendent, Group 'B' in terms of para 2 (ii) of the Ministry's letter dated 27.10.2011 as discussed above. He has completed 8 years of combined regular service in the grade of Inspector as on 01.04.2018 and is also available in the prescribed extended zone of consideration, therefore, he is eligible for consideration for promotion to the grade of Superintendent, Group 'B' in this zone against the vacancies reserved for the SC category for the vacancy year 2018.

(iii) However, three senior SC category Inspectors namely S/Shri Ram Swaroop (Date of joining 30.10.06/05.05.10), Varun Tanwar (Date of joining 28.07.10) and Prem Raj Jogpal (Date of joining 12.05.10) are available in the extended zone of consideration but they have not completed the required 8 years of regular service in the grade of Inspector as on 01.04.2018, therefore, they have not been considered for promotion to the grade of Superintendent, Group 'B' for filling up the vacancies reserved for the SC category in terms of CBEC's letter F.No. A-32012/3/2014-Ad IIB dated 29.07.2015 readwith CBEC's other letter dated 29.07.2015 and DGHRD's letter F.No. 8/B/119/HRD(HRM)/2015 dated 19.08.2015. As per these letters the senior Inspectors who had not completed 8 years of regular service in the grade of Inspector cannot be considered for promotion to the grade of Superintendent Group 'B' on the basis of the DOPT's O.Ms dated 25.03.1996 and 24.09.1997 on the grounds that their juniors have the required qualifying service of 8 years because there is no such clause in the present Recruitment Rules of Superintendents and DOPT has also not provided any relaxation in this regard.

(iv) It is also informed that Shri Ram Swaroop (SC) (Date of joining 30.10.06/05.05.10), Inspector has however completed 8 years of combined regular service in the grade of Inspector counting his past services rendered in his parent Commissionerate i.e. Central Excise Cochin prior to acceptance of technical resignation w.e.f. 26.04.2010 but he is not being considered for promotion to the grade of Superintendent Group 'B' against the vacancies reserved for the SC category on the grounds that he has not completed 8 years of regular service in Customs and Central Excise Jaipur Zone as on 01.04.2018. The past services rendered by Shri Ram Swaroop (SC) as Inspector in Central Excise Cochin **prior to technical resignation** (w.e.f. 26.04.2010) cannot be counted for the purpose of promotion to the grade of Superintendent in this zone. He was informed accordingly vide this office letters dated 22.11.2016 and 01.06.2017.

8. As per DOPT's O.M. No. 89011/7/90-Estt.B dated 08.02.1991 normally the DPC is expected to recommend a reserved candidate against a reserved vacancy. If no suitable reserved candidate is available, it is open to the appointing authority either to keep the post vacant or to de-reserve the reserved vacancy and fill up the same by appointing a general candidate. Further, if the Ministry / Department want to fill up the reserved vacancy by a general candidate, they may initiate action for getting it de-reserved. Thereafter, a fresh DPC may be held for filling up that vacancy by a general candidate. An exception to this general rule will be made by the UPSC only in exceptional cases. As per the CBEC's letter F.No. A-14011/3/92-Ad III A dated 18.05.1993, no de-reservation proposal will be entertained for consideration by the Board, where DPC has already recommended / empanelled general candidates against posts proposed to be de-reserved. The DPC should consider and recommend general candidates against these posts only after these are de-reserved.

9 (i) The DOPT vide O.M No. 36028/17/2001-Estt. (Res) dated 11.07.2002 had clarified that the SC/ST candidates appointed by promotion

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on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points. The Ministry vide letter F.No. A-60011/23/2002- Ad.II.(B)(Pt.) dated 18.03.2003 w.r.t the said O.M. dated 11.07.2002 also clarified that if the SC/ST category candidates are selected **within the number of unreserved vacancies**, may be adjusted against unreserved vacancies at the time of promotions.

