

No. A-60/RTI/4/2024-Ad. IIIB
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs



Gr. Floor, Hudco Vishala Building
Bhikaji Cama Place, R. K. Puram New Delhi
Dated: 15.03.2024

To

Shri Rakesh Kumar,
S/o Shri Babu Ram,
Vill & Post- Piprali, Distt- Sikar, Rajasthan-332027,
Ph-9785288927

Subject: Information sought under RTI Act-2005- Reg.

Sir,

Please refer to your RTI application dated 17.02.2024 transferred from CPIO, CX-9 of CBIC vide their letter No. 295/2/2023-CX.9 dated 01.03.2024, received by the CPIO undersigned on 08.03.2024 for furnishing the information under RTI Act -2005.

2. In this regard, point wise reply is as follows:

Point-1, 2, 3 & 4:- It is to inform that under the RTI Act, only such information can be supplied which already exists and is held by the Public Authority. CCA, Jaipur zone is a competent authority in the matter relating to appointment. Since, requisite information is a third-party information for which CPIO, Jaipur zone is the only custodian to supply the information. In this context, RTI application is being transferred under section 6(3) of RTI Act to CPIO, Jaipur zone for furnishing the reply to the applicant directly.

3. If aggrieved with the information, an appeal in this regard may be preferred before the first Appellate Authority, Shri R.K. Jha, Deputy Secretary, Ground floor, Hudco Vishala, Bhikaji Cama Place, RK Puram, New Delhi-110066 within 30 (thirty) days of receipt of this reply.

Your faithfully

Encl: As above

(Mohammad Ashif)

CPIO/Under Secretary to the Govt. of India
☎: 011 26162780

✓ **Copy to** : The CPIO/Office of the Chief Commissioner, Goods and Services Tax & Customs, Jaipur Zone, New central Revenue building, statue circle, c-scheme, Jaipur, Rajasthan-302005 along with the copy of above mentioned RTI application with the request to provide the information directly to the applicant as per the provisions of the RTI Act, 2005.

FTS 3612768 2024-RTI CELL
Government of India
Ministry of Finance
Department of Revenue
RTI CELL

Dated 07/03/2024

Indian Postal Order/Demand Draft No./Che que no. ① 9561 137423
Rs. 50 (FIFTY) is/are retained. Please take action as per the provision of RTI Act, 2005

2. The RTI application/Appeal is being transferred/forwarded to the US (AD. III. B) after going through the Allocation of Business Rules of the Government of India/Induction material of the Department of Revenue.

(Sudha Rani)
Section Officer (RTI Cell)
Tele No-23095588

07/03/2024

To,

CPIO/Under Secretary (AD. III. B)
(Department of Revenue)

8.3.24
SO (AD. III. B)
8.3.24

Sh. DK

121 DSA d. III A
4 Mar 2024

फा.सं. 295/2/2023-सीएक्स.9
F.No. 295/2/2023-CX. 9
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

कमरा सं. 276- A, नार्थ ब्लॉक, नई दिल्ली
Room No 276- A, North Block, New Delhi
दिनांक / Date: - 01-03-2024

170004-111A
5/3/24

सेवा में/To,
श्री राकेश कुमार,
गांव व पोस्ट पिपराली जिला सीकर राजस्थान 332027.

विषय: सूचना का अधिकार अधिनियम, 2005 के तहत प्राप्त आरटीआई आवेदन का हस्तांतरण।
महोदय/ महोदया,

सूचना के अधिकार के अधिनियम, 2005 के तहत आपकी आरटीआई आवेदन दिनांक 17-02-2024 प्राप्त हुई है। इस संदर्भ में यह सूचित किया जाता है की मांगी गई जानकारी इस अनुभाग में उपलब्ध नहीं है।

हालांकि, आरटीआई आवेदन की एक प्रति आरटीआई अधिनियम, 2005 की धारा 6(3) के तहत सीपीआईओ, कार्यालय संयुक्त सचिव प्रशासन, सीबीआईसी, डीओआर, नॉर्थ ब्लॉक, नई दिल्ली-110001 को इस अनुरोध के साथ हस्तांतरित की जाती है कि वांछित सूचना सीधे आवेदक को भेज दी जाए।

भवदीय,

sl
(अमित प्रकाश)
सहायक आयुक्त एवं सीपीआईओ
(सी अक्स -9 अनुभाग)
011-23095570

प्रतिलिपि:
आरटीआई आवेदन की एक प्रति आरटीआई अधिनियम की धारा 6(3) के तहत स्थानांतरित की जाती है

(1) सीपीआईओ, कार्यालय संयुक्त सचिव प्रशासन, सीबीआईसी, डीओआर, नॉर्थ ब्लॉक, नई दिल्ली-110001 को इस अनुरोध के साथ हस्तांतरित की जाती है कि वांछित सूचना सीधे आवेदक को भेज दी जाए।

Dis (Ad. III B) DSI Ad. III A.

