

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

MP 117/03 under page-1 *Alt*
26/10/03

O.A/T.A No. 46/10/03

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... *O.A* Pg..... 1 to 5
MP 46/06 andn *Page 1* to *7* *Alt 3/10/03*
2. Judgment/Order dtd. *27.9.6.10.12.03* Pg. x to *M.R. Separate order*
Allowed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. *406/02* Pg. 1 to 32
5. E.P/M.P. *46/06* Pg. 1 to 11
MP 117/03 *Page 1* to *45*
6. R.A/C.P. Pg..... to
7. W.S. Pg. 1 to 10
8. Rejoinder Pg..... to
9. Reply/In. Affidavit dtd. *M.P. 46/06* Pg. 1 to 3
10. Any other Papers Pg..... to
11. Memo of Appearance
12. Additional Affidavit. *Alt. No. M.P. 46/06. Page 1 to 2*
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply
Statement to the M.P 46/06. Page 1 to 15

SECTION OFFICER (Judl.)

Salita
4/12/07

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 406/2002
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s): Sri Dipankar Dutta & Sons

- Vs. -

Respondent(s): U. O. I. - Works

Advocate for the Applicant(s): Mr. M. Chanda

Advocate for the Respondent(s): Mr. G. N. Chakraborty
Mr. B.C. Pathak
Addl. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Q. Adm. No. 76/2002 Date 15.11.2002 Rs. 1/- remitted due 10% C. No. 76/2002 dated 15.11.2002	27.12.2002	Heard Mr. M. Chanda, learned counsel for the applicants. The application is admitted, call for the records. Mr. M. Chanda, learned counsel for the applicants prayed for an interim order direction upon the respondents to allow the applicants to appear before the interview/selection scheduled to be held on 29th & 30th December, 2002 for promotion to the post of Inspector Group-C (Executive) pursuant to intimation communicated vide memo No. C.No.II(3)2/CAN/92/1576-121 dated 24.12.2002 and order in his support he referred to the order passed by the Hon'ble CAT, Mumbai Bench in O.A.918 of 2002 dated 26.11.2002 and the follow up action taken by the Dy. Commissioner (P&V), Customs and Central Excise, Goa.
Steps taken with envelops.	NS 27/12/02	Also heard Mr. B.C. Pathak, learned Addl. C.G.S.C. in support of the decision of the respondents.

Contd.

Contd.

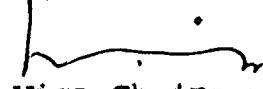
27.12.2002

Issue notice on the respondents

to show cause as to why interim order as prayed for shall not be granted ~~against~~ the ~~application~~ returnable by three weeks. In the meantime, the respondents are directed to ~~allow~~ ^{allow} the applicants to appear before the interview/selection which is scheduled to be held on 29th & 30th December, 2002 for consideration of promotion to the post of Inspector Group C (Executive) provisionally and the result shall be subject to outcome of this application.

The respondents are also directed to restrain from declaring the result of the applicants until further orders.

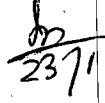
List the case on 21.1.2003.


Vice-Chairman

21.1.03

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

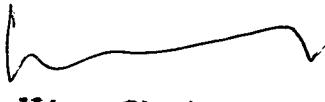
The Hon'ble Mr. S.K. Hajra, Administrative Member.

Order dtcl. 21/1/03
Communicated to the
Parties concerned on
23/1/03.

23/1

On the prayer of Mr. B.C. Pathak learned Addl. C.G.S.C. for the respondents further four weeks time is allowed to the respondents for filing written statement. List again on 18.2.2003 for written statement.

In the meantime, the interim order dated 27.12.2002 shall continue.


Member

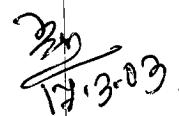

Vice-Chairman

18.2.2003

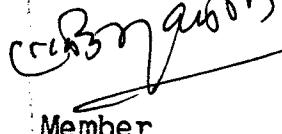
Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S. Biswas, Member (A).

No. written statement
has been filed.


18.2.03.

Written statement is yet to be filed. Further four weeks time is allowed to the respondents to file written statement on the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.

Notes of the Registry	Date	Order of the Tribunal
No written statement has been filed.	18.3.2003	<p>Respondents are yet to file written statements. Put up again on 23.4.2003 for order.</p> <p> Vice-Chairman</p>
No written statement has been filed.	23.4.2003	<p>Heard Mr. G.N. Chakraborty, learned counsel for the applicant. No written statement forthcoming from the respondents.</p> <p>List the case again on 19.5.0 enabling the writ respondents to file written statement.</p> <p> Vice-Chairman</p>
No written statement has been filed.	19.5.2003	<p>Present : The Hon'ble Mr. Justice N. Chowdhury, Vice-Chairman The Hon'ble Mr. S.K. Hajar, Administrative Member.</p> <p>On the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents further four weeks time is allowed to the respondents to file written statement. List again on 17.6.2003 for orders.</p> <p> Member</p> <p> Vice-Chairman</p>
No wks has been filed.	17.6.2003	<p>Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. R.K. Upadhyaya, Member (A).</p> <p>Mr. B.C. Pathak, learned Addl. C.G.S.C. stated that the respondents are filing written statement within a short time. Accordingly case is adjourned. Put up again on 30.7.2003 for orders.</p> <p> Member</p> <p> Vice-Chairman</p>

(C)

Notes of the Registry

Date

Order of the Tribunal

30.7.2003 : Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr. N.D. Dayal, Administrative Member.

The respondents are yet to file written statement. Further three weeks time is allowed to the respondents to file written statement. No further time shall be granted in this regard.

List on 22.8.2003 for orders.

No written statement has been filed.

By
21.8.03

Member

Vice-Chairman

mb

22.8.2003 Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr. K.V. Prahalada Administrative Member.

The respondents are yet to file their written statement though time was granted for the last time on 30.7.2003. Mr. B.C. Pathak, learned Addl.C.G.S.C. again prays for time to file written statement. Further four weeks time is allowed to file written statement subject to payment of cest.

List the case on 26.9.2003 for order.

No written statement has been filed.

By
25.9.03

KV Prahalada
Member

Vice-Chairman

bb

26.9.2003 Respondents failed to submit written statement. Put up the matter on 29.10.2003 for further orders.

KV Prahalada
Member

Vice-Chairman

bb

OA. 406/2002

Office Note	Date	Tribunal's Order
	29.10.2003	<p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>The issue raised in this application is no longer res integra in view of the judgment and order passed by the C.A.T., Chandigarh Bench dated 14.08.2003 in O.A. 1221/CH/2002 as well as the judgment and order passed by the C.A.T., Madras Bench in O.A. Nos. 495/2003 & 995/2002 disposed on 04.09.2003. The issue raised in this application is squarely dealt with by the two co-ordinate Benches. ^{as well as in law involved in} since the facts ^{of} the present case are similar to the aforementioned two cases, we respectfully concur with the views taken by the aforesaid two Benches.</p> <p>In view of the facts mentioned above, the O.A. is allowed. The applicants ^{are} declared eligible for consideration for promotion to the post of Inspector Group C and the respondents are directed to consider them alongwith other feeder categories for promotion to the said post in accordance with the rules.</p> <p>The application is thus allowed. The respondents are directed to complete the exercise ^{preferably} as expeditiously as possible, within a period of three months from the date of receipt of the order.</p> <p>There shall, however, be no order as to costs.</p> <p><i>K.V. Prahladan</i> (K.V. PRAHLADAN) Member (A)</p> <p><i>D.N. Chowdhury</i> (D.N. CHOWDHURY) Vice-Chairman</p> <p>17.11.09</p> <p>Copy of the order has been sent to the office for issuing the same to the applicant as well as to the Addl. C.G.S.C.</p> <p>27/11/03</p>

Office Note	Date	Tribunal's Order

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 406, 2002

Sri Dipankar Dutta & 2 Ors. : Applicants

- Versus -

Union of India & Others: Respondents.

