

By Regd. Post



मुख्य आयुक्त कार्यालय
OFFICE OF THE CHIEF COMMISSIONER

सीजीएसटी एवं केंद्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CGST & CENTRAL EXCISE (JAIPUR ZONE), JAIPUR

फा.सं. सी.सी.ओ(जे.जेड.)/आरटीआई/77/AKG/2019-20/

11238

दिनांक: 10.10.2019

17

सेवा में,

Shri Ashok Kumar Gautam
B-70, Sidhartha Kunj Appts.
Plot -17, Sector-7, Dwarka
Delhi-110075

महोदय ,

विषय:-सूचना के अधिकार अधिनियम,2005 के अन्तर्गत चाही गई सूचना के क्रम में।

Please refer to your application dated 10.9.2019 filed under RTI Act, 2005 and amount of Rs. 10/-, deposited online on 8.10.2019 on account of photocopies charges.

Reply in respect of information sought by you is as under-

The reply of the Board in this matter was received vide Board's letter F.No. C-18012/19/2012-Ad-IIB dated 21.6.2018 w.r.t. this office reminder letter C.No. II-39(15)CCU/JZ/2017/299-301 dated 18.5.2018. Accordingly, copies of this office letter C.No. II-39(15)CCU/JZ/2017/2042 dated 2.11.2017, 299-301 dated 18.5.2018 and Board's letter F.No. C-18012/19/2012-Ad-IIB dated 21.6.2018 are enclosed (total -5 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 First Appellate Authority, Chief Commissioner Office, CGST & Central Excise, Jaipur Zone, Jaipur, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur-302005.

भवदीय,

Enclosed- As above

— इती —
(एस. एल. परेवा)

सहायक आयुक्त एवं केन्द्रीय लोक सूचना अधिकारी

Copy to- Superintendent (Computer), CGST & Central Excise, Jaipur to upload on zonal website.

सहायक आयुक्त एवं केन्द्रीय लोक सूचना अधिकारी

222

SPEED POST



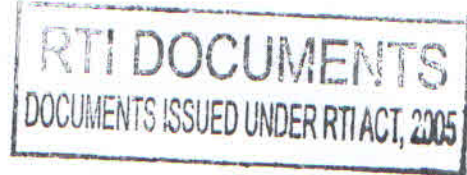
मुख्य आयुक्त कार्यालय
OFFICE OF THE CHIEF COMMISSIONER
 केंद्रीय जीएसटी एवं केंद्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CENTRAL GST & CENTRAL EXCISE (JAIPUR ZONE), JAIPUR
(CADRE CONTROL UNIT)

C.No. II-39(15) CCU/JZ/2017/ 299 to 301

Dated: 13.05.2018

To,

The Director (Co-ordination),
 Central Board of Indirect Taxes and Customs,
 North Block,
 New Delhi-110001.



Madam,

Sub. : Implementation of CAT, Chandigarh Bench Order dated 03.08.2012 in
 OA No. 338/PB/2012 filed by Shri Balwinder Singh Matharoo and
 others- regarding.

Please refer to the Board's letter F.No. C-18012/19/2012-Ad.II.B dated 03.08.2017, this office letter of even number 2042 dated 02.11.2017 (copy enclosed) and reminders dated 15.11.2017, 30.11.2017, 12.03.2018 addressed to the Under Secretary, AD.II.B & letter C.No. II-39(18)CCU/JZ/2017/2853-54 dated 06.02.2018, letter of even number 80 dated 17.04.2018 addressed to the Director (Co-ordination), CBEC and D.O. letter No II-39(18) CCU/JZ/2017 dated 20.12.2017 addressed to the Special Secretary & Member (Admn.), CBEC, on the above cited subject.

2. This office vide its aforesaid letter dated 02.11.2017 has requested the Board for a clarification as to whether the decision dated 03.08.2012 of CAT, Chandigarh in O.A. No. 338/PB/2012 filed by Shri Balwinder Singh Matharoo and others is to be implemented in respect of the upgraded posts of Superintendent, Group 'B' sanctioned in 1996 & 1997 or the same is to be implemented/extended in respect of all promotion to the grade of Superintendent Group 'B' made against all the vacancies of Superintendent arose due to retirement, VRS, death, promotion etc. (i.e. other than upgradation of posts of Inspector to Superintendent in 1996 & 1997) after issuance of the instructions dated 20.05.1980 of Inter-Commissionerate transfer.