(ii). The DOPT vide O.M. No. 36028/17/2001-Estt.(Res.) dated 31.01.2005 clarified that the said O.M. dated 11.07.2002 is applicable w.e.f. 11.07.2002 and the cases where SC/ST candidates promoted on their own merit before 11.07.2002 have been adjusted against unreserved points need not be re-opened. It was further clarified that since in the case of promotions by non-selection, promotions are made on the basis of seniority-cum-fitness and the concept of merit is not involved in such promotions, the O.M. dated 11.07.2002 does not apply to the promotions made by non-selection method.

(iii) On the basis of judgments of Hon'ble CAT Bench Madras and Hon'ble High Court Madras, the DOPT vide O.M. No. 36012/45/2005-Estt.(Res.) dated 10.08.2010 mentioning/referring the said O.Ms dated 11.07.2002 and 31.01.2005 had decided to withdraw the said O.M. dated 31.01.2005 and clarified that SC/ST candidates appointed by promotion on their own merit and seniority and not owing to reservation or relaxation of qualification will be adjusted against unreserved points of reservation roster, irrespective of the fact whether the promotion is made by selection method or non-selection method. It was also stated that these orders will take effect from 02.07.1997 i.e. the date on which post based reservation was introduced.

(iv) The DOPT vide O.M. No. 36012/11/2016-Estt.(Res.) dated 30.09.2016 mentioning/ referring 15 SLPs and one Contempt Petition (C) pending before Hon'ble Supreme Court held in paras 4 to 6 that :

> "4. In order to preclude any interim order in the contempt case, as desired by the Hon'ble Supreme Court, the Learned Solicitor General has undertaken that till such time the main matter along with the Contempt Petition is decided, no further promotions of reserved category persons to unreserved posts will be made based on the DOPT's OM dated 10.08.2010 and Railway Board Circular dated 14.09.2010."
>
> 5. **In the light of the above, till such time that the SLP(s) are decided by the Hon'ble Supreme Court, while considering promotion, the DOPT O.M. dated 10.08.2010 and Railway Board circular dated 14.09.2010 are not be relied upon. The main matter along with the contempt petition is likely to be taken up for hearing on 22.11.2016.**
>
> 6. These instructions may be brought to the notice of all concerned for information and necessary action."

(v) The Ministry vide letter F.No. C-18012/23/2010-Ad.IIB dated 10.11.2016 w.r.t. this office letter C.No. II-3(6)CCU/JZ/2010/Pt./4127 dated 20.10.2016 stated that DOPT vide paras 4 & 5 of their O.M. dated 30.09.2016 has noted that no further promotion of reserved category persons to unreserved posts will be made based on the DOPT O.M. dated 10.08.2010, till such time the SLP(s) are decided by the Hon'ble Supreme

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Court. The Contempt Petition (C) No. 314/2016 in SLP (C) No 4831/2012 is listed on 22.11.2016 in the Hon'ble Supreme Court. DOPT has not provided further clarification in this regard. It was also stated to wait upto 22.11.2016 for outcome of the hearing in the CP and further clarification shall be communicated as and when received from DOPT.

(vi) **The Ministry vide letter dated 13.02.2017 w.r.t. this office letter dated 23.01.2017 reiterated the facts as mentioned in its aforesaid letter dated 10.11.2016 and it has also been stated that the DOPT O.M. dated 30.09.2016 may be followed.**

(vii) The Administration of this zone has decided to the effect that the promotions may be effected keeping in view the Board's clarification in terms of DOPT's OM dated 30.09.2016 by not following circular dated 10.08.2010 and reservation in normal course may be extended. Accordingly, CBEC has been informed vide this office letter dated 29.03.2017.

(viii) The Ministry vide letter dated 27.10.2017 has again stated that as directed in the OM dated 30.09.2016, it is imperative that till such time that the SLPs referred to therein are decided by the Hon'ble Supreme Court while considering the promotion, the DoPT OM dated 10.082010 is not to be relied upon.