INDEX

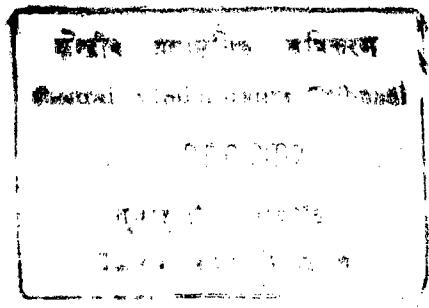
SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-15
02.	----	Verification	16
03.	A	copy of the Notification dated 19.7.2001	17-20
04.	B	copy of the seniority list dated 27.11.2002	21-23
05.	C	Copy of the letter dated 24.12.2002	24-25
06.	D	Copy of the Recruitment Rule 2002	26-29
07.	E	Copy of the Order dated 26.11.2002	30-31
08.	F	Copy of the Circular No. 51/2002	32

Filed by

Date : 27.12.2002

Surjithash

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O. A. No. 406 /2002

BETWEEN

1. Sri Dipankar Dutta
Son of late Durgadas Dutta
Working as Data Entry Operator Gr. B
Office of the Commissioner (Appeals)
Customs and Central Excise,
5th Floor, Udyog Vikash Bhawan
Bhangagarh, Guwahati-781005.
2. Sri Hemankar Roy
Son of Sri Jyotish Chandra Roy,
Working as Data Entry Operator Gr. B
Office of the Assistant Commissioner
Customs and Central Excise,
Circuit House Road, Silchar
Dist. Cachar.
3. Sri Rajat Subhra Sengupta,
Son of Late Ranjit Kumar Sengupta,
Working as Data Entry Operator Gr. B

Filed by
Sri Dipankar Dutta & Ors
through Jyotish
Silchar 27.12.02

Dipankar Dutta

Office of the Assistant Commissioner
Customs and Central Excise,
Circuit House Road, Silchar
Dist. Cachar.

...Applicants

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Finance,
Department of Revenue, North Block,
New Delhi.
2. The Chairman,
Central Board of Excise and Customs,
Ministry of Finance, Department of Revenue,
North Block, New Delhi.
3. The Commissioner of Central Excise
Morello Compound,
Shillong-793001
4. The Additional commissioner (P & V),
Central Excise and Customs
Morello Compound,
Shillong-793001

...Respondents

Dibonkar Dutta

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned Recruitment Rules the Central Excise and Land Customs Department Inspector (Group -C), Recruitment Rules, 2002 published in the Gazette of India dated 7th December, 2002 and also praying for a direction upon the respondents to allow the present applicants to appear in the forthcoming interview/selection for promotion to the post of Inspector Group C (Executive) which is scheduled to be held on 29th and 30th December, 2002 pursuant to the letter dated 24.12.2002 issued by the Commissioner, Central Excise, Shillong and also praying for a further direction to the respondents to consider the case of the present applicants for promotion to the post of Inspector Group (C) (Executive).

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

Dipamkar Datta

3. Limitation.

The applicants further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

- 4.1 That all the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That all the applicants are presently working as Data Entry Operator, Grade B in different offices under the administrative control of the Commissioner, Central Excise, Shillong. The applicants state that the post of Data Entry Operator, Grade B is equivalent to the post of pre-structuring Tax Assistant and the said post of That the applicants state that the post of as Data Entry Operator, Grade B is now equivalent to the post of Senior Tax Assistant.
- 4.3 That it is stated that following restructuring of Group C cadre in the Customs and Central Excise Department pursuant to the Government of India, Ministry of Finance letter No. F. No. A-11019/72/99 Ad.IV dated 19.7.2001 whereby the post of That the applicants state that the post of as Data Entry Operator, Grade B has been re designated as Senior Tax Assistant by merging the post of That the applicants state that the post of

as Data Entry Operator, Grade B with the Ministerial cadre, namely Tax Assistant, Upper Division Clerk(Special pay). The restructuring order of the Government of India has already been implemented vide Notification dated 19.7.2001.

A copy of the Notification dated 19.7.2001 is annexed as **Annexure-A**.

4.4 That it is stated that after issuance of the Notification dated 19.7.2001 the office of the Commissioner of the Central Excise, Guwahati vide its letter bearing No. C. No.I(9)1/ET-I/2002/42055-88 dated 27.11.2002 published a proposed seniority list of Tax Assistant, Data Entry Operator Group B in view of merger to the grade of Senior Tax Assistant consequent to cadre restructuring. In the said the name of the applicant are shown at serial Nos. 17,18 and 19 respectively. Be it stated that incumbents who are placed at serial nos. 24 to 65 were working as Tax Assistant in the pre restructuring cadre. In the proposed seniority list those incumbents who have been placed at serial nos. 24 to 65 declared junior to the present applicants in the cadre of Senior Tax Assistant.

A copy of the seniority list dated 27.11.2002 is annexed as **Annexure-B**.

4.5 That the applicants beg to state that in view of the merger of the post of Data Entry Operator Grade B, Tax

Dipankar Datta

Assistant to the newly created cadre of Senior Tax Assistant pursuant to the Notification dated 19.7.2001 are equally qualified for promotion to the cadre of Inspector Group C (Executive) in terms of Revised Recruitment Rules of Inspector Group C 2002. After the aforesaid restructuring in the Group C cadre, the Commissionerate of Central Excise Guwahati/Shillong now decided to fill up certain vacancies of Group C Inspector (Executive) by way of promotion vide Commissionerate letter dated 24.12.2002 whereby the date of interview/selection is now scheduled to be held on 29th and 30th December, 2002. Surprisingly in the said interview only Tax Assistants/ Stenographers/ UDCs/Draftsman of pre re structuring cadre have been called for interview/selection. The name of the present applicants have been deliberately excluded to appear in the said interview/selection. The present applicants being highly aggrieved with the action/inaction of the respondents approaching this Hon'ble Tribunal for protection of their valuable rights to appear in the said interview/selection. Hence the present application.

A copy of the letter dated 24th Dec. 2002 is enclosed herewith and marked as Annexure-C.

4.6 That it is stated that in the impugned Recruitment Rules for Inspector Group "C" 2002 a clause is

Dibankar Datta

incorporated in Col. 12 of the Recruitment Rules as follows :

"(b) (i) Senior Tax Assistant with 2 yrs. Regular service in the grade."

Whereas in the case of Tax Assistant/UDC of the pre-restructuring cadre, the eligibility criteria has been laid down in the aforesaid Recruitment Rules as follows

"(a)(i) Tax Assistant with two years service as Tax Assistant or 5 yrs. Service as Tax Assistant and Upper Division Clerk put together.

(ii) Upper Division Clerk or Stenographer Grade III with 5 yrs. Service."

It is quite clear from above that a hostile discrimination is made towards the applicants so far criteria or eligibility conditions prescribed as stated above with the incumbents who were working in the cadre of Tax Assistant / Upper Division Clerk/ Stenographer Grade III in the pre-restructuring cadre. It is pertinent to mention here that the post of Sr. Tax Assistant has been created for the first time following the Notification dated 19.7.2001 as such the question of attaining experience of 2 yrs. Service in the cadre of Sr. Tax Assistant by the incumbent earlier holding the post of Data Entry Operator Grade B does not arise and same is a absurd clause incorporated in the impugned Recruitment Rules of Group C Inspector (Executive) 2002 whereas, in the case of Tax Assistant

15

/Upper Division Clerk/Stenographer Grade III the eligibility criteria for consideration of promotion to the cadre of Group C Inspector laid down by the respondents Union of India relating to their experience earned in the pre-restructuring cadre and as a result other than the present applicants, Tax Assistant/UDC/Stenographer Grade III has now attain eligibility in terms of the Group C Inspectors Recruitment Rules, 2002. Therefore, the eligibility criteria laid down in clause (b)(i) to the extent "with two years regular service in the grade" of the Recruitment Rules for Group C Inspectors, 2002 is highly discriminatory, unfair, arbitrary and as such the same is liable to be set aside and quashed to that extent.

A copy of the Recruitment Rules, 2002 is enclosed as **Annexure - D.**

4.7 That the decision of the Commissionerate for holding Interview/Selection on 29/30 Dec. 2002 in fact communicated only on 24th Dec. 2002 with a short notice in order to extent undue benefit to the erstwhile UDC/Tax Assistant/Stenographer Grade III. However, after receipt of the letter dated 24.12.2002 the present applicants rushed to the Office of the Commissioner of Central Excise, Shillong on 26.12.2002 and approached the Additional Commissioner, Shri B. Thamar at about 12 noon and verbally prayed to him to

Dipankar Dutta

9

allow them to appear in the Interview/Selection provisionally in the light of the order passed by the Office of the Commissioner of Customs & Central Excise, Goa vide Circular No. 51/2002 and also produced before him the interim order passed by the Hon'ble CAT Mumbai Bench in O.A. 918/2002 in the case of Shri M.R. Patil & 7 others in the similar facts and circumstances. But unfortunately the Additional Commissioner, Shri Thamar refused the applicants to allow them to appear in the Interview/Selection scheduled to be held on 29/30 Dec. without a specific order from the Hon'ble CAT Guwahati Bench. In the circumstances stated above the applicants finding no other alternatives approaching this Hon'ble Court by hurriedly drafting this application due to paucity of time. Be it stated that the similarly situated applicants approached the Hon'ble CAT Mumbai Bench, Bangalore Bench, Lucknow Bench, Ahmedabad Bench and also some other Benches so far instructions available to the applicants and all those Benches of Learned CAT have passed interim order allowing the applicants to appear provisionally in the Interview/Selection for consideration of promotion to the post of Group C Inspector.

