

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 126/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) Siba Prasad Neog

Respondent(s) H.O.F. Goms

Advocate for Applicant(s) B.K. Sharma, S. Sarma, V.K. Dair
Mr. U. Das

Advocate for Respondent(s) A.K. Choudhary Add. Case

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

This is application in form
C. F. for Rs. 50/- deposited
vide IP/10/76549436
Dated 18.4.02

18.4.02

Heard Mr. S. Sarma, learned counsel
for the applicant.

The application is admitted. Call for
the records.

Pendency of this application shall not
stand in the way of the respondents to
consider the case of the applicant for
promotion.

List on 22.5.2002 for orders.

Steps taken
along with envelope
P.D.

Slk. lalan. Notice prepared
and sent to Ols for info,
the Respondent No 1 to 3,
By Regd A.D. J.D.
23/4

mb

22.5.02

List on 6.6.2002 for orders.

D/N 1254 to SG

Dtd 30/4/02

mb

Member

Vice-Chairman

Vice-Chairman

2)

O.A. 126/2002

O.A. 144 of 02

① Service report are still awaited.

30
21.5.02.

No written statement has been filed.

30
5.6.02.

No written statement has been filed.

30
28.6.02.

No. w/s has been filed.

30
24.6.02

W/s has been filed.

30

9.10.02

Response submitted by the Applicant to W/s.

30

6.6.02

Put up on 1st July 2002 for orders.

K. Ushar
Member

[Signature]
Vice-Chairman

lm

1.7.02

On the prayer of Mr. J.L.Sarkar, learned counsel for the respondents four weeks time is allowed to file written statement. List again on 8.8.2002 for orders.

K. Ushar
Member

[Signature]
Vice-Chairman

mb

6.8.02

On the prayer of Mr. S.Sarma, learned counsel for the Applicant, the case is adjourned. List again on 27.8.2002 for hearing.

K. Ushar
Member

[Signature]
Vice-Chairman

mb

27.8.02

On the prayer of Miss U.Das, learned counsel for the applicant, the case is adjourned. List again on 20.9.2002 for hearing.

K. Ushar
Member

[Signature]
Vice-Chairman

mb

20.9.2002 Division Bench did not sit today. The case is adjourned to 9.10.2002.

[Signature]
A.K. Roy

9.10.02

On the prayer of Mr. S.Sarma, learned counsel for the applicant, the case is adjourned. List again on 14.11.2002 for hearing.

K. Ushar
Member

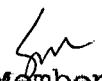
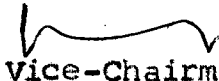
[Signature]
Vice-Chairman

mb

3/12

3

04126/2002

Notes of the Registry	Date	Order of the Tribunal
	14/11	Due to circuit sitting at Shillong, the case is adjourned to 28/11/2002. MLO A.K. Jey 19/11
The case is ready for hearing.	28/11/2002	Division Bench did not sit today, the case is adjourned to 18/12/2002. MLO A.K. Jey 28/11
<u>27</u> 17.12.02.	18/12/2002	No representation, left on 28/11/2002. MLO A.K. Jey 18/12
	28.1.2003	present:- The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Administrative Member. When the matter was taken up for hearing Mr. A. Deb Roy, learned Sr. C.G.S.C. stated that Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. was entrusted by the respondents to appear on their behalf and Mr. Chaudhuri is sick. Mr. Deb Roy, therefore, prayed for adjournment of the case. Mr. S. Sarma, learned counsel for the applicant did not object to adjournment, he only prayed that respondents be ordered to produce the connected records as called for including the records of the DPC on the basis of which promotion was made in the year 1999-2000 and the ACR which is referred to. For proper adjudication of the order, the respondents are ordered to produce the connected records at the time of next hearing. List the case again for hearing on 13.2.2003.
		<div style="display: flex; justify-content: space-between;"><div> Member</div><div> Vice-Chairman</div></div>
	13/2	Division Bench did not sit today, the case is adjourned to 24/3/2003. MLO A.K. Jey

bb

Notes of the Registry

Date


Order of the Tribunal

The case is ready
for hearing as
regard Ws and
Rejoinder.

21.3.03,

13.2.2003

Put up the matter before the
appropriate Bench on 24.3.2003 for
hearing.