अमित प्रकाश
(अमित प्रकाश)
सहायक आयुक्त एवं सीपीआईओ
(सी अक्स -9 अनुभाग)
011-23095570

Pl. examine & pl. discuss.
mhb
4/3/24
S.O. (RTI Cell), Dept of Revenue
North Block

CPIO (Ad. III B)

Retain IPO

Discussed: Please advise
not to send RTI applications to
83 (A).
For Ad. III B pl.
5/3/2024

5/3/24
SO (Ad. III B)
5/3/24

To,

The Chief Public Information Officer,
Office of the Member (GST Legal, CX & ST),
Central Board of Indirect Taxes and Customs,
New Delhi.

RTS- 36/2768/24/USCO
Date - 27/2/24

Sub: - RTI application for seeking information under RTI Act, 2005 reg.

Sir,

On the cited subject, it is humbly submitted that I, Rakesh Kumar, after being selected as Headmaster, secondary Education Dept., Raj Govt., had tendered technical resignation from post of Inspector, CGST & Central Excise and which was accepted by the competent authority i.e. the Principal Commissioner, CGST & Central Excise, Jaipur w.e.f. 31.10.2019.

I submitted an application for repatriating me as Inspector, CGST & Central Excise before the Principal Commissioner, CGST & Central Excise, Jaipur within in period of 2 years on 18.10.2021 through proper channel and a copy of the same had been sent through speed post on 05.01.2022. On 20th July 2022 again submitted application for the same. Later I again represented through present employer on 08.09.2022 in which clearly mentioned "कार्मिक का विभाग में स्थायीकरण नहीं हुआ है". Further, the Additional Commissioner, office of the Principal Commissioner, CGST & CE Commissionerate, Jaipur vide letter dated 02.12.2022 has informed that request for extension of lien and repatriation was not accepted by competent authority.

Against this order which violates my basic fundamental right and is sheer violation of provision in respect of lien and repatriation laid down by OM No. 28020/3/2010/Est.(C) dated 17th Aug 2016 issued by Department of Personnel and Training, GOI, I represented/ made appeal to the honourable Member (GST Legal, CX & ST), Central Board of Indirect Taxes and Customs, New Delhi to give necessary direction to repatriate me in the parent cadre through my letter dated 30th Dec 2022 by Speed Post. (Copy of representation also attached for ready reference)

It is requested to provide me following information under RTI Act 2005: -

1. What decision was taken on my representation dated 30th 2022 by the Member (GST Legal, CX & ST), Central Board of Indirect Taxes and Customs, New Delhi or his office. Please provide copy.
2. Whether my representation has been disposed of or not. Please provide information.
3. If my representation has still not been disposed of. Please provide status of the same.
4. Directions, if any was given to the Principal Commissioner, CGST & Central Excise Jaipur Zone, Jaipur or any other authority in respect of my repatriation in the parent cadre, please provide certified copy of the same.

27/2
Supt Jaipur

5. Please provide certified copy of the note-sheet indicating noting of various officials in respect of the disposal of the same representation.

For RTI fee postal order bearing No...956.../37423. of Rs.30/- is attached and I am ready to deposit any other fees, if applicable to my application.

Yours Faithfully,

Date: 17/02/2024

Rakesh
17/02/2024

Rakesh Kumar
Son of Shri Debu Ram,
Vill&Post- Piprali,
Distt-Sikar (Rajasthan)
Pin- 332027
Mo:- 9785288927

E Mail- rakeshpiprali@gmail.com

Rakesh Kumar,
Headmaster,
Govt. Girls Sr. Sec. School, Kucheel,
Ajmer
30th Dec, 2022

To,

The Principal Chief Commissioner,
Central GST & CE Zone,
Jaipur,
NCRB, Statue Circle, Jaipur

Sub:-Representation/appeal in respect repatriation at the post of
Inspector, CGST & CE, Jaipur reg:-

Sir,

On the cited subject, it humbly submitted that I, after being selected at the post of Headmaster, Govt. Girls Senior Secondary School, Kucheel, Ajmer (Secondary Education Department, Govt. of Rajasthan), had tendered technical resignation from post of Inspector, Central GST & CE, Jaipur, which was accepted by the Principal Commissioner (CCU), Central GST & CE, Jaipur Zone, Jaipur on 31.10.2019 with retaining lien on that post.

