



भारत सरकार

Govt. of India,

वित्त मंत्रालय, राजस्व विभाग

Ministry of Finance, Department of Revenue

मुख्य आयुक्त का कार्यालय, वस्तु एवं सेवाकर एवं सीमा शुल्क

Office of the Chief Commissioner, Goods and Services Tax & Customs

क्रेसेन्स बिल्डिंग, महात्मा गाँधी रोड, शिलांग- 793001

Crescens Building, M.G Road, Shillong-793001

दूरभाष/Tel.Nos.91-0364-2500131/2502052. फैक्स/Fax nos. 91-0364-2224747/2502047, ईमेल/Email: ccshillo@excise.nic.in

ORDER

Dated: Shillong, the 20th February, 2018

Ref: Order dated 23.08.2017 of the Hon'ble CAT, Guwahati in O.A. No. 040/00233/2017 in the matter of Sh. Saroj Ranjan Kumar & Ors. Vs. UOI & Ors.

Shri Saroj Ranjan Kumar and Smt. Jenny Khawlneihnieng (here-in-after referred to as the applicants), both Inspectors of this Zone recruited on the basis of SSC, CGLE – 2003 joined the department on 24.11.2005 and 21.07.2005 respectively. Initially, their seniority were fixed with effect from the date of joining in the department.

However, based on the Ministry's letter F.No.A-32022/06/2014-Ad.III.A dated 08.09.2014 issued in pursuance of the Hon'ble Supreme Court's Judgement in N. R. Parmar case, the seniority list of Inspector of Shillong Zone was prepared and a Draft Seniority List of Inspectors of Shillong Zone as on 01.04.2015 was issued. In the said Draft Seniority list, both the above applicants were given seniority in the year 2003 by applying the principle of rotation of quotas between Direct Recruits and Promotees of the year 2003 on the basis of DOPT's OM dated 7.2.1986/3.7.1986.

Being aggrieved by the said Draft Seniority list, both the above applicants have approached the Hon'ble CAT, Guwahati. The Hon'ble CAT, Guwahati Bench vide its Order dated 23.08.2017 in O.A. No. 040/00233/ 2017 has directed the respondents as under.

"In view of the above situation and in the interest of speedy justice, it was found sufficient to issue direction to the respondents to decide the above representations against the Draft Seniority List of the applicant before holding the DPC. Order accordingly".

In view of the above, the representations of the applicants to re-fix their seniority by considering their year of availability as 2002/2002-03 has been thoroughly examined.

It was clarified by the Ministry vide Para 2 of letter F.No.A-32011/18/2003-Ad.III-A dated 17.10.2003 on relaxation of qualifying service for promotion. The same is reproduced below: -

Contd. on P/2

“The relaxation in qualifying service granted vide the Ministry’s letter dated 08/10/2003 has been granted for filling up all the promotee quota vacancies in various grades in Group ‘C’ and ‘D’. As per provision contained in the para 3 of the Ministry’s letter F.No.A-11019/72/990 Ad.IV dated 19/07/2001 no direct recruitment was to be made for the year 2001-02 and all the vacancies consequent upon cadre restructuring would have to be filled up by promotion. The ban on direct recruitment was extended up to 31/12/2002 by the Ministry vide its letter F.No.A-11013/4/2002-Ad.IV dated 05/06/2002. Hence, all the vacancies arising till 31/12/2002 have to be treated as promotee quota vacancies. The vacancies that have arisen subsequently have to be filled up according to the ratio provided in the respective Recruitment Rules for promotion and direct recruitment”.

Thus, from above, it is evident that all the vacancies arising till 31/12/2002 have to be treated as promotee quota vacancies. The vacancies that have arisen subsequently have to be filled up according to the ratio provided in the respective Recruitment Rules for promotion and direct recruitment. Hence, it implies that the vacancies for SSC Combined Graduate Level Examination, 2003 are vacancies arising after 31.12.2002. In other words, the SSC CGLE - 2003 was intended to fill up the vacancies of the year 2003.

In the light of the above, I find that the department has correctly re-fixed the seniority of Inspectors of this Zone wherein the matter of re-fixation of seniority of both the applicants was taken into consideration vide its Draft Seniority list as on 01.04.2015 and I also do not find any merit for consideration of their prayer for re-fixation of the Draft Seniority List.

Accordingly, the issue of re-fixation of seniority stands disposed off.

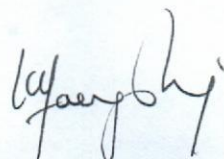

(W. L. Hangshing)
Chief Commissioner

Date: 20 FEB 2018

C.No.I(10)4/ET/CCO/SH/2017/735-55

Copy forwarded for information and necessary action to:

1. The Commissioner, GST & CX, Shillong / Dibrugarh / Guwahati/ Agartala / Aizawl / Dimapur/ Imphal/ Itanagar.
2. The Commissioner, Customs (Preventive), N.E.R., Shillong.
3. The Commissioner (Appeals)/(Audit), Guwahati.
4. The Commissioner (Audit), Shillong.
5. The Addl. Commissioner (P&V), GST & CX, Guwahati. *Copy meant for the concerned officer is enclosed herewith for causing delivery.*
6. The Under Secretary (Ad.III.A), CBEC, North Block, New Delhi - 110 001 *w.r.t. Ministry’s letter F.No.A-32022/66/2017-Ad.III.A dated 25.10.2017.*
7. The Assistant Commissioner, GST Division - I, Shillong. *Copy meant for the concerned officer is enclosed herewith for causing delivery.*
8. The Assistant Commissioner (Law), CCO, Shillong. *He is requested to apprise the Hon’ble CAT, Guwahati suitably.*
9. The Superintendent (CIU-Vig.), GST & Customs, Shillong.
10. The System Officer, CCO, Shillong for uploading in the Deptt.’s Website.
11. **Sh. Saroj Ranjan Kumar**, Inspector, GST & CX, Guwahati
12. **Smt. Jenny Khawlnieng**, Inspector, GST Division-I, Shillong.
13. Guard File.


(W. L. Hangshing)
Chief Commissioner