(ix) As per point 5 (c) of clarifications regarding post based reservation rosters issued by C. & A.G., in consultation with the DOPT vide Circular No 9/NGE/98 NO. 108/NGE (App.)/3-97 dated 23.01.1998, if a senior most official in a cadre belonging to reserved category is considered fit for promotion on seniority-cum-fitness basis will be promoted to higher post despite excess representation of such reserved category in higher post but he would be shown against reserved category to which he belongs for the purpose of future adjustment.

In view of the above, the SC/ST candidates appointed by promotion on their own merit and seniority are to be adjusted against the reserved vacancies subject to outcome of the SLP (s) / Contempt Petition pending before Hon'ble Supreme Court and further decision of the DOPT / CBEC in the matter.

10. As per Ministry's letter F. No. C-18012/6/2009-Ad.II.B dated 16.09.2010 and interim orders dated 27.08.2010 in modification of the earlier interim order dated 02.03.2010 of Hon'ble High Court Calcutta, the promotions to the grade of Superintendent Group 'B' are to be made subject to the out come of pending Writ Petition No. 261 of 2008.

11. As per para (2) of the Ministry of Personnel, Public Grievances & Pension's O.M. No.22011/4/91-Estt.(A), dated 14.09.1992, in respect of the Government Servants – (a) who are under suspension, (b) to whom a charge-sheet has been issued and the disciplinary proceedings are pending, and (c) against whom prosecution for a criminal charge is pending the DPC shall assess their suitability along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC, including 'Unfit for promotion' and the grading awarded by it will be kept in a sealed cover.

12. As per para-7 (g) of DOPT's O.M. No .22011/4/2007-Estt. (D) dated 28.04.2014 readwith O.M. No. 22011/4/2007-Estt. (D) dated 21.11.2016, in assessing the suitability of the officer on whom a penalty has been imposed the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer would be

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considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over. Further, as per para-7 (i) ibid, **while there is no illegality in denying promotion during the currency of the penalty, denying promotion in such cases after the period of penalty is over would be in violation of the provisions of Article 20 of the Constitution.**

Shri Raju Raj Kumar Mathur, Inspector is under penalty period from 01.08.2015 to 31.07.2018. Since, his penalty period is going to be completed on 31.07.2018, therefore, he is due for promotion after expiry of penalty period i.e. 01.08.2018.

13. As per DOPT's O.M. No.22011/9/98/Estt.(D) dated 16.06.2000 readwith DOPT's O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017, for the vacancy year 2018 (01.04.2018 to 31.12.2018), 5 year ACRs upto the year 2015-2016 are required to be considered irrespective of the date of convening of DPC and as per DOPT's O.M. No.22011/7/98-Estt.(D) dated 06.10.2000, the DPC should assess the suitability of the employees for promotion on the basis of their service records and with particular reference to the CRs for 5 preceding years irrespective of the qualifying service prescribed in the Service / Recruitment Rules.

14. The recommendations of the DPC for regular promotion to the grade of Superintendent Group 'B' for filling up 11 regular vacancies (6 unreserved + 5 reserved for SC category) for the vacancy year 2018 (01.04.2018 to 31.12.2018) are as under:

S. No	Name of Inspectors S/Shri	Category	Date of Birth	Recommendations of the DPC
1.	Ajit Singh Dutt	-	12.06.60	Sealed Cover
2.	S.N. Sethi (Adhoc Supdt.)	-	08.03.59	Sealed Cover
3.	Dally Gill (Adhoc Supdt.)	-	07.04.66	Sealed Cover
4.	Shailesh Sharma	-	24.08.66	**Unfit**
5.	Navneet Goyal	-	01.09.68	Sealed Cover
6.	Sanjeev Kumar Mittal	-	06.02.66	Sealed Cover
7.	Raju Raj Kumar Mathur	-	25.11.67	**Fit (After expiry of penalty period i.e. 01.08.2018)**
8	Hanuta Ram	-	24.08.59	**Unfit**
9	Prabhu Dayal Beniwal	SC	15.05.69	Sealed Cover
10	J.S Mahawar	SC	15.07.67	**Unfit**
11	Radha Krishan Mishra	-	28.10.68	**Unfit**
12	Jagdish Narayan Meena	ST	05.07.65	Sealed Cover
13	Mukesh Jain	-	20.06.66	Sealed Cover
14.	Mukhlesh Jain	-	03.02.64	Sealed Cover
15.	Anil Kumar Jain	-	25.10.71	Fit

