



भारत सरकार Government of India

वित्त मंत्रालय, राजस्व विभाग Ministry of Finance, Department of Revenue

मुख्य आयुक्त का कार्यालय Office of the Chief Commissioner

वस्तु एवं सेवाकर एवं सीमा शुल्क, गुवाहाटी जोन Goods and Services Tax & Customs, Guwahati Zone
जीएसटी भवन 5th तल, केदार रोड, गुवाहाटी-781001 GST Bhawan 5th floor, Kedar road, Guwahati – 781001

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F.No.I(22)5/ET/CCO/SH/2014

Dated: 16.10.2019

To,

3034
The General Secretary,
All India Central Excise Inspector's Association
Shillong Circle (Now Guwahati Circle),
N.E.R, Shillong

Subject: Meeting with all the Office Bearers of Associations in the Zone on 15.10.2019.

Reference: 1. This office letter dated 11.10.2019

2. Your reply dated 14.10.2019.

Vide reference no. 1 cited above; a meeting of all the office bearers of associations in the Zone was called for on 15.10.2019. However, vide your letter dated 14.10.2019 cited in reference no. 2 above, you have expressed the inability of office bearers of your association to attend the meeting on the ground that there is no point in attending the said meeting while your representations and demands are pending with administration without any desired positive results.

2. In your said letter, however, you have only mentioned two points, namely, (1) ICT and (2) DPC.

3. As far as the first point, i.e., ICT is concerned; it is not known as to what is the matter pending at Zonal level on this subject. It has been decided by the CBIC to abolish

CT in the grade of Inspectors (vide CBIC letter F.No. A-22015/117/2016-Ad.IIIA dated 20.09.2018 and, therefore, if at all, there is any grievance for the association, the same has to be taken up at the national level by your All India Association with the CBIC. Therefore, nothing is pending on this matter at the Zonal level. If there is anything, which is required to be acted upon at the Zonal level you may please inform the same by 18.10.2019 to take necessary action.

4. Regarding the second point relating to conduct of DPC for promotion to the grade of Superintendents from Inspectors, it is to state that the primary document required for holding a DPC is the seniority list. Some of the Members of your Association have filed a petition earlier in the Hon.' CAT and got an order that the draft seniority list 2015 should not be taken as basis for holding DPC. Against the above said order of the CAT, department has filed an appeal in the Hon.' Gauhati High Court. Now, Hon.' Gauhati High Court vide order dated 05.09.2019 has remanded the matter to Hon. CAT for denovo proceedings. Thus, the matter is now pending with Hon.' CAT.

You have stated that the DPC is always conducted in other Zones in a timely manner and in this Zone the Inspectors are stagnating because of not conducting DPC in time. It is to inform you that your members are solely responsible for the delay in conduct of the DPC by way of filing various petitions in Hon.' CAT. Department has nothing to do with the delay. You have further stated that DPC can be held subject to the outcome of any court case since there is no stay order on holding DPC. This may be your interpretation, but the administration is of the opinion that pending litigation, DPC should not be conducted as it would be sub judice. When the two quarrelling groups of your own members are unable to come to an understanding and fighting in the courts of

As to on basis of which seniority list the DPC is to be held and when the matter is pending in court, you cannot say that DPC should be held by the administration ignoring the pending petitions in the CAT. It is thus, surprising that you are on the one hand demanding conduct of DPC and on the other hand, your members are filing petitions in the CAT and the courts. Thus, it appears that there is no unanimity in the members of your Association. This office is not aware as to which group of Inspectors the Association is supporting. Administration do not want to be seen as a supporting party to any of the quarreling groups of Inspectors fighting their cases in the Courts & Tribunals. Administration will only file a reply to the CAT petitions and will abide by the decision of Hon. CAT and act accordingly. Therefore, the opinion expressed by your Association that the final decision for conduct of DPC rests with the administration is totally wrong and a perverted interpretation. When petitions are pending in the CAT and courts, it would not be correct to hold DPC. In case the decision of Hon. CAT is against the department, whole process has to be redone which not only puts enormous work pressure on the administration but sometimes may also invite adverse remarks from the CAT/courts. Therefore, it is better that your Association file an impleading petition in the CAT, requesting for an interim direction to hold DPC pending decision in the main O.A.

5. As regards the AGT in the grade of inspectors, you have stated that transfer order is to be issued by 31st December of calendar year as per transfer policy and due to restructuring and GST implementation, no such AGT was held or held late during the last 2 years. For the year 2019-20, you have requested for issue of the AGT without any further delay or alternatively, to direct the Commissioners to do some internal

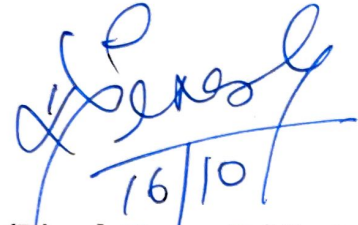
adjustments within the Commissionerates. This year the AGT is delayed as it was felt that after conduct of DPC, promotion to the grade of Superintendents can be given once the Hon. High Court gives the direction (for which department had filed a miscellaneous petition). However, the matter was remanded to Hon. CAT in the promotion matter. Therefore, DPC cannot be held till the outcome of the petition in the CAT as the matter is sub judice. Therefore, it is decided to issue AGT as early as possible, within a month.

6. You have stated that your Association is duly elected and accepted and the members have unanimously resolved to elect you and others as Office Bearers of the Association. It is heartening to note that you have a term of two years that is 2018-20. Please accept congratulations from the administration on your election as the copy of your resolution is now received by the Administration for the first time. If you have already communicated this earlier, the same is not available in the CCO and probably the file relating to this correspondence is misplaced by the officer dealing with it or not properly handover to his successor while shifting the office of CCO from Shillong to Guwahati. While action is contemplated against the officer responsible for such lapse in not handing over the file relating to correspondence with Association, the present resolution sent by you is taken on record. As already said earlier, since the file is misplaced, a copy of the Constitution/ by-laws of your Association is not available in this office. You may please send the same by 18.10.2019 for the purpose of record in this office.

7. If you have any issues relating to service matters and welfare issues or any other grievances which relate to the grade of Inspectors as a whole, you are welcome to send the same in writing since your decision not to attend the meeting may apply to

future meetings as well. If no such grievances or points are received within a week i.e., by 25.10.2019, it will be taken that you do not have any grievances other than the transfer and promotion matters mentioned above.

This is issued with the approval of the Chief Commissioner.

A handwritten signature in blue ink, appearing to read 'Dinesh Kumar Fuldiya', with the date '16/10' written below it.

(Dinesh Kumar Fuldiya)
Assistant Commissioner