Copy of the Order dated 26.11.2002 passed by the Hon'ble Mumbai Bench in O.A. 918/2002 and circular No. 51/2002 are enclosed as Annexure-E and F respectively.

Dipankar Dutta

4.8 That it is stated the present applicants were holding the post of Data Entry Operator Grade-A for about 6 to 7 yrs. Which is equivalent to the post of UDC of the Ministerial cadre in the pre-restructuring cadre. Be it stated that the post of Data Entry Operator Grade-B is equivalent to the post of Tax Assistant in the pre-restructuring cadre and the pay and allowances of both the posts were same. Therefore, denial of benefit of consideration of promotion to the post of Inspector Group C (Executive) to the present applicant is a hostile discrimination and more so in view of the fact that an absurd clause of eligibility is incorporated in the Recruitment Rules for Group C post of Inspector, 2002, wherein 2 yrs. Experience has been prescribed as Sr. Tax Assistant for attaining eligibility for consideration for promotion to the post of Inspector, therefore the aforesaid clause of Recruitment Rules are liable to be set aside and quashed.

4.9 That this application is made bonafide and for the ends of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the inclusion of two years service/experience as Senior Tax Assistant in the Recruitment Rule 2002 published on 29.11.2002, for the purpose of attaining eligibility for promotion to the post of Inspector Group C (Executive) is highly discriminatory, illegal

and arbitrary in as much as when the restructuring Notification is issued only on 19.7.2001.

5.2 For that, in the case of U.D.C./Stenographer Gr. III/Tax Assistant, the service experience has been counted for attaining eligibility for consideration of promotion under the new recruitment rules 2002 in their pre restructuring cadre and thereby the aforesaid cadre of U.D.C./Stenographer Gr. III/Tax Assistant has been declared eligible for consideration of promotion to the post of Inspector Group C (Executive) under the new recruitment rules 2002 whereas the post of Data Entry Operator Grade A is all along treated equivalent in status and rank with the Ministerial cadre of UDC, similarly Data Entry Operator Grade B is also treated equivalent in rank and status with the Ministerial cadre of Tax Assistant, as such non inclusion of the name of the applicants in the eligibility list circulated for appearing in the forthcoming interview/selection for consideration of promotion to the post of Inspector Group C(Executive) cannot be sustained in the eye of law.

5.3 For that, the policy of cadre re structuring issued under Notification dated 19.7.2001 has already been implemented by the respondents in all the Commissionerates, therefore there is no scope on the part of the applicants who are now treated redesignated as Senior Tax Assistant to avail the promotional benefit to the cadre of Inspector Group C (Executive)

Dibankar Dutta

in the forthcoming interview/selection unless and until
"with two years regular service in the grade" as
Senior Tax Assistant is set aside.

- 4 For that, in the similar facts and situation as stated above the Data Entry Operator Grade B who are now re designated as Senior Tax Assistant has approached the different Benches of the Hon'ble Central Administrative Tribunal and following the interim order passed by the Hon'ble Tribunal they are now allowed to appear in the forthcoming interview/selection provisionally.
- 5.5 For that, the applicants has required service experience like those of Ministerial cadre in the restructuring cadre of Data Entry Operator, as such they cannot be excluded from the benefit of consideration of promotion in the existing vacancies of Group C (Executive) Inspector due to arbitrary inclusion of the clause of two years regular service as Senior Tax Assistant as indicated in the impugned Recruitment Rules 2002.
- 5.6 For that, an appropriate interim order is necessary in the instant case enabling the applicants to appear in the forthcoming interview/selection which is scheduled to be held on 29.12.2002 for consideration of promotion to the post of Inspector Group C (Executive).

6. Details of remedies exhausted.

That the applicants state that they have exhausted all the remedies available before them and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicants further declare that they have not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicants humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash to the extent of the column 12 of the clause (b) (i) "with two years regular service in the grade" as Senior Tax Assistant as prescribed in the Central

Excise and Land Customs Department Inspector Group C posts Recruitment Rule, 2002 (Annexure-D).

8.2 That the Hon'ble Tribunal be pleased to declare that the applicants are (now re designated as Senior Tax Assistant) are eligible for consideration of promotion to the post of Inspector Group C under the Recruitment Rule 2002 as mentioned above.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicants for promotion in the existing vacant post of Inspector Group C (Executive).

8.4 That the respondents be directed to include the name of the applicants in the eligibility list published under letter dated 24.12.2002 by necessary amendment/modification.

8.5 Costs of the application.

8.6 Any other relief(s) to which the applicants is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicants prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicants to appear before the interview/selection which is scheduled to be held

Dibankar Datta

on 29th and 30th December, 2002 for consideration of promotion to the post of Inspector Group C (Executive).

or ;

alternatively to stay the operation of the impugned letter dated 24.12.2002 whereby interview/selection is proposed to be held with effect from 30.12.2002.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 7G 606015
- ii) Date of Issue : 15-11-02
- iii) Issued from : Guwahati
- iv) Payable at : Guwahati

12. List of enclosures.

As given in the index.

Diponkar Dutta

VERIFICATION

I Sri Dipankar Dutta, son of Late Durgadas Dutta, aged about 32 years, working as Data Entry Operator Grade B in the office of the Commissioner(Appeals) Customs and Central Excise, Guwahati, one of the applicants in the instant O.A. and I have been authorized to sign this verification on behalf of the others. Accordingly I do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 27th day of December, 2002.

Dipankar Dutta
Signature

New Delhi, Dated: July 19, 2001.

To

All Chief Commissioners of Central Excise at Customs,
All Chief Commissioners of Customs,
All Directors General,
All Commissioners of Central Excise/Customs/Directors under CBEC.

Subject:- Restructuring of Customs & Central Excise Department

Sir,

I am directed to say that the Central Government has approved the restructuring of Customs & Central Excise Department. As a result of restructuring there has been a change in the number and nomenclature of the various grades/posts. The revised number and designation of the various posts at different levels in Customs and Central Excise Department has been indicated in Annexure-'I'

2. All the posts at different levels as per Annexure -'I' stand sanctioned with immediate effect. Wherever there is a reduction in the number of posts at any level, such reduction will be effective after the existing incumbents of the posts are promoted to the higher level or the posts fall vacant on account of retirement etc. The number of categories of the posts other than those referred to in Annexure 'I' have been kept in their existing strength and in their existing pay scales only.
3. No direct recruitment may be made to the various grades for the year 2001-2002 without approval of Ministry/ Department as the Cabinet has approved a one time relaxation for filling of all vacancies by promotion in all Cadres.
4. The formation wise distribution of posts at different levels will be notified separately.
5. The details of the Other Posts that have been included in the Restructuring proposal but have not been proposed to be altered on the scale or strength are included in Annexure-II.
6. The Cadres/Post which have not been included in the Restrcuturing Proposal are stated in Annexure-III.

This issues in pursuance to the approval conveyed vide Cabinet Secretariat Notification No. 28/CM/2001 (i) dated 16.07.2001.