2. Further, it is submitted that I have applied for repatriation on the previous post i.e. Inspector on 18.10.2021 (Copy of application attached as **Annexure- A**) through proper channel and after coming to my notice that the application has not been forwarded timely to the Principal Commissioner (CCU), Central GST & CE, Jaipur Zone, Jaipur, advance copy of the application has also been sent through speed post on 05.01.2022(Copy of Speed post receipt attached as **Annexure B**). On 20th July 2022, I again submitted application for extension of lien and repatriation to the same to the Principal Commissioner Goods and Service Tax and Central Excise Commissionerate, Jaipur.

3. Further, it has been informed to me by the letter of the Joint Commissioner, office of the Principal Commissioner, Jaipur (Cadre Control Unit) that *your lien has already been expired in this department on 31.10.2021 and no further communication has been received from your present employer in the matter so far. Therefore, your request for retention of lien for one more year has not been accepted by the competent authority* (Copy attached as **Annexure-C**).

4. Further, it is submitted that I, in response of the cited letter's (Annexure-C) intimation "*no further communication has been received from your present employer in the matter so far*", again submitted representation through present employer on 08.09.2022 (**Copy attached**

as Annexure-D) which later forwarded to the Principal Commissioner by the present employer with mentioning “कर्मिक का विभाग में स्थायीकरण नहीं हुआ है।” (Copy attached as Annexure -E)

5. Further, the Additional Commissioner, office of the Principal Commissioner, GST & CE Commissionerate, Jaipur (Cadre Control Unit) vide letter F. No. II-33(1)CCU/JZ/2020/1946 dated 02.12.2022 has informed, “belated request of shri Rakesh Kumar for extension of lien was not accepted by the competent authority”. (Copy attached as Annexure -F)

6. Further, it is submitted that **Office Memorandum No. 28020/3/2010 Estt.(C) dated 17th Aug 2016** (Copy attached as Annexure-G) issued by Department of Personnel and Training, Govt. of India, in Para 3.3(ii) discusses about retention of lien for appointment in another Central Govt. offices/State Government and lays down:-

“(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments / offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.”

In view of the said OM, it is clear that where employee joins other department in two years and not confirmed in the department /office where he has joined within a period of two years, he may be permitted to retain the lien in the parent department/ office for one more year. ***I have joined department (Secondary Education, Govt. of Rajasthan) in the prescribed time period of two year and has not been confirmed yet.***

7. Further, it is also stated that as per Para 3.3(i) of the said OM clearly mentions that a permanent Government Servant has to resign from his parent department unless he reverts to the department within in a period of 2 or 3 years in exception cases. Para 3.3(ii) of the O.M. says that timely action should be taken to ensure extension/ reversion /resignation of the employees to their parent cadre on completion of 2/3 years. It is pertinent to mention here that ***neither I have tendered my resignation from the parent cadre nor such undertaking has been obtained by the parent department/ office.*** It is also categorically submitted that as per the Para 3.3(iii) of the said OM neither any instances/situation occurred where I have not given to response any instruction nor ***any action has been initiated for termination of my lien from the parent cadre. In view of the said Para my lien stands still exist on the parent cadre i.e. inspector in the department.***

8. Para no 3.4.1 of the OM lays down:-

"A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post."

The Para in 3.4.2 lays down:-

"A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne."

Thus Para 3.4.1 clearly emphasizes that my lien at the parent cadre can't be terminated until I acquires lien/ my lien transferred on another substantive post in any department/office under the Central Govt. or a State Government. ***My Present employer clearly mentioned in his letter (Annexure-E) that I have not been confirmed in the present cadre i.e. Headmaster, Secondary Education, Govt. of Rajasthan till date.***

9. It has been informed vide letter of the Joint Commissioner dated 26.08.2022 that my lien has been expired in the parent department and no further communication from my present employer has been received so far, therefore your request for extension for retention of lien for one more year has not been accepted. While no such ground mentioned in the O.M. for the same. However, I again humbly requested through proper channel for extension of the same and repatriation at the parent cadre.

10. Thus, non-acceptance of my request for repatriation to the Inspector cadre by the Competent Authority i.e. the Principal Commissioner, CGST & CE Commissionerate, Jaipur(CCU) results leave me without a lien upon a permanent post, because my lien has not been created on current post and my present employer also intimated about it to the parent department. While Para no 3.4.1 of the OM categorically lays down:-

"A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post."

Therefore, it is **clearly seems that it violates provisions of the Para no 3.4.1 of the OM** and leaves me without a lien upon a permanent post.

11. Further, my request is termed as "belated request" in the letter of the Additional Commissioner. I categorically submit here that I had applied for repatriation within period of 2 years vide application dated 18.10.2021 and almost one year and three months have passed since my request.