Vice-Chairman

mb

24.3.2003

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

Mr. A.K. Chaudhuri, learned Addl. C.G.S.
C. appearing for the respondents prayed for
little accommodation to produce the record.

Put up again on 21.4.2003 enabling
the respondents to produce the record.



Member


Vice-Chairman


bb

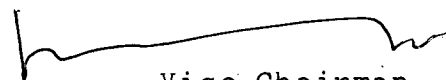
21.4. Case could not set today.
The case is adjourned to
6.5/2003.



6.5.2003

Only the ACRs are placed. Let
the respondents produce the DPC
records positively by 9.5.03, else
case shall proceed without the DPC
records. List the matter for hearing
on 9.5.03.


Member


Vice-Chairman

nkm

9.5.03

Adjourned. List on 21.5.03
for hearing.

By order

21.5.2003

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is partly allowed. No order as to costs.

Member

Vice-Chairman

nkm

6.6.2003

Copy of the judgment
has been sent to the
officer for issuance
the same to the applicant
as well as to the
Addl. C.G.S.C. for the
response.
J.S.

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

~~Civil Rule~~

WP(C) No. 8979 of 2003

Appellant

Petitioner

Union of India & ors.

Versus

Sri. Biba Prasad Neog

Respondent

Opposite Party

Appellant Mr. Bipul Sarma Advocate

For Petitioner Adl. C. G. S. C.

Respondent

For Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<div style="border: 1px solid black; padding: 5px;"> Central Administrative Tribunal केन्द्रीय प्रशासनिक अधिकरण 12 APR 2006 Guwahati Bench. गुवाहाटी न्यायपीठ </div>			WP(C) No.8979/2003 BEFORE HON'BLE THE CHIEF JUSTICE MR P.P. NAOLEKAR HON'BLE MR JUSTICE I.A. ANSARI 24-06-04 Mr B Sarma, learned Addl. Central Govt Standing Counsel does not want to press the writ petition. The petition is dismissed as not pressed. Sd/- IA ANSARI JUDGE Sd/- PP NAOLEKAR CHIEF JUSTICE

Memo No.HC.XXI 4681-82 R.M. dtd. 6.4.06

Copy forwarded for information and necessary action to :

1. Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-781005. He is requested to acknowledge receipt of the following case record. This has a reference to his letter No. CAT/GHY/68/2001/JUDL/489 dtd. 14-6-04.

Enclo :-

O.A. 126/2002 Part 'A'
with Original Judgment.

2. Shri Siba Prasad Neog, S/o. Shri Umesh Ch. Neog, Office of the Superintendent, Central Excise, Tinsukia Range, Tinsukia.

By Order

[Signature]
Asstt. Registrar(I&E)
Gauhati High Court, Guwahati

[Signature]
05/04/06

[Handwritten notes]
So(5) - Mr Sarma
12/4/06
Pl. put up for
n/a.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XXA~~. No. 126 . . . of 2002

21.5.2003
DATE OF DECISION
PLACE OF DATE

Shri Siba Prasad Neog
.....APPLICANT(S).

Mr B.K. Sharma, Mr S. Sarma,
Mr U.K. Nair and Ms U. Das ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others
.....RESPONDENT(S).

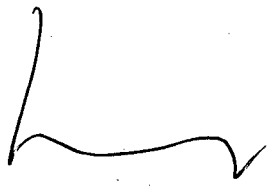
Mr A.K. Chaudhuri, Addl. C.G.S.C.
..... ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR S.K. HAJRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.126 of 2002

Date of decision: This the 21st day of May 2003

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

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

Shri Siba Prasad Neog
Presently working as Inspector,
Central Excise, Under the Superintendent,
Tinsukia Range.Applicant
By Advocates Mr B.K. Sharma, Mr S. Sarma,
Mr U.K. Nair and Ms U. Das.