Yours faithfully,
(K. C. Jain)
Dy. Secretary to the Govt. of India

True copy
Sujitbosh
Advocate

18
REVISED NUMBER OF POSTS AT DIFFERENT LEVELS IN THE CUSTOMS AND CENTRAL EXCISE
DEPARTMENT ON RESTRUCTURING

Annex - A

S.NO.	Post	Existing Pay Scale	Post Redesignated as	Pay Scale	Sanctioned Strength
A' EXEC					
1	Chief Commissioner	22400-24500	Chief Commissioner	22400-24500	47
2	Commissioner	18400-22400	Commissioner	18400-22400	290
3	Additional Commissioner	14300-18300	Additional Commissioner	14300-18300	300
4	Joint Commissioner	12000-16500	Joint Commissioner	12000-16500	276
5	Deputy Commissioner	10000-15200	Deputy Commissioner	10000-15200	701
6	Assistant Commissioner	8000-13500	Assistant Commissioner	8000-13500	690
B' EXEC					
7	SUPDT.CEX / S.I.O / I.O / A.A.D	6500-10500	SUPDT.	6500-10500	9437
8	SUPDT.CUS	6500-10500	SUPDT.	6500-10500	2520
9	Appraiser	6500-10500	Appraiser	6500-10500	809
C' EXEC					
10	INSPECTOR / PO / EXAMINER	5500-9000	INSPECTORS	5500-9000	18053
A' MIN					
11	CAO	8000-13500	CAO	8000-13500	155
B' MIN					
12	AO / ACAO / EAO	6500-10500	AO	6500-10500	972
13	Sr. PA	6500-10500	Sr. PA	6500-10500	337
14	PROGRAMMER	NEW		6500-10500	20
15	OTHERS*				177
C' MIN					
16	DOS L-I	5500-9000	DOS-L-I	5500-9000	631
17	DOS-L-II	5000-8000	DOS-L-II	5000-8000	1353
18	DEO GR. D	5500-9000	ASSTT. PROG.	5500-9000	60
19	Sr. TAX ASSISTANT		NEW	5000-8000	3152
20	TAX ASSISTANT		NEW	4000-6000	5525
21	LDC	3050-4590	LDC	3050-4590	717
22	STENO GR-I	5500-9000	STENO GR-I	5500-9000	244
23	STENO GR-II	5000-8000	STENO GR-II	5000-8000	490
24	STENO GR-III	4000-6000	STENO GR-III	4000-6000	490
25	OTHERS*				803
C' EXEC (OTHERS)					
26	DRIVERS-I	4500-7500	DRIVERS-I	4500-7500	414
27	DRIVERS-II	4000-6000	DRIVERS-II	4000-6000	526
28	DRIVERS-III	3200-4900	DRIVERS-III	3200-4900	1130
29	ARMOURER	3200-4900	ASI(weapons)	3200-4900	51
30	OTHERS*				55
C' EXEC (OTHERS)					
31	HAVALDAR	2650-4000	HAVALDAR	2650-4000	4326
32	SEPOY	2550-3540	SEPOY	2550-3540	9339
33	OTHERS*				1071
TOTAL					65161

True copy
S. M. H. H.

19
**DETAILS OF THE POSTS IN THE DEPARTMENT THAT HAVE BEEN INCLUDED IN THE RESTRUCTURING
 PROPOSAL BUT HAVE NOT BEEN PROPOSED TO BE ALTERED IN SCALE OR STRENGTH.**

Annex - A

Group 'B' Ministerial (Sl. No. 15)		No. of Posts
1	PAO	67
2	Accounts Officer	68
3	Asstt. Director (OL)	42
Total		177
Group 'C' Executive (Sl. No. 30)		
1	Lady Searcher	49
2	Sub Inspector	1
3	A.S.I.	5
Total		55
Group 'C' Ministerial (Sl. No. 25)		
1	Sr. Hindi Translator	24
2	Jr. Hindi Translator	72
3	Hindi Typist	62
4	Draughtsman	32
5	Sr. Gestner Operator	17
6	A.A.O. / J.A.O.	61
7	Record Keeper	140
8	Accountant	377
9	L.D.C. (PAO)	5
10	Cashier	7
11	Dy. Cashier	3
12	Pin Point Operator	1
13	Book Binder	2
Total		803
Group 'D' (Sl. No. 33)		
1	Peon	66
2	Gestetner Operator	140
3	Farash	168
4	Safaiwala	351
5	Chowkidar	57
6	Mali	132
7	Bhishti	6
8	Daftri	27
9	Peon(PAO)	28
10	Sorter	2
11	Scale Man	33
12	Liftman	18
13	Koyal	7
14	Darwan	16
15	Cooper	2
16	Scavanger	4
17	Caner	14
Total		1071

NOTES:

1. The posts in the grade of Superintendents also include posts of SIO, AAD, IO of various directorates (SI No 7).
2. The posts in the grade of Inspectors also include the posts of P.O. and Examiner and Intelligence Officers. (SI No 10)
3. The posts in the grade of AO also include the posts of ACAO and EAO (SI No 12)
4. The existing posts in the cadres of Asstt, Tax Asstt, UDC (Sp Pay), DEO Gr (C) and DEO Gr (B) have been merged into and redesignated as Sr Tax Asstt (SI No 19)
5. The existing posts in the cadres of UDC, DEO(A) and LDC (except 747 posts of LDC for the purpose of promotion of Group D) have been merged and redesignated as Tax Asstt (New) (SI No 20)
6. The cadre of O S has been abolished and the posts have been merged in the posts of A O (SI No 12)
7. Other posts which exist in the department and are not reflected in the above table have been kept in their existing strength in the existing pay scales only.
8. Details of other posts are given in Annexure II (SI No 15, 25, 30 & 33)

(K C Jain)

Dy Secretary to the Govt of India

Lists of Cadres / Posts which have not been included in Restructuring proposal

1. A.D. (Cost).
2. Marine Posts.
3. Telecom Posts.
4. Chemical Services, (C.R.C.L).
5. Factory Posts (Chief Controller of Factories)
6. Press & Publication Posts in the Directorate of Publications
7. Group 'B', 'C' & 'D' of the Office of Narcotics Commissioner/CBN.
8. Statistics Posts in the Directorate of Statistics & Intelligence.

GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
GUWAHATI

C.No. II(9)1/ET-I/2002/

42055-88

Dated:

27 NOV 2002

To

The Deputy/Asstt. Commissioner,
Central Excise Division,
Silchar (All).

A.O.
P.D.

6/06
27/12/2002

7/85
11/12/02
The Deputy/Asstt. Commissioner,
Customs Preventive Division,
(All).

The Section Heads of Hqrs. Office,
Shillong (All).

Subject : Re-fixation of Seniority of Tax Assistant and Data Entry Operator Gr. 'B' in view of merger to the grade of Sr. Tax Assistant consequent to cadre re-structuring. - regd.

With Ministry's letter F.No. A-12018/48/2000-Ad.III B dated 28th October, 2002 the Data Entry Operator, Gr. 'B' (4500-7000) and Tax Assistant (4500-7000) have been placed in the higher scale of 5000-8000 and they shall be placed below the Assistant and Data Entry Operator Gr. 'C' and their inter-se placement shall be fixed in accordance with the date of regular appointment to the respective grade subject to the condition that their inter-se placement in respective category shall not be disturbed.

Consequently, the relative seniority between Tax Assistant and Data Entry Operator Gr. 'B' have been re-fixed, a copy of which is enclosed herewith which may be circulated to all concerned Tax Assistant/ Data Entry Operator Grade 'B' working under your charge.

Enclo: As above.

26/11/02
(B.THAMAR)
ADDITIONAL COMMISSIONER (P&V)
CENTRAL EXCISE & CUSTOMS,
GUWAHATI

2 NO - II(34)/ET/ACS/2002 DATED. 10/12/02

COPY forwarded for information and necessary action
to -

1. Sri Debalokanta Dey, Tax- Assistant.
2. Sri Bibekananda Chakrabarty, Tax- Assistant
3. Sri Debonanda Singha, Tax- Assistant
4. Sri Bhupati Bhupan Das, Tax- Assistant
5. Sri Joydeep Dutta, Tax- Assistant
6. Sri Rajat Subhra Sengupta, D.E.O (Grade B)
7. Sri Hemankar Roy, D.E.O (Grade B)
8. Sri Sumit Deb, D.E.O of Central Excise
Division, Silchar.

9/12/2002
Administrative Officer
Central Excise
Silchar

Trupti
Sunita

PROPOSED MERGER OF TAX-ASSISTANT AND DEO GR. 'B' OF SHILLONG CENTRAL EXCISE AND CUSTOMS COMMISSIONERATE VIDE MINISTRY'S LETTER F. NO. A/12018/48/2000-ADJII B. DATED 28TH OCTOBER, 2002 IN THE GRADE OF SENIOR TAX ASSISTANT