12. According Para No. 3.3(ii)of the OM either the employee has to resign from his parent department unless he reverts to that department or suitable action should be initiated for termination of lien with giving adequate opportunities to the officer prior to such consideration. Both situations have not taken place. Therefore, **it is indubitably clear that my lien at the parent cadre has not been terminated so far and still stands exist.**

13. Therefore, in view above discussion, I, hereby, humbly appeal against the Principal Commissioner's decision on my repatriation application and urge your good office to repatriate me in the parent cadre/ give necessary direction to the competent authority i.e. the Principal Commissioner, Central GST & CE Commissionerate, Jaipur, (Cadre Control Unit) to repatriate me in the parent

cadre i.e. Inspector in the Department at the earliest, since too long time has been passed.

With Regards,

Enclosed: 1. Annexure A to G

Yours faithfully,

*11029
30/12/2022*

(Rakesh Kumar)
Headmaster

Copy to:

1. Submitted to the honorable **Revenue Secretary, Department of Revenue, Govt. of India, 128 A, North Block, New Delhi** with humble request to make arrange/give direction to repatriate me in the parent cadre i.e. Inspector, CGST & CX, Jaipur please.
2. Submitted to the **Member (GST Legal, CX & ST) and supervisory officer of CGST & CX Zone, Jaipur, Central Board of Indirect Taxes and Customs, Department of Revenue, North Block, New Delhi** with humble request to make arrange/give direction to repatriate me in the parent cadre i.e. Inspector, CGST & CX, Jaipur please.
3. Submitted to the **Member (Administration and Vigilance), Central Board of Indirect Taxes and Customs, Department of Revenue, North Block, New Delhi** with humble request to make arrange/give direction to repatriate me in the parent cadre i.e. Inspector, CGST & CX, Jaipur please.
4. Submitted to the **Principal Commissioner, CGST & CX, Jaipur (Cadre Control Unit), NCRB, Statue Circle, Jaipur** with humble request to reconsider my repatriation application/review his decision in respect of my repatriation in the parent cadre i.e. Inspector, CGST & CX, Jaipur please.

Annexure - A

सेवा में,

प्रधान आयुक्त (CCU)
केंद्रीय वस्तु एवं सेवा कर परिशोधन, जयपुर
नव केंद्रीय राजस्व भवन (NCRB),
स्टेच्यु सर्किल, जयपुर



(उचित माध्यम द्वारा)

विषय :- पदाधिकार अवधि (Lien Period) दौरान पूर्व पद निरीक्षक, CGST पर वापस लौटने के सन्दर्भ में।


महोदय,

उक्त विषय में सविनय निवेदन है की मेरा प्रधानाध्यापक माध्यमिक शिक्षा में चयनोपरांत दिया गया तकनीकी त्यागपत्र, प्रधान आयुक्त, मुख्य आयुक्त कार्यालय, वस्तु एवं सेवा कर एवम केंद्रीय उत्पाद शुल्क परिशोधन, जयपुर द्वारा स्थापना आदेश संख्या 76/2019 दिनांक 31.10.2019 (प्रतिलिपि सलम है) के द्वारा स्वीकार किया गया। दिनांक 31.10.2019 को मुझे निरीक्षक, वस्तु एवं सेवा कर एवं केंद्रीय उत्पाद शुल्क में कार्य नुक्त किया गया। मैं पूर्व पद निरीक्षक, वस्तु एवं सेवा कर एवं केंद्रीय उत्पाद शुल्क पर वापस लौटना चाहता हूँ। अतः महोदय से निवेदन है की मुझे उक्त पद पर वापस लौटने की अनुमति प्रदान करें एवं नियुक्ति पत्र जारी करने को कृपया करें।

सलम: उपरोक्तानुसार

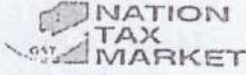
सधन्यवाद।

भवदीय,


18/10/19
(राकेश कुमार)
प्रधानाध्यापक,
रा बा मा वि कुचील
मो. 9785288927

Annexure B.