3. The desired clarification is still awaited from the Board, it is, therefore, requested to provide the same at the earliest so that necessary action may be initiated at this end.

Yours faithfully,

Encl.: As Above

(Dr. S.L. Meena)
 Chief Commissioner

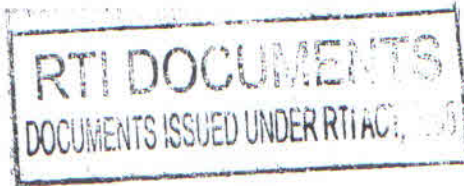
Copy to :

1. The Special Secretary & Member (Admn.), Central Board of Indirect Taxes and Customs, New Delhi for kind information.
2. The Under Secretary, Ad.II.B, Central Board of Indirect Taxes and Customs, North Block, New Delhi with reference to this office earlier letters of even number dated 02.11.2017, 15.11.2017, 30.11.2017, 12.03.2018 and 17.04.2018 for information and necessary action.

Chief Commissioner



*Se/ko
Arko*



226

FAX/SPEED POST

F.No.C-18012/19/2012-Ad.IIB
Government of India
Ministry of Finance
Department of Revenue

New Delhi, the dated 21st June, 2018

To
The Chief Commissioner
Central GST & Central Excise,
Jaipur Zone, Jaipur,
Rajasthan-302005.

Subject : Implementation of CAT, Chandigarh Bench order dated 03.08.2012 in OA No. 338/PB/2012 filed by Shri Balwinder Singh Matharoo & Ors.

Sir,

I am directed to refer to Commissionerate's letter No. II-39 (15) CCU /JZ/ 2017/ 300 dated 18.05.2018, on the subject mentioned above, requesting for clarification as to whether the decision dated 03.08.2012 of CAT, Chandigarh in OA No.338/PB/2012 filed by Balwinder Singh Matharoo and others is to be implemented in respect of the upgraded posts of Superintendent, Group 'B' sanctioned in 1996 and 1997 or the same is to be implemented/extended in respect of all promotion to the grade of Superintendent Group 'B' made against all the vacancies of Superintendent arose due to retirement, VRS, death, promotion etc.

2. You are informed that the Board vide letter of even number dated 03.08.2017 has issued directions that - "after dismissal of SLP, the matter has attained finality. It has, therefore, been decided with the approval of Competent Authority to implement CAT, Chandigarh Bench order dated 03.08.2012 in OA No. 338/PB/2012 in respect of all concerned (petitioners and non-petitioners) under Central Board of Excise & Customs".

3. You are requested to take necessary action in the matter in the light of directions given in para 2 above.

4. This issues with the approval of Member (Admn.), CBEC.

Yours faithfully,

(Nagendra Kumar)

Under Secretary to the Govt. of India
Tele : 011-2309 5584

*Sh. Ram Sneh, Srsp
Please put up a
Pkt.
28/6/18*

*4374
28/6/18*



SPEED POST

E-mail.

148

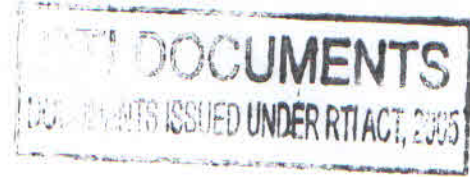
मुख्य आयुक्त कार्यालय
OFFICE OF THE CHIEF COMMISSIONER
केंद्रीय जीएसटी एवं केंद्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CENTRAL GST & CENTRAL EXCISE (JAIPUR ZONE), JAIPUR
(CADRE CONTROL UNIT)

C.No. II-39(15) CCU/JZ/2017/ 2042

Dated: 02.11.2017

To,

The Under Secretary, AD.II.B,
Ministry of Finance, Department of Revenue,
Central Board of Excise and Customs,
North Block,
New Delhi-



Sir,

Sub.: Implementation of CAT, Chandigarh Bench Order dated 03.08.2012 in OA No. 338/PB/2012 filed by Shri Balwinder Singh Matharoo and others-regarding.

Please refer to the Board's letter F.No. C-18012/19/2012-Ad.II.B dated 03.08.2017 on the above cited subject.