SI.No.	Name & Educational Qualification	Date of Birth	Date of App'tt. In Govt. service	Date of confirmation in Govt. service	Deemed Date of App'tt. As Tax Asstt./DEO Gr. 'B'	Whether DR/PR	Remarks
01	S/Shri	02	03	04	05	06	07
1.	Abul Hassan, B.A.	01.03.70	05.12.94	10.06.98	15.03.2000	PR	Offg. As T. A.
2.	Ghana Kanta Nath, HSLC	29.12.63	02.08.89	23.11.91	15.03.2000	PR	-do-
3.	Dambidhar Sonowal, (ST) PU	07.05.65	12.10.89	23.11.91	15.03.2000	PR	-do-
4.	Shyamalendu Singh, BA	17.02.61	21.02.90	21.02.92	15.03.2000	PR	-do-
5.	Postangbam Surjit Singh, BA	31.01.69	21.02.90	21.02.92	15.03.2000	PR	-do-
6.	Devendra Rana, PU	01.03.69	02.04.90	02.04.92	15.03.2000	PR	-do-
7.	Salil Chakraborty, B.Sc.	01.12.63	30.03.90	02.04.92	15.03.2000	PR	-do-
8.	Narayan Ch. Paul, PU	14.11.64	29.03.90	02.04.92	15.03.2000	PR	-do-
9.	Satyabrata Chakraborty, B.Sc.	21.05.67	17.10.90	23.10.92	15.03.2000	PR	-do-
10.	Smt. Dhira Mechi, BA	01.03.69	06.10.95	06.10.97	15.03.2000	PR	-do-
11.	Bijoy Basumatary, (ST) HSLC	01.03.67	01.11.90	01.12.92	15.03.2000	PR	-do-
12.	Bhudeb Bhattacharjee, BA (Major)	08.03.70	05.05.96	06.05.98	15.03.2000	PR	-do-
13.	W. Joyanta K. Meitai, B.Sc.	01.02.67	04.12.90	04.12.92	15.03.2000	PR	-do-
14.	Siddhartha Sankar Roy, B.Sc.(H)	31.12.70	10.06.95	10.06.98	15.03.2000	PR	-do-
15.	Smt. Josephine T. Lanong (ST) BA	13.08.68	02.01.91	02.01.93	15.03.2000	PR	-do-
16.	Nayan Basumatary, (ST) HSLC	15.02.61	19.03.81	01.02.82	15.03.2000	PR	-do-
17.	Dipankar Dutta, BSC	28.08.70	28.10.94	01.11.96	03.04.2001	PR	Offg. As DEO Gr. 'B'
18.	Hemankar Roy, HSLC	27.02.73	31.08.94	01.11.96	03.04.2001	PR	-do-
19.	Rajat Subhra Sengupta, BSC (H)	15.01.68	31.08.94	01.11.96	03.04.2001	PR	-do-
20.	Smt. Julianne Meisingang (ST), BSC	27.06.65	01.07.94	01.11.96	03.04.2001	PR	-do-
21.	Majid Alam, HSLC	01.03.69	21.11.94	21.11.96	03.04.2001	PR	-do-
22.	Chakreswar Sharma, B. A.	01.02.63	26.08.94	21.11.96	03.04.2001	PR	-do-
23.	Md. Alimuddin Shah, PU	01.02.70	04.12.90	04.12.92	05.09.2001	PR	Offg. As T. A.
24.	Subrata Sengupta, PU	01.01.67	03.12.90	04.12.92	06.09.2001	PR	-do-
25.	Biswajit Dey, HS	16.02.63	07.12.90	07.12.92	06.09.2001	PR	-do-
26.	Pranesh Dhar, HSLC	24.05.71	21.01.91	21.01.93	06.09.2001	PR	-do-
27.	Debabrata Dey, B.Com.	09.09.65	16.01.91	21.01.93	06.09.2001	PR	-do-
28.	Gurudas Debnath, HSLC	05.04.68	18.01.91	21.01.93	06.09.2001	PR	-do-
29.	Rajiv Paul, B.Com.(Major)	20.04.68	15.01.91	21.01.93	06.09.2001	PR	-do-
30.	Debananda Singha, BA	02.12.68	24.01.91	24.01.93	06.09.2001	PR	-do-

Sl.No.	Name & Educational Qualification	Date of Birth	Date of App'tt. in Govt. service	Date of confirmation in Govt. service	Desired Date of App'tt. As T.A. Asstt./D.A.O. G.R./S	Whether DR/PR	Remarks
S/Shri							
01		02	03	04	05	06	07
31.	Abhijit Sengupta, B.Com	10.07.66	21.01.91	24.01.93	06.09.2001	PR	Offg. As T.A.
32.	Bibhuti Bhutan Das, B.Com	28.06.65	11.03.91	11.03.93	06.09.2001	PR	-do-
33.	Vivekananda Chakraborty, B.Sc.	11.11.65	21.04.91	11.03.93	06.09.2001	PR	-do-
34.	Sujit Kr. Roy, BA(H)	15.07.73	14.05.98	14.04.2000	06.09.2001	PR	-do-
35.	Joydeep Nandi Mazumder, BA(H)	23.07.66	06.08.90	19.02.2000	06.09.2001	PR	-do-
36.	Smt. Sujata Datta, M.Sc.	01.01.71	09.07.98	09.07.2000	06.09.2001	PR	-do-
37.	Smt. Nita Nag, M.Sc.	25.07.71	29.04.93	29.04.2000	06.09.2001	PR	-do-
38.	Asa Manikupar Warjri (ST) B.Com.	17.12.73	24.07.98	24.07.2000	06.09.2001	PR	-do-
39.	Partha Chakraborty, B.Sc. (H)	06.04.72	27.02.98	09.07.2000	06.09.2001	PR	-do-
40.	Yansathung Yense (ST) BA	15.11.69	09.07.98	09.07.2000	06.09.2001	PR	-do-
41.	Deepak Mili, (ST) M.Sc.	20.12.74	23.12.97	23.12.99	06.09.2001	PR	-do-
42.	T.T. Bhutia, (ST) B.Sc. (H) B.Ed.	01.11.72	22.12.97	22.12.99	06.09.2001	PR	-do-
43.	Wanteiri Nonghyndah, (ST) BA(H)	05.05.70	05.01.98	05.01.2000	06.09.2001	PR	-do-
44.	Sanjib Kr. Das, (SC) B.Sc.	01.03.70	30.12.97	30.12.99	06.09.2001	PR	-do-
45.	S. Osborne Kharjana (ST) BA	26.06.70	16.12.97	18.12.99	06.09.2001	PR	-do-
46.	Jayanta Dey, OBC, B.Sc.	21.04.70	03.02.98	03.02.2000	06.09.2001	PR	-do-
47.	Saurajit Paul, OBC, M.Sc.	26.02.69	08.06.98	08.06.2000	06.09.2001	PR	-do-
48.	Kula Kumar Deori, (ST) BA	04.01.65	22.10.98	22.10.2000	06.09.2001	PR	-do-
49.	Kamaleshwar Deka, OBC, BA(H)	31.12.73	29.03.98	29.03.2000	06.09.2001	PR	-do-
50.	Sudip Ghosh, OBC B.Com.	10.03.73	04.05.98	04.05.2000	06.09.2001	PR	-do-
51.	Ramkrishna Barman, (SC) BA	20.01.70	29.12.97	29.12.99	21.09.2001	PR	-do-
52.	Smt. Banani Purkayastha, BA	24.06.61	15.02.91	11.03.93	21.09.2001	PR	-do-
53.	Jagat Kr. Dutta, PU	01.04.66	25.03.91	25.03.93	21.09.2001	PR	-do-
54.	Ms. Shiluli Chakraborty, BA	05.07.70	26.04.91	26.04.93	21.09.2001	PR	-do-
55.	Ashoke Dutta, HSLC	20.08.63	02.05.91	02.05.93	21.09.2001	PR	-do-
56.	Nilmoni Chanda, HS	02.08.67	29.04.91	29.05.93	21.09.2001	PR	-do-
57.	Priyabrata Sarkar, (PH) HSLC	22.12.61	26.04.91	29.05.93	21.09.2001	PR	-do-
58.	Th. Debadutta Singh, OBC, (PH) BA	28.02.62	30.04.91	29.05.93	21.09.2001	PR	-do-
59.	Ayhom Neinghken (ST), HSLC	01.11.64	12.03.92	12.03.94	26.02.2002	PR	-do-
60.	Smt. Sonorita Bangs (ST) PU	01.11.56	09.03.92	12.03.94	23.04.2002	PR	-do-
61.	Sendownstar Marak, (ST) HSLC	13.02.73	13.03.92	13.03.94	12.09.2002	PR	-do-
62.	Sarwan Kr. Garei B.Sc. (H)	05.12.75	24.02.99	Offg.	12.09.2002	PR	-do-
63.	Smt. Bina Das, (SC), HSLC	01.05.72	04.08.93	01.04.96	12.09.2002	PR	-do-
64.	Smt. Usha Das (SC) PU	12.10.53	22.11.93	01.04.95	12.09.2002	PR	-do-
65.	V. Thanziala (ST) HSLC	01.11.56	12.07.78	01.08.80	12.09.2002	PR	-do-

FAX 3



GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
MORELLO COMPOUND, SHILLONG - 793 001

C.No.II(3)2/CON/92/ 1576-121

Dated: 24 DEC 2002

To,

1. The Deputy/Assistant Commissioner,
Customs/Central Excise (All)
2. The C.A.O./Supdt/A.O./Branch-in-charge

inform
per sec
pl.

24/12/02
Subject:- Conducting of Physical Fitness Test/ Interview for selection of
Tax Asst/Stenos/ UDCs/Draughtsman to the grade of
Inspectors- Reg.