63961725IN IPR:6982463961725
KUCHIL S.O (305811)
Counter No:1.05/01/2022,13:26
To:PRADHAN AYUKT,BST
IN:302001, Jaipur G.P.O.
From:RAKESH KUNAR,PRINCIPLE
Weight:20gms
Rate:41.30(Cash)Tax:6.30
Track on www.indiapost.gov.in
Dial 18002666868 (Near Hasks, Stay Safe)



प्रधान आयुक्त कार्यालय

OFFICE OF THE PRINCIPAL COMMISSIONER

बस्तु एवं सेवाकर एवं केन्द्रीय उत्पाद शुल्क आयुक्तालय, जयपुर

GOODS & SERVICE TAX & CENTRAL EXCISE COMMISSIONERATE, JAIPUR

NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR-302005

EMAIL: ccu1400@rediffmail.com

(कैडर कन्ट्रोल यूनिट)

Telefax: 0141-2385130

C.No. II-33(1)CCU/JZ/2020 (67)

Date: 26.08.2022

To,

Shri Rakesh Kumar,
Principal, Govt. Girls Sr. Sec. School,
Kucheel, Ajmer-305811

विषय : Extension of lien for one year and request for repatriation to the post of Inspector, CGST & Central Excise, Jaipur -reg.


Please refer to your letter dated 20.07.2022 on the above mentioned subject wherein you requested for extension of Lien for one more year.

In this context, please find enclosed a copy of letter dated 04.03.2022 received from the Joint Director office of the Director, Secondary Education, Bikaner seeking information in respect of your lien in this department along with copy of reply submitted by this department vide this office letter dated 25.03.2022.

It is hereby informed again that your lien has already been expired in this department on 31.10.2021 and no further communication has been received from your present employer in the matter so far. Therefore, your request for extension for retention of lien for one more year has not been accepted by the competent authority.

This issues with the approval of the Pr. Commissioner.

Encl.: As above


26/08/2022
(Shashi Panwar)
Joint Commissioner

Annexure-D

Rakesh Kumar,
Headmaster,
Govt. Girls Sr. Sec. School, Kucheel,
Ajmer
08th Sep 2022

To,

The Principal Commissioner,
Central GST & CE Commissionerate,
Jaipur, (Cadre Control Unit)
NCRB, Statue Circle, Jaipur

(Through proper channel)

Sub:-Representation in respect of lien extension and repatriation at the
post of Inspector, CGST & CE, Jaipur reg:-

Sir,

On the cited subject, it humbly submitted that I, after being selected at the post of Headmaster, Govt. Girls Senior Secondary School, Kucheel, Ajmer (Secondary Education Department, Govt. of Rajasthan), had tendered technical resignation from post of Inspector, Central GST & CE, Jaipur, which was accepted by the Principal Commissioner (CCU), Central GST & CE, Jaipur Zone, Jaipur on 31.10.2019 with retaining lien on that post for two years.

2. Further, it is submitted that I have applied for repatriation on the previous post i.e. Inspector on 18.10.2019 (Copy of application attached as **Annexure- A**) through proper channel and after coming to my notice that the application has not been forwarded timely to the Principal Commissioner (CCU), Central GST & CE, Jaipur Zone, Jaipur, advance copy of the application has also been sent through speed post on 05.01.2022(Copy of Speed post receipt attached as **Annexure B**). On 20th July 2022, I again submitted application for extension of lien and repatriation to the same to the Principal Commissioner Goods and Service Tax and Central Excise Commissionerate, Jaipur.

3. Further, it has been informed to me by the letter of the Joint Commissioner, Office of the Principal Commissioner, Jaipur (Cadre

Control Unit) that *your lien has already been expired in this department on 31.10.2021 and no further communication has been received from your present employer in the matter so far. Therefore, your request for retention of lien for one more year has not been accepted by the competent authority (Copy attached as Annexure-C).*

4. Further, it is submitted that **Office Memorandum No. 28020/3/2010 Estt.(C) dated 17th Aug 2016** (Copy attached as **Annexure-D**) issued by Department of Personnel and Training, Govt. of India, in Para 3.3(ii) discusses about retention of lien for appointment in another Central Govt. offices/State Government and lays down:-

"(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments / offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien.

Adequate opportunity may, however, be given to the officer prior to such consideration."

In view of the said OM, it is clear that where employee joins other department in two years and not confirmed in the department /office where he has joined within a period of two years, he may be permitted to retain the lien in the parent department/ office for one more year. *I have joined department(Secondary Education, Govt. of Rajasthan) in the prescribed time period of two year and has not been confirmed yet. Therefore, it is requested to consider generously and permit me to retain lien for one more year.*

5. Further, it is also stated that as per Para 3.3(i) of the said OM clearly mentions that a permanent Government Servant has to resign from his parent department unless he reverts to the department within in a period of 2 or 3 years in exception cases. Para 3.3(ii) of the O.M. says that timely action should be taken to ensure extension/ reversion /resignation of the employees to their parent cadre on completion of 2/3 years. *It is pertinent to mention here that neither I have tendered my resignation from the parent cadre and nor such undertaking has been obtained by the parent department/ office.* It is also categorically submitted that as per the Para 3.3(iii) of the said OM neither any instances/situation occurred where I have not given to response any instruction nor *any action has been initiated for termination of my lien from the parent cadre. In view of the said Para my lien stands still exist on the parent cadre i.e. inspector in the department.*

6. Para no 3.4.1 of the OM lays down:-

"A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. "

The Para in 3.4.2 lays down:-

11/19/22

"A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne."