2. The Board vide its aforesaid letter dated 03.08.2017, addressed to all the CCAs has informed that Shri Balwinder Singh Matharoo & others filed an OA No. 338/PB/2012 in CAT, Chandigarh Bench and the CAT Chandigarh Bench vide order date 03.08.2012 has allowed the OA, upholding the entitlement to the service rendered by the applicants in their parent Commissionerate and directed the respondents to grant them the relevant benefit within two months from the date of copy of order presented in the office of the Competent authority. The Board has further intimated that appeal filed against the said CAT, Chandigarh Bench order dated 03.08.2012 has been dismissed by the Hon'ble High Court of Punjab and Haryana, Chandigarh vide order dated 21.01.2013 and the SLP filed against the Hon'ble High Court's Order dated 21.01.2013 has been dismissed by the Hon'ble Supreme Court vide its order dated 23.02.2017.

3. The Board has further conveyed that the matter was examined in the Board in consultation with DOPT and it has been decided with the approval of the Competent Authority to implement CAT, Chandigarh Bench order dated 03.08.2012 in OA No. 338/PB/2012 in respect of all concerned (Petitioner and Non-Petitioners) under the Central Board of Excise & Customs. The Board has requested to take further action in the matter.

4. The copy of OA No. 338/PB/2012 (Annexure-1) filed by Shri Balwinder Singh Matharoo & Others was collected from the CGST & Central Excise Commissionerate, Chandigarh for proper examination of the issue and relief sought by the applicants from the Hon'ble CAT, Chandigarh Bench. On going through the OA No. 338/PB/2012, it is found that the applicants of the OA have sought following relief from the Hon'ble CAT Bench, Chandigarh:

1. Fixation of seniority at the appropriate place by considering the actual date of joining of these officers in the Central Excise Deptt. They should be given notional seniority from 30.09.1996 as given to the Delhi Zone officers vide establishment order No. 215/2011 dated 21.11.2011.

2. Review the DPC's held in 1996 for promotion to the upgraded post of Superintendent and issue the promotion orders of these officers to the post of

147

Superintendent accordingly giving them the benefit of the length of service from the date of their joining in the Department as Inspectors.

5. As mentioned/discussed in the said order dated 03.08.2012, the Hon'ble CAT, Chandigarh had found that the controversy involved in this OA is squarely covered by a decision rendered in OA No. 651/1997 (filed before Hon'ble CAT, Principal Bench, New Delhi), which came to be affirmed by the Delhi High Court in judicial review challenged vide order dated 18.02.2009 in WP(C) 4005/1997 along with connected matters and the view obtained by the Delhi High Court attained finality with the seal of approval thereupon by the Hon'ble Apex Court vide its order dated 12.12.2011 and accordingly the Hon'ble CAT, Chandigarh has allowed the OA.

6. On examination of the Hon'ble CAT Principal Bench, New Delhi's Order dated 26.08.1997 in the aforesaid OA No. 651/1997, MA No. 754/97 it has been found that 11 applicants (i.e. Shri I.C. Joshi and 10 Other applicants) who were initially appointed as Inspectors outside Delhi Zone and thereafter transferred to Delhi had sought relief for promotion to the post of Superintendent on the basis of total length of service in the feeder cadre to be counted from the date of initial appointment to the post of Inspector. The Hon'ble CAT, Principal Bench, New Delhi vide aforesaid order dated 26.08.1997 in OA No. 651/1997 had issued directions that;

1) The promotion to all the upgraded posts of Superintendent shall be made strictly by Selection from among the candidates who possess the requisite number of years of regular service in the grade in accordance with the Recruitment Rules of the gradation list prepared on the basis of length of service in the grade.

(2) The promotion made by the order dated 30.09.1996 (in the first phase) are set aside, but those promoted will continue to stay as Superintendent on an adhoc basis until newly selected candidates join their posts. In case any of the person now promoted by the previous order dated 30.09.1996, get selected subsequently, they will be deemed to be in continued regular service from the date of their initial appointment as Superintendents.

7. The issue raised in the OA No. 651/1997 pertains to the inspectors who were transferred to Central Excise & Customs Commissionerate, Delhi on Inter-Commissionerate Transfer basis from other Commissionerates. These inspectors requested to promote them against the upgraded post of Superintendent Group "B" on the basis of counting of their service rendered in the parent Commissionerate against the Upgraded posts of Superintendent created by the Government to break the stagnation in 1996/ 1997 and Hon'ble CAT granted the said benefit to the applicants, which was further affirmed by the higher Courts.