The Physical Fitness Test for promotion of Tax Assistant/Stenos/UDCs/Draughtsman to the grade of Inspectors will be held on 29.12.2002 at 9:00 Hrs. all candidates should report to Superintendent (Hqrs.) Morello Compound, Shillong latest by 8:30 Hrs. The Interview for this purpose has been fixed for 30.12.2002 at 10:30 A.M. at Headquarters Office, Morello Compound, Shillong. Hence, you are requested to direct the officers who are under your charge as per enclosed list to appear for the said test and interview on the above-mentioned date and time.

Enclo: As above.

24.12.2002
(B. THAMAR)
ADDITIONAL COMMISSIONER(P&V)

True up
Srinivas
Advocate

-25-

Annex - C
PAGE: 2

OF TAX ASSISTANTS/STENOS/UDCs/DRAUGHTSMAN TO BE APPEARED FOR
PHYSICAL FITNESS TEST AND INTERVIEW TO BE HELD ON 29TH & 30TH DECEMBER 2006

SL.NO	NAME OF THE OFFICERS S/SHRI/SMTI.	SL.NO	NAME OF THE OFFICERS S/SHRI/SMTI.
1	2	1	2
1	Ruma Mukherjee	28	Rajiv Paul
2	Abul Hassan	29	Debananda Singha
3	Ghana Kanta Nath	30	Abhijit Sengupta
4	Dambidhar Sonowal (ST)	31	Bibhuti Bhusan Das
5	Shyamalendu Sinha	32	Vivekananda Chakravorty
6	Postangbam Surjit Singh	33	Sujit Kumar Roy
7	Devendra Rana	34	Joydeep Nandi Mazumdar
8	Salil Chakravorty	35	Sujata Dam
9	Narayan Chandra Paul	36	Nita Nag
10	Satyabrata Chakravorty	37	Asa Mankupar Warjri (ST)
11	Dhira Medhi	38	Partha Chakravorty
12	Dugadas Paul	39	Yansathung Yansa (ST)
13	Bijoy Basumatary (ST)	40	Deepak Mili (ST)
14	Bhudeb Bhattacharjee	41	T.T.Bhutia (ST)
15	W.Jayanta Kumar Meitei	42	Wanteiri Nonghyndah (ST)
16	Siddhartha Sankar Roy	43	Sanjib kumar Das (SC)
17	Ashit Chatterjee	44	S.Osborne Kharjana (ST)
18	Sujit Sliome	45	Jayanta Dey (OBC)
19	Bedabrata Debbarma (ST)	46	Saurajit Paul (OBC)
20	Josephine T.Lanong (ST)	47	Kula Kumar Deori (ST)
21	Nayan Basumatary (ST)	48	Kamaleshwar Deka (OBC)
22	Md.Alimuddin Shah	49	Sudip Ghosh (OBC)
23	Subrata Sengupta	50	Ramkrishna Barman (SC)
24	Biswajit Dey	51	V.Muthulakshmi
25	Pranesh Dhar	52	Dipen Chandra Das (SC)
26	Debabrata Dey	53	Partha Pratim Sarkar
27	Gurudas Debnath	54	Sajal Chakravorty

Age limit for direct recruits

Whether benefit of added years of service admissible under rule 32(8)(b) of Schedule 11
Whether benefit of added years of service admissible under rule 32(8)(b) of Schedule 11

Educational and other qualifications required for direct recruits

2591

6

7

8

Between 18 to 27 years
(Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).
The crucial date for determining age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Tripura, Sikkim, Ladakh, Division of the State of Jammu and Kashmir, Latauli and Spiti district and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Island and Lakshadweep)

Whether educational qualifications prescribed for direct recruits will apply in the case of promotion

Period of probation, if any

Method of recruitment
whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods

In case of recruitment by promotion/deputation/absorption, grade from which promotion/deputation/absorption to be made

If Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted

Not applicable

Two years 66 2/3% by direct recruitment 33 1/3% by promotion

Promotion:
(i) By selection from those candidates working in the following prestructured cadres:
(i) Tax Assistant with 2 years service as Tax Assistant or 5 years service as Tax Assistant and Upper Division Clerk put together;
(ii) Upper Division Clerk or Stenographer Grade III with 5 years service.
(iii) Upper Division Clerk with 15 years of total service as Upper

Group C
Departmental
Promotion
Committee

Chairman—
Commissioner of
Central Excise

Members—Two
Additional or Joint
Commissioners of
Central Excise
Member—One
Assistant or Deputy

Not applicable

2592

THE GAZETTE OF INDIA DECEMBER 2002 AGRAHANA 16, 1921

PART II—See 7(i)

12

13

14

Division Clerk and Lower subject to the condition that they should have put in a minimum of 2 years service in the grade of Upper Division Clerk.
 (iv) Stenographer Grade II with 2 years service.
 (v) Stenographer Grade II or Stenographer Grade III with 12 years service as Stenographer or Upper Division Clerk and Lower Division Clerk, if any, taken together subject to the condition that they have completed a minimum of 2 years service as Stenographer Grade III or Upper Division Clerk.

(vi) women searcher with 7 years service in the grade.

(vii) Draughtsman with 7 years service in the grade.

(b) By selection from those candidates working in the following re-structured cadre.

(i) Senior Tax Assistant with 2 years regular service in the grade.

(ii) Stenographer Grade II with 2 years regular service in the grade.

(iii) Women searcher with 7 years service in the grade.

(iv) Draughtsman with 7 years service in the grade.

(c) Failing the method of recruitment specified under Clause (b) above, by selection from those candidates working as Tax Assistant and Stenographer Grade III having not less than 10 years service including the service to be included for this purpose under the provisions of the rules regulating the method of recruitment to the post of Tax Assistant.

Note 1: Promotion under Clause (ii) above shall be only operative for a period of two years from the date on which the restructured cadre mentioned under Clause (b) above comes into existence.

The service rendered under the new grade in the restructured cadre shall be counted towards considering the eligibility for promotion under Clause (a) above.

Note 2: Candidates shall be required to pass such written test as may be determined by the Central Board of

Commissioner of

Note 1: Where none of the members belongs to the Scheduled Castes or the Scheduled Tribes category, a Group 'A' officer, belonging to the Scheduled Castes or the Scheduled Tribes category shall also associate as a member of the Departmental Promotion Committee.

Date: 5/12/02

पाना II - प्रभाव 10(1)

भारत गवर्नर : दिनांक 7, दूसरी अक्टूबर 15, 1924

2393

12

Excise and Customs from time to time. The maximum age of eligibility for the departmental candidates shall be 45 years which shall be renewable to 47 years in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes category. However, those of the officials who were not considered for such promotion upto the age of 45 or 47 years, as the case may be, in shall be entitled this benefit of relaxation in age upto 50 years in order to enable a fair opportunity of a minimum of two chances. However, those officials who were considered for promotion upto the age limit of 45 or 47 years, as the case may be, on two or more occasions and were not found fit for promotion shall not be eligible for this relaxation.

Note 3 : Candidates shall be required to pass physical tests and confirm the physical standards as specified in Column 8.

Note 4 : The eligible officers under Clause (a), (b) and (c) above shall be required to pass through an interview before promotion.

Note 5 : Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying or eligibility service.

IF No. A-1201/R/4/2002-Ad. III (B))

Y P VASHISHTH, Under Secy., Ad. III (B)

मेरे दिनों, 29 अक्टूबर, 2002

सा. का. नि. 495. — ग्रन्थालय, संपादन के अनुनाद 2002 में प्राप्त द्वाया प्रदाय गान्धीजी का प्रयाण गते हुए उत्तर सौकाशुक्ता विभाग (मध्य "ग") भारी नियम, 1979 का, उन नामों के सिवाय जिनका फला हुआ रहा ऐसे अधिकारी से गहरे गान्धीजी का जिए जाने का सोच नियम गया है, जोमा ग्रन्थालय में नियोक्त (नियाज अधिकारी) के पात्र "ग" पात्र परीक्षा पर प्रदत्त का नियन्त्रण करने के हिए नियमितिहारित नियम बनाता है, अपना : —

- संक्षिप्त भाषण और धाराम्.—(i) इन विषयों का नामः—नाम गान्धीजी का ग्रन्थालय नियाजक (नियाज अधिकारी) (मध्य "ग") परीक्षा नियम, 2002 है।
(ii) ये राजपत्र में ग्रन्थालय का लालौल लोक द्वारा होते हैं।
- पद संचया, दायीनीकारण और धेतनधारन.—उन दो कानूनों द्वारा दायीनीकारण और धेतनधारन द्वारा ग्रन्थालय विभाग के द्वारा देखा जाने वाले अनुप्रयोगों के साथ 2 से साथ 4 में विविहित हैं।
- भर्ती चर्चा प्रदर्शन, आयु-मोमा तथा अवधि—उन्हें ... 21 वर्ष परीक्षा गान्धीजी का प्रदत्त, आयु-मोमा और अवधि अद्वितीय उत्तर सौकाशुक्ता विभाग (मध्य "ग") द्वारा देखा जाना चाहिए अन्य अधिकारी के लिए उन्हें ग्रन्थालय विभाग के लिए 10 से अधिक वर्ष है।

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ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. 918/2002.