Thus Para 3.4 clearly emphasizes that my lien at the parent cadre can not be terminated until I acquires lien/ my lien transferred on another substantive post in any department/office under the Central Govt. or a State Government. *It is stated that I have not been confirmed in the present cadre i.e. Headmaster, Secondary Education, Govt. of Rajasthan till date.*

7. It has been informed that my lien has been expired in the parent department and no further communication from my present employer has been received so far, therefore your request for extension for retention of lien for one more year has not been accepted. While no such ground mentioned in the O.M. for the same. However, I again humbly requesting/applying through proper channel for extension of the same and repatriation at the parent cadre.

8. *In view of the O.M. and above discussion, it appears that my lien at the parent cadre has not been terminated so far and stands still exist. Therefore, I urge your good office to accept my request for repatriation considering extension of lien for one more year at the parent cadre i.e. Inspector in the Department at the earliest, for period of three years is about to complete.*

With Regards,

Enclosed: 1. Annexure A
2. Annexure B
3. Annexure C
4. Annexure D

Yours faithfully,

Rakesh
11/19/22
(Rakesh Kumar)
Headmaster

कार्यालय निदेशक माध्यमिक शिक्षा, राजस्थान, बीकानेर

क्रमांक : शिविरा/मा/संस्था/ए-4/पदावन्त/2020

दिनांक : 21/10/2022

प्रधान आयुक्त(CCU),
केंद्रीय वस्तु एवं सेवा कर परिक्षेत्र,
नव केंद्रीय राजस्व भवन,
स्टेच्यु सर्किल, जयपुर।

रजिस्टर्ड

विषय :- श्री राकेश कुमार प्रधानाध्यापक, मायि का पूर्व विभाग में निरीक्षक पद हेतु प्रस्तुत प्रार्थना पत्र के सम्बन्ध में।

महोदय,

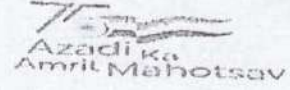
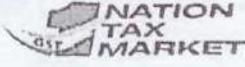
उपर्युक्त विषयान्तर्गत लेख है कि श्री राकेश कुमार, प्रधानाध्यापक राजकीय बालिका माध्यमिक विद्यालय कुचील, किशनगढ़, अजमेर द्वारा अपने पूर्व पद निरीक्षक, वस्तु एवं सेवा कर एवं केंद्रीय उत्पाद शुल्क परिक्षेत्र विभाग में पुनः लौटने हेतु प्रार्थना पत्र प्रस्तुत किया है। कार्मिक का विभाग में स्थायीकरण नहीं हुआ है। श्री राकेश कुमार का आवेदन पत्र मूल में ही नियमानुसार आवश्यक कार्यवाही किये जाने हेतु भिजवाया जा रहा है।

sd
सहायक निदेशक(कार्मिक)
माध्यमिक शिक्षा, राजस्थान
बीकानेर

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

- 1- मुख्य ब्लाक शिक्षा अधिकारी, किशनगढ़(अजमेर)
- ✓ 2- श्री राकेश कुमार, प्रधानाध्यापक, राजकीय बालिका माध्यमिक विद्यालय कुचील, किशनगढ़, अजमेर

sd
सहायक निदेशक(कार्मिक)
माध्यमिक शिक्षा, राजस्थान
बीकानेर



प्रधान आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER

वस्तु एवं सेवाकर एवं केन्द्रीय उत्पाद शुल्क आयुक्तालय, जयपुर

GOODS & SERVICE TAX & CENTRAL EXCISE COMMISSIONERATE, JAIPUR

NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR-302005

EMAIL: ccu-cgst.jpr@gov.in

(केंद्र कंट्रोल यूनिट)

Telefax: 0141-2385130

F.No. II-33(1)CCU/JZ/2020 /1946

Date : 02.12.2022

प्रेषित,

सहायक निदेशक,
कार्यालय निदेशक माध्यमिक शिक्षा,
राजस्थान, बीकानेर

विषय : श्री राकेश कुमार, प्रधानाध्यापक, मावि का पूर्व विभाग में निरीक्षक पद हेतु प्रस्तुत प्रार्थना पत्र के सम्बन्ध में।

Please refer to your letter No. शिविरा/मा/संस्था/ए-4/पदावन्त/2020 dated 21.10.2022 wherein a representation of Sh. Rakesh kumar was forwarded to this office.