8. It is submitted that total 12 posts of Inspectors were upgraded as Superintendent Group "B" in the Central Excise (Jaipur zone), Jaipur vide Ministry's order dtd. 29.05.1997. DPCs for 12 upgraded posts of Superintendent Group "B" were held on 25.06.1997 and 29.08.1997 in terms of the prevalent rules and regulations of the DOP&T and order for promotion to the grade of Superintendent was issued vide this office E.O. No. 90/1997 dated 29.08.1997. Further the DPC held on dated 29.08.1997 was also reviewed on 22.09.2011 in compliance of the Board's directions imparted under D.O.C. No. 8/B/59/HRD (HRM) 2011/23 dated 30.08.2011.

9. It is also submitted that Shri O.P. Saharan, Insp. (Now Asst. Commissioner (Retd.)) had filed an OA No. 217/1998 before the Hon'ble CAT, Jodhpur Bench, Jodhpur on the same issue referring the Order dated 26.08.1997 passed by the Hon'ble CAT, Principle Bench, New Delhi in aforesaid case of Shri I.C. Joshi & Others. The Hon'ble Tribunal vide order dated 05.09.2011 allowed the said OA No. 217/1998. The department filed Writ Petition before the Hon'ble Rajasthan High Court, Jodhpur against the said order dated 05.09.2011 passed by the Hon'ble CAT, Jodhpur Bench, Jodhpur mentioning the instructions and judgment dated 27.04.2011 of Hon'ble Supreme Court in the identical case of Shri Narottam Rath & others as forwarded by the CBEC vide letter dated F.No. 18012/27/2012.Ad.IIB dated 11.04.2013 (Annexure-2). The Hon'ble Rajasthan High Court, Jodhpur vide order dated 01.09.2014 (Annexure-3) granted the stay on the said order dated 05.09.2011 of the Hon'ble CAT, Jodhpur Bench, Jodhpur in light of the said judgment dated 27.04.2011 of Hon'ble Supreme Court. The said Writ Petition is still pending before the Hon'ble Rajasthan High Court, Jodhpur. Further, Shri V.P. Joshi, Insp.

146

and others (Now Assistant Commissioner) have also filed their OA No. 291/00022/2014 before the Hon'ble CAT Bench, Jaipur. The suitable reply has been filed by the department. Presently, the same is pending before Hon'ble CAT, Jaipur Bench, Jaipur.

10. Now, the Board has decided to implement the CAT, Chandigarh Bench Order dated 03.08.2012 in O.A. 338/PB/2012 in respect of all concerned (petitioners and non-petitioners) under CBEC. The CAT Bench, Chandigarh's Order dated 03.08.2012 is based on the decision of Hon'ble Principal CAT Bench, New Delhi's order dated 26.08.1997 in O.A. No. 651/97. The Principal CAT Bench, New Delhi's order dated 26.08.1997 is with reference to the promotions made against the upgraded posts of Superintendent in 1996/1997. Hence this office is of the view that the aforementioned Order of Hon'ble CAT Bench, Chandigarh read with order of Hon'ble CAT Principal Bench, New Delhi in the identical case should be implemented only for the promotions made against the upgradation of the posts of Inspectors to the Superintendent in the year 1996 & 1997. Whereas, the staff associations of this zone have requested that the said order of Hon'ble CAT Bench, Chandigarh should be implemented in all the promotions to the grade of Superintendent made against all vacancies arise due to other reasons also i.e. other than upgraded posts in the year 1996 & 1997.

11. In view of the above, it may kindly be clarified for the sake of uniformity under the CBEC as to whether the decision dated 03.08.2012 of CAT, Chandigarh is to be implemented in respect of the upgraded posts of Superintendent Group "B" sanctioned in 1996 & 1997 or the same is to be implemented/extended in respect of all promotions to the grade of Superintendent Group "B" made against all the vacancies of Superintendent arose due to retirement, VRS, death, promotion etc. (i.e. other than upgradation of posts of Inspector to Superintendent in 1996 & 1997) after issuance of the instructions dated 20.05.1980 of Inter-Commissionerate transfer.

12. This issues with the approval of the Chief Commissioner, CGST & Central Excise, (Jaipur Zone), Jaipur.

Encl.: As Above



Yours faithfully,

(Vikas Kumar Jeph)
Joint Commissioner (CCU)

d/c