SHRI M.R. PATIL & ORS.

... APPLICANT.

V.S.
M/O FINANCE & ORS.

... RESPONDENTS.

CORAM : HON'BLE SMT. LAKSHMI SWAMINATHAN, V.C.
HON'BLE SMT. SHANTA SHAstry, M(A).

TRIBUNAL'S ORDER

DATED : 26.11.2002.

We have heard Shri V.S. Masurkar, Learned Counsel for the applicants.

Issue notice to the respondents, returnable in four weeks. Two weeks for rejoinder.

List the case before Joint Registrar on 6.1.2003 for completion of pleadings.

Learned counsel for applicants also prays for interim relief as in para 3(b). The learned counsel has drawn our attention to the letter issued by the respondents dated 19.7.2001 on the subject of Restructuring of Customs & Central Excise Department. He has submitted that the posts of Data Entry Operators (DEOs) to which cadre the applicants belong have been included in the Draft Recruitment Rules in 2002 as a feeder cadre for consideration to the post of Inspector of Customs. Learned counsel has also drawn our attention to para 4.25 of the O.A. in which it has been stated that the applicants have submitted the applications to the respondents. He has further submitted that the respondents, particularly Respondent No. 4 i.e. Office at Mumbai have orally refused the applicants' consideration for selection as per the Draft Recruitment Rules, which he has impugned in this application. He has further submitted that the interviews etc. for selection to the post of Inspector (Customs) are presently being held at Mumbai.

Kins Affd: Shrikant Dahri, D/o.
Swadig Boosda, M.
Sukhdev Pakesh.
Fian: Fian.

True copy
Srijit Ghosh
Advocate

- 2 -

interim relief returnable in two weeks. In the meantime as submitted by the learned counsel, the interviews/process for selection to the post of Inspector (Customs) are being held, the applicants shall be provisionally interviewed by the Selection Committee and the results shall be subject to the outcome of this O.A.; the results of the applicants' selection shall not be published till further orders of the Tribunal.



List the case on 9.12.2002 for further hearing on interim relief.

Certified True Copy
Date 27/11/2002

Dny
Section Officer
Central Admin. Tribunal,
Bombay Bench.

NO. CAT/MUM/JUDL/0A918/8018

Dated : 27/11/02

COPY TO :-

1. SMT. N.V. Magurkar, Advocate for the Applicants.
Please note that whether notice issued by the Tribunal is served by the party himself by 'hand delivery' Dasti, he should file with the Registry of the Tribunal the acknowledgement together with an affidavit of service.

SECTION OFFICER.

Annexure - F

39

OFFICE OF THE COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE, GOA.

CIRCULAR NO. 51/2002

Sub: Promotion to the grade of Inspector (Examiner) reg....

The Department will be holding a D.P.C. for promotion to the Grade of Inspector (Examiner) on 10.12.2002. Eligible candidates as indicated in the list enclosed are required to appear for the Physical Test as prescribed by the Board's letter in F.No.:A.12018/4/2000-AD.IILB dated 28.10.2002 of the Draft Recruitment Rules on 4th and 5th December, 2002.

The Data Entry Operator Gr. 'B' have been included provisionally subject to the clarification sought from Mumbai Central Excise/Customs.

The standards of the Physical Test are as follows:

For Male Candidates:-

i) Physical standard (minimum)
Height : 157.5 cms.
Chest : 81 cms (fully expanded with maximum expansion of 5 cms.)
ii) Physical Test
Walking : 1600 mts in 15 min.
Cycling : 8 kms in 30 min.

For Female Candidates:-

i) Physical standard (minimum)
Height : 152 cms.
Weight : 48 kgs.
ii) Physical Test
Walking : 1 km. in 20 min.
Cycling : 3 kms. in 25 min.

The Data Entry Operator Gr. 'B' have been included subject to the clarification sought from Mumbai Central Excise/Customs.

Enclosed List of eligible candidates

F.No. 2/3/2002-List
F.O. - Govt. of India
Date: 28.11.2002

- ACCURSED -

Revised 11/11/02
(LILLIAN FERNANDEZ)
ADMINISTRATIVE OFFICER (ESTT.)

5A/-
(R.S. SAWANT)
DEPUTY COMMISSIONER (P&V)
CUSTOMS AND CENTRAL EXCISE
(KVA)

True UP
Digitized
Anuradha

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40

~~18 OCT 2003~~
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI**

O.A. No. 406/2002

Dipankar Dutta & Two Others ... Applicant

-vs-

Union of India & Others ... Respondents

(WRITTEN STATEMENTS FILED BY THE RESPONDENT No. 1 to 4)

The written statements filed by the above-mentioned respondents are as follows:

1. That the copies of the above noted O.A. No. 406/2002 (hereinafter referred to as the "**application**") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the answering respondents (1 to 4) being common and similar, the written statements may to be treated as common to all of them.

2. That the statements made in the application which are not specifically admitted by the respondents are hereby denied. The respondents crave the leave of this Hon'ble Tribunal to allow them to rely upon and produce any such records which may be required at the time of hearing of the case.

~~(B. C. Path. k)~~
~~Addl. Central Govt. Standing Counsel~~
~~Central Administrative Tribunal~~
~~Guwahati Bench : Guwahati~~

3. That the respondents respectfully submits that the instant application has been filed by as many as three (3) persons jointly without the leave of the Hon'ble Tribunal as required under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987. Hence, the application is not maintainable and liable to be dismissed.
4. That with regard to the statements made in **para 1** of the application, the answering respondents state that there is no cause of action to justify the filing of the instant application on the basis of the Recruitment Rules.
5. That the answering respondents have no comments to offer to the statements made in **para 2, 3, 4.1 & 4.2** of the application those being matter pertaining to records and fact.
6. That with regard to the statements made in **para 4.3** of the application, the answering respondents state that in pursuance of Cadre restructuring of the Customs and Central Excise Department in various posts and levels, the Ministry of Finance, Department of Revenue, vide letter F.No.A-12018/48/2000-Ad.IIIB dated 20.10.2002 circulated the Draft Recruitment Rules for "Group C Post" of Inspector (Central Excise), Inspector (P.O.), Inspector (Examiner) and Senior Tax Assistant etc. The said Rules were to come into effect from the date of publication of the same in the Official Gazette of India.
7. That with regard to the statements made in **para 4.4** of the application, the answering respondents state that these are matter relating to records of the respondents and hence nothing is admitted which are not borne by such records.
8. That with regard to the statements made in **para 4.5** of the application, the answering respondents state that the applicants have filed the instant application hastily and without waiting for the issue of notification in respect of the above mentioned Draft Recruitment Rules and they have claimed that they are eligible and qualified for selection to the post of Inspector, Customs and Central Excise, as per

Clause (b)(1) of the Schedule given in the said Draft Recruitment Rules. The DEO (Data Entry Operator), Group C and DEO, Group B continue to exist and function with the same nomenclature and no re-designation order in respect of these posts has yet been issued. Moreover, the new Cadre of Senior Tax Assistant will come into existence only after the Officer are placed in that Grade after issue of formal order by respective Cadre controlling Authorities and joining in the new Grade. Hence, the respondents deny the correctness of the statements made in the said paragraph.

9. That with regard to the statements made in **para 4.6** of the application, the answering respondents state that the Note 1 given under Column 12 of the Schedule to the said Recruitment Rules for the post of Inspectors stipulates that promotion under Clause (a) shall only be operative for a period of two years from the date on which the restructured Cadres mentioned under Clause (b) comes into existence. The rationale behind the provisions in the Recruitment Rules for Inspector wherein service rendered by the Ministerial Offices before Cadre Restructure has been kept within the eligible Clause for promotion to the Grade of Inspectors for a period of two years from the date of coming of the new Recruitment Rules into force, is as under:

- (i) Prior to Cadre restructure, DEO should move only in their own line of promotion. Under Cadre restructure they have been brought in the Ministerial stream for the first time and as such they cannot claim that the benefits which were available to them earlier have been denied.
- (ii) After Cadre restructure under which the new nomenclature to the Ministerial officers has been laid down, eligibility for promotion for the Ministerial grade to the Executive Grade is to be based on the Service rendered in the Ministerial grade under the new nomenclature. Based on this principle all offices who are placed in the new Grade of Sr. Tax Assistant after completion of 2 years of service in this Grade will be eligible for

23/6/2023

promotion without distinction of the stream from which they have come to this Grade.