2. In this context, it is to inform that belated request of Sh. Rakesh Kumar for extension of lien was not accepted by the competent authority and he was also informed vide this office letter dated 26.08.2022. Since, the extension period of one year has also been expired, therefore, his request for extension and repatriation cannot be entertained.

3. This issues with the approval of the Pr. Commissioner (Cadre Control).

— हस्ता. —

(सुमीत कुमार यादव)

अपर आयुक्त (सी.सी.यू.)

प्रतिलिपि : श्री राकेश कुमार, प्रधानाध्यापक, राजकीय बालिका माध्यमिक विद्यालय, कुचील, अजमेर - 305611 को सूचनार्थ

21/12/22
अपर आयुक्त (सी.सी.यू.)

No. 28020/1/2010-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated 17th August, 2016

OFFICE MEMORANDUM

Subject: Technical Resignation & Lien- Consolidated guidelines.

The undersigned is directed to refer to this Department's OM of even number dated the 20th December, 2013 on the above subject and to say that guidelines/ instructions regarding Technical Resignation have been issued from time to time. It is now proposed to further consolidate these instructions, as the Department continues to receive frequent references on these issues.

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

- (i) the Government servant should intimate the details of such application immediately on their joining;
- (ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;
- (iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

(DOPT's O.M.No.13/24/92-Estt(Pay-1) dated 22.01.1993)

A
1
2.7

2.2 Carry forward of Leave benefits

- (i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave (CCL) as well as all other leaves of the kind due & admissible will be carried forward.
- (ii) As per rule 39-D of the CCS (Leave) Rules, 1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

2.3 Carry forward of LTC

Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as defined in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 Applicability of Pension Scheme

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS(Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M.No.28/30/2004-P&PW(B)
dated 26.07.2005)

2.8 New Pension Scheme

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

2.9 Transfer of Service Book from parent Department to present Department.

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

2.10 Need for Medical examination.

In cases where a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh examination.

2.11 Verification of Character & Antecedents.

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employ in that office did not render him unsuitable for employment under Government. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh, in accordance with O.M.No.18011/9(s)/78-Estt(B) dated 2nd July, 1982.

3.1 Lien

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to those

who have been promoted on regular basis to a higher post where no probation is prescribed under the rules, as the case may be.

3.1.2 The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

(DOP's O.M.No.18011/1/86-Estt (D) dated 28.03.1998)

3.2 Lien on a post

A Government servant who has acquired a lien on a post retains a lien on that post-

- (a) while performing the duties of that post;
- (b) while on foreign service, or holding a temporary post or officiating in another post;
- (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- (d) while on leave; and
- (e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another central government office/ State Government

- (i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.
- (ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.
- (iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.
- (iv) Temporary Government servants will be required to sever connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

(DOPT O.M.No.8/4/70-Estt(C) dated 06.03.1974)

3.4 Termination of Lien

3.4.1 A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.

3.4.2 A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

3.4.3 No lien shall be retained:

- a. where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and
- b. on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.6 Joining Time, Joining Time Pay & Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 For appointment to posts under the Central Government on results of a competition and/or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees will be entitled to joining time under the CCS (Joining Time) Rules, 1979. Joining time will be included as qualifying service in the new job.

3.6.2 A Government servant on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to Dearness Allowance, if any, appropriate to the joining time pay. In addition, he can also draw compensatory allowances like House Rent Allowance as applicable to the old station from which he was transferred. He shall not be allowed Conveyance Allowance or permanent Travelling Allowance.

3.6.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance(TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled joining time pay under Joining Time Rules.

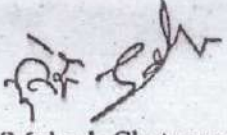
4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.


(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration
13. Secretary, Staff side, National Council (JCM), 13 C, Ferozeshah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T.
- ✓ 15. NIC Cell with request to upload it under OMs and Orders, Establishment, Lien and also 'What is New'.
16. Hindi Section, DOP&T.


(Mukesh Chaturvedi)
Director (Estt.)



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/333/2024-LEGAL

Dated .03.2024

To,

Sh. Rakesh Kumar,
 S/o Sh. Babu Ram,
 Village Post- Piprali,
 Sikar-332027,
 Phone-9785288927

Sir,

Subject: - RTI application dated 17.02.2024, transferred under section 6(3) of RTI Act, 2005, vide Letter No. A-60/RTI/4/2024-Ad. IIIB dated 15.03.2024 of CPIO/Under Secretary to the Govt. of India, CBIC, New Delhi, filed by Sh. Rakesh Kumar, Village Post- Piprali, Sikar-332027-reg.