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16.	Bharat Lal Meena	ST	11.07.64	Unfit
17.	Harun Mohammed Pinara	OBC	10.01.1980	Fit
18.	Arvind Kumar Saini	OBC	31.08.1986	Fit
19.	Naveen Patwa	OBC	29.11.83	Fit
20.	Rajesh Kumar Vaishnav	OBC	29.07.79	Fit
21.	Nirmlesh Daksh	OBC	11.06.81	Not considered for want of unreserved vacancy
22.	Rohitash Kumar	-	17.01.82	Not considered for want of unreserved vacancy

SEPARATE CONSIDERATION LIST OF ELIGIBLE SC CATEGORY INSPECTORS WHO ARE AVAILABLE IN THE EXTENDED ZONE OF CONSIDERATION

Sl. No.	Name of Inspectors S/Shri	Category	Date of Birth	Recommendations of DPC
1.	Dharmveer	SC	31.12.78	Fit
2.	Vandana Maurya	SC	07.05.86	Fit
3.	Raj Kumar Pannu	SC	25.06.78	Fit

On the basis of the above recommendations, the following selec panel is drawn for regular promotion to the grade of Superintendent Group 'B for filling up 9 regular vacancies (6 UR + 3 SC), out of 11 regular vacancies (6 UR + 5 SC) for the panel/vacancy year 2018 (01.04.2018 to 31.12.2018) :

S. No	Name of Inspectors S/Shri	Category	Date of Birth
1.	Raju Raj Kumar Mathur **(Fit for promotion after expiry of penalty period i.e. 01.08.2018)**	-	25.11.67
2.	Anil Kumar Jain	-	25.10.71
3.	Harun Mohammed Pinara	OBC	10.01.80
4.	Arvind Kumar Saini	OBC	31.08.86
5.	Naveen Patwa	OBC	29.11.83
6.	Rajesh Kumar Vaishnav	OBC	29.07.79
7.	Dharmveer	SC	31.12.78
8.	Vandana Maurya	SC	07.05.86
9.	Raj Kumar Pannu	SC	25.06.78

3 SC category Inspectors have been selected for promotion to the grade o Superintendent, Group 'B' against 5 regular vacancies reserved for the SC category, therefore, remaining 2 regular vacancies (5 - 3 =2) reserved for the SC category in the grade of Superintendent are kept vacant in terms of the DOPT's O.M. F.No.89011/7/90-Estt.B dated 08.02.1991 and CBEC's letter F. No. A 14011/3/92-Ad.III.A dated 18.05.1993 as discussed/mentioned in the self contained note.

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As per para 15 of DPC Guidelines, the proceedings of the DPC shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman, provided that the member was duly invited but he/she absented himself/herself for one reason or the other and there was no deliberate attempt to exclude him/her from the deliberation of the DPC and provided further that the majority of the members constituting the DPC are present in the meeting.

One member of this DPC Shri C.K. Jain, Commissioner, CGST, Udaipur was duly invited to participate in the said DPC but he remained absent in the meeting of this DPC. However, Chairman and other members of this DPC are duly present in meeting.

(Dr. S.L. Meena)
Chief Commissioner,
CGST & Central Excise
(JZ), Jaipur
Chairman

23/03/2018
(Nishith Goyal)
Commissioner,
CGST & Central Excise, Jaipur
Member

(C.R. Meena) 23.03.18
Commissioner,
CGST & Central Excise,
Jodhpur
Member

23.3.18
(Vikas Kumar Jeph)
Joint Commissioner
(P&V/Cadre Control),
O/o the Chief Commissioner
CGST & Central Excise(JZ),
Jaipur
Member

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