(iii) During this intervening period of 2 years the benefits which were available to the Ministerial officers prior to the Cadre restructure cannot be denied as such it would be necessary to keep in operation the earlier eligible clauses for this intervening period of 2 years. In fact, in all Cadre restructuring exercises of this nature benefits available to prior to the restructure should not normally be denied.

10. That with regard to the statements made in **para 4.7** of the application, the answering respondents state that in all organizations the practice for filling up of posts are made either by direct recruitment or by promotion from the feeder grade. This system of mixture of direct recruits and promotes is to ensure induction of fresh young talent at suitable levels of hierarchy and also to have the advantage of experienced officers in the Junior Grade with the avenues of promotion to the higher grades. The DEO have so far been confined to the job of Computer Data Entry. They are not exposed to procedural and legal matters which are coming up for consideration in the Department to which the Ministerial Officers are exposed while working in the Department. It is therefore necessary for them to acquire the experience in the line before they are considered eligible for promotion in the Higher Grade in the Promotion Quota. Moreover, they have to pass the departmental examination before they can be considered for promotion. Any relaxation in passing of departmental examination is administratively unadvisable in any case.

11. That with regard to the statements made in **para 4.8 & 4.9** of the application, the answering respondents state that the promotional avenues available to the applicants could be summed up as under:

(i) Under the Assured Career Progression Scheme, the promotion prospect of all officers upto the Grade of Group B Level are taken care of by the department.

373
14

(ii) Once such officers are designated as Senior Tax Assistant, their normal channel of promotion to the Grade of DOS will be available as per Recruitment Rules of these Grades. The promotion to the Grade of Inspector is only divergence from their normal channel of promotion.

(iii) The promotion to the applicants to the Grade of Inspector is not a normal channel of promotion to the Grade of Ministerial Officers. The provision of "interview" has been made under the Recruitment Rules. Under the normal channel the promotion is based on "fitness" and the "interview" is not included in the promotion process. As a result of this, seniority in the Grade of Inspector is bound to differ on promotion than the seniority in the Ministerial Grade. Any change in Seniority due to eligible Clause is to be viewed in the same spirit.

(iv) The Other issue which has been agitated in the application is the date from which the Cadre of Senior tax Assistant and Tax Assistant should be deemed to have come into existence i.e., the date from which officers who would be placed in these Cadres. The letter-dated 19.7.2001 issued by the Ministry, which has been mentioned in the application is only a letter to create the post. The DEO and the Ministerial Officers can be treated to be in these Grades only after coming into effect of the Recruitment Rules after consideration of eligibility of each officer, issue of posting orders and taking over of charge. In fact, the date of taking over of charge in these Grades would be the date on which they can be considered to be in these Grades.

In view of the above facts and circumstances, the respondents state that the application has been filed without any cause of action and with ulterior motive to delay the process of recruitment and also for undue benefit by the lapse of time. The application is premature.

12. That with regard to the statements made in **para 5.1 to 5.6** of the application, the answering respondents state that under the facts and circumstances of the case and the provisions of law, the grounds shown by the applicants are no grounds at all in the eye of law. The respondents respectfully submit that a Draft Recruitment Rules prepared under Article 309 of the Constitution of India, shall have no effect until and unless the same has been notified in the Official Gazette of India. An application seeking relief under such a situation challenging the provisions of Draft Recruitment Rules came up for consideration before the Hon'ble Mumbai Bench of CAT vide O.A. No. 986/2002 which was heard on merit and was disposed of vide order dated 5.2.2003 by the said Hon'ble Bench. Therefore, the instant application is also liable to be dismissed with costs.

A copy of the said order dated 5.2.2003 passed by the Hon'ble Mumbai Bench of the CAT is annexed hereto as **Annexure R1**.

13. That the respondents have no comments to make with regard to the statements made in **para 6 & 7** of the application.

14. That with regard to the statements made in **para 8.1 to 8.6 & 9** of the application, the answering respondents state in view of the facts and circumstances of the case and also the provisions of law, the applicants are not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall be pleased to dismiss the application with cost.

397

Verification

I, Shri Arunwar Hussain, at present working as Deputy Commissioner, in the office of the Central Excise, Guwahati, Guwahati, being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1 to 11, 13 and 14 ————— are true to my knowledge and belief, those made in para 12 ————— being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 24th day of August, 2003 at Guwahati.

Arunwar Hussain
DEPONENT
Dy. Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 986/2002
DATED THE 5TH DAY OF FEBRUARY, 2003

CORAM: HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

1. Shri Santosh N Talla
2. Shri Deepak Dhruvaraj Airsang,
3. Shri Mahaesh K Pankhawala
4. Mrs. Anupama Anilkumar Lolage
5. Smt. Manjusha Sanjay Raut
6. Shri Ram Sitaram Mane
7. Smt. Jyoti Vilas Salave
8. Shri Ravindra P Dangat
9. Shri Vijay Jaysing Patne
10. Smt. Shailaja Sanjay Ghone
11. Shri Mahesh Narayan Paithankar
12. Mrs. Anjali V Jagtap
13. Smt. Bharati Manohar Bhavsar
14. Smt. Bhagyashri Deepak Naik
15. Shri Dhiraj Narayan Musale
16. Smt. Shatavani Chandrakant Vaidya
17. Shri Surendra Madhukar Waghmare
18. Smt. Aparna Maruti Deckamble
19. Smt. Vandana Ramesh Sawant
20. Shri Chandrashekhar Krishnakant Phatak
21. Smt. Narayan Sanjay Bhandari
22. Smt. Framila Sunil Rawade
23. Smt. Swapnaja Ramesh Naik
24. Shri Ajay Shripad Gogate
25. Shri Atul Somkant Yadav
26. Shri Rajaram Soma Shelkande
27. Mrs. Neeta Ajay Gogate
28. Smt. Sandhya Rajan Kshirsagar
29. Shri Jitendra Sharad Newaskar
30. Shri Shankar Sharanappa Pawarji
31. Shri Dinesh PRalhad Kharat
32. Miss Santoshi Suresh Jorkar
33. (Smt. Suvarna Anil Athanikar)
34. Smt. Sunita Satish Pajankar
35. Smt. Sunita Sudesh Khandare
36. Mrs. Manisha Vinod

... Applicants

By Advocate Shri P.J. Frasadrao

V/s.

1. Union of India
Through The Revenue Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110 001.
2. The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi-110 001.

3. Commissioner of Central Excise,
Pune-I, Pune-II and Pune-III Commissionerate,
41 - A ICE House, Sassoon Road,
Pune 411 001

4. Shri S.H.Bhagwatkar, Upper Division Clerk,
Office of Deputy Commissioner, Central Excise,
Pune - V, Excise Bhavan, PCNDT,
Ambedkar Marg, Sector-27,
Near Akurdi Railway Station,
Pune - 411 001. ... Respondents

By Advocate Shri V.G.Rege

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

Heard the learned counsel for the applicant as well as respondents. The applicant has challenged the draft recruitment rules. He further relies on page-16 of the OA, letter dated 6/11/2002.

2. The learned counsel for the applicant relied on 1998(2) ATJ 169 Vimal Kumari V/s. State of Haryana. The perusal of the same makes it clear that such draft rules cannot be treated to be rules made under Article 309 of the Constitution and cannot legally exclude the operation of any existing executive or administrative instructions on the subject covered by the Draft Rules. Nor the draft rules can exclude the jurisdiction of the Government or any other authority from issuing the executive instructions for regulating the conditions of service of the employees working under them.

We have carefully perused the letter dated 6/11/2002 (page-17 of the OA). The perusal of the same does not convey the meaning that on the basis of the draft rules, any action is to be taken, on the other hand it is mentioned that 'Confirm the issue

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of notification notifying these Rules before issue of any order based on these rules.' If such rules are not published, no action can be taken by the respondents on these draft rules and hence applicant cannot challenge the said draft rules.

4. The applicants are at liberty to agitate the matter if they have any grievance in respect of the same. The draft rules shall become operative only after publication of the same.

5. OA stands disposed of. No order as to costs.

Sd/
(SMT. SHANTA SHAstry)
MEMBER(A)

Sd/
(S.L.JAIN)
MEMBER(J)

Certified True Copy
Date 21/12/01

abp

Baru
Section Officer
Central Tribunal,
Bombay, each.