Please refer to RTI application dated 17.02.2024, filed in the office of the Member (GST Legal, CX&ST), CBIC, New Delhi, transferred to this office under section 6(3) of RTI Act, 2005 vide Letter No. A-60/RTI/4/2024-Ad. IIIB dated 15.03.2024 of CPIO/Under Secretary to the Govt. of India, CBIC, New Delhi.

Kindly also refer to earlier identical RTI applications- dated 17.02.2024 filed in the office of Chief Commissioner, CGST & Central Excise Jaipur Zone, Jaipur, received in this office on 21.02.2024 and online RTI application registration number GSTJP/R/T/24/00017 dated 29.02.2024 which were replied vide letter F.No. GCCO/RTI/APP/333/2023-Legal dated 13.03.2024 through speed post on dated 14.03.2024 and through online RTI-MIS portal on 13.03.2024 respectively.

With reference to the information sought by you in above mentioned RTI application dated 17.02.2024, transferred under section 6(3) of RTI Act, 2005, vide Letter No. A-60/RTI/4/2024-Ad. IIIB dated 15.03.2024 of CPIO/Under Secretary to the Govt. of India, CBIC, New Delhi, the pointwise reply is again provided as under:-

“Point 1 to 4: Vide Office Order No. 12/2022 dated 21.07.2022 of the Joint Commissioner (CCO), CGST & CE, Jaipur Zone, Jaipur, issued with the approval of Chief Commissioner (available on departmental website), the work related to Cadre Control functions (including the representation on service matters related to Recruitment, promotion etc in respect of all cadres) of CGST & CE, Jaipur Zone was assigned to Pr. Commissioner/Commissioner, CGST Commissionerate, Jaipur as Cadre Controlling Authority. Accordingly, your representation dated 30.12.2022 was disposed of vide letter C. No. II-33(1)CCU/JZ/2020/205 dated 20.02.2023 with approval of the Principal Commissioner, CGST Commissionerate, Jaipur. The letter dated 20.02.2023, addressed to you, was sent to you through speed post (Ref. No. ER168885926IN dated 21.02.2023).

Point 5: Concerned page of Notesheet (1 page) regarding disposal of your aforesaid representation dated 30.12.2022 is enclosed.”

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

New Central Revenue Building, Statue Circle, C-Scheme, Jaipur – 302005 (Raj.)

Phone: 0141-2385155; Fax: 0141-2385130, E-Mail: ccu-cexjpr@nic.in,

Website: www.cgstjaipur.gov.in, Twitter Handle : @CGSTJAIPURZONE

Commissioner, CGST & Central Excise (JZ) Jaipur, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur-302005. _

Encl: As above.

Yours sincerely,

Signed by Anupama Saksena

Date: 28-03-2024 12:49:30

(Anupama Saksena)
CPIO & Assistant Commissioner

Copy to:-

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

कार्यालय टिप्पणी / NOTE SHEET

Please peruse the Board's letter No. A-12034/2/2022-Ad-IIIB Section-CBEU dated 02.02.2023 (P-420/c) forwarding thereunder representation/Appeal dated 30.12.2022(P-400-419/c) of Shri Rakesh Kumar in respect of repatriation at the Post of Inspector, CGST & CE, Jaipur with request to intimate the action taken by CGST Jaipur office or decision on his representation under intimation to Board.

His earlier representations dated 20.07.2022(P-319/c) submitted by him and dated 21.10.2022(P-397/c) forwarded by the Joint Director, Secondary Education, Rajasthan had already been replied by this office vide letter dated 26.08.2022(P-320/c) & 02.12.2022 (P-399/c) respectively. (Refer NSP XXX-XXXI & XXXV)

Now, an appeal/representation of Sh. Rakesh Kumar for repatriation at the Post of Inspector, CGST & CE, Jaipur on lien basis has been forwarded from the Board vide letter dated 02.02.2023. As discussed and directed, a draft reply has been prepared and put up for kind perusal and approval please.

Perused
20/02/2023

Supdt

[Signature]
20/02/2023
राजेश कुमार सेठी
अधीक्षक (सी.सी.यू.)

- for approval please.

ADC(CCU)
[Signature]
20-02-23

[Signature]

del N
20/02

RTI DOCUMENT
DOCUMENT ISSUED UNDER RTI ACT, 2005
[Signature]
SUPERINTENDENT (CCU)

ADC/CCU

[Signature]
20-02-23

As approved above, final letter is put up for signature please.

[Signature]
20/02/2023

राजेश कुमार सेठी
अधीक्षक (सी.सी.यू.)

ADC(CCU) *[Signature]*
20-02-23