- versus -

- 1, The Union of India, represented by the
Secretary to the Government of India,
Ministry of Finance,
New Delhi.
2. The Chief Commissioner, Eastern Zone,
Customs and Central Excise,
Custom House, Calcutta.
3. The Commissioner,
Central Excise,
Morelo Building, Shillong.Respondents
By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue relates to career progression of the applicant in the following circumstances:

The applicant is working under the respondents as Inspector since 22.7.1976. Admittedly, the applicant is the seniormost Inspector in the Inspector Cadre as is evident from the seniority list as on 1.9.1998. According to the applicant a number of his juniors were promoted to the the cadre of Superintendent overlooking his genuine claim. He claimed that several of his juniors were premoted in the year 1995, 1997 and 1998.

ignoring his case. There was further promotions in the year 2000 promoting nine of his juniors. According to the applicant for no discernible reason he was passed over in a most illegal fashion ignoring his claim. His case was not even considered under the ACP Scheme which was introduced as per the recommendations of the Fifth Central Pay Commission.

2. The respondents contested the claim of the applicant and submitted their written statement. In the written statement the respondents stated that the case of the applicant was duly considered, but he could not be promoted since the DPC on their assessment found the applicant below the bench mark. In respect of the ACP benefit the respondents contended that the applicant could not be considered for the benefit under the ACP Scheme due to the fact that he did not possess the required bench mark.

3. We have heard Mr S. Sarma, learned counsel for the applicant and also Mr A.K. Chaudhuri, learned Addl. C.G.S.C. at length. We have also perused the records placed before us, which showed that the applicant's case was considered, but since he could not reach the requisite bench mark he was not promoted. Mr S. Sarma, learned counsel for the applicant, submitted that the applicant all throughout had a good record, but suddenly he was slid down without informing him. The learned counsel, in support of his contention referred to a decision of the Supreme Court in U.P. Jal Nigam and others Vs. Prabhat Chandra Jain and others, reported in (1996) 2 SCC 363. The learned counsel further contended that the applicant was shown to be graded 'good' in his

ACRs.....

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ACRs in 1988-89, 1989-90 and 1990-91, whereas suddenly he was shown as 'just adequate' in the year 1991-92 and 1992-93. According to the learned counsel for the applicant though there was no adverse entries against him, by grading him 'just adequate', which ^{was} is something like 'average', it would have adverse effect in his promotion prospects.


4. We have perused the ACRs and from the ACRs we do not see any down gradation as was in the case of U.P. Jal Nigam (Supra). We have also perused the DPC records of 1998, 2000, 2001 and 2002 and on consideration of the fact situation, it is difficult to hold that the respondents committed any illegality in not promoting the applicant. As regards the contention of Mr S. Sarma as to the denial of the benefit of ACP to the applicant, we find it difficult to accept the contention of the respondents for not giving him the benefit of the ACP Scheme. Admittedly, the respondent authority by Establishment Order No.128/99 dated 2.11.1999 allowed the first financial upgradation to 228 Inspectors of Customs and Central Excise under the ACP Scheme as per the recommendations of the Fifth Central Pay Commission with effect from 9.8.1999. The applicant who was the seniormost Inspector and was also entitled for consideration for ACP benefit. No good reasons were assigned for not giving him the financial upgradation under the ACP Scheme, whereas persons junior to the applicant were, enbloc, given the ACP benefit. The reasons assigned by the respondents, in the circumstances cannot be sustained. The respondents are accordingly directed to consider the case of the applicant.....

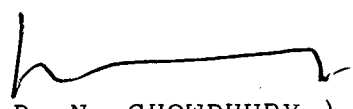
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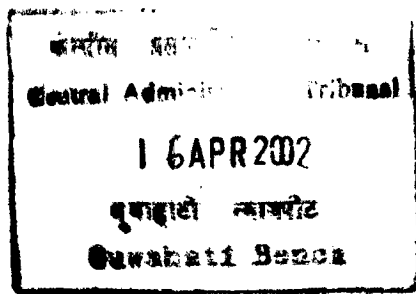
applicant for granting him the benefit under the ACP Scheme with effect from 1999 as expeditiously as possible, preferably within three months from the date of receipt of this order with all consequential benefits.

5. In this application the applicant also sought for a direction from the Tribunal to regularise his leave with effect from 16.4.1997 to 6.6.1999. We are not inclined to pass any order from our end at this stage. In our view it would be appropriate if a direction is issued to the applicant to submit a representation before the authority narrating all the facts that led to his absence. The applicant is accordingly directed to submit his representation and if such representation is filed the respondents shall duly consider the same as per law.

6. The application is thus partly allowed. There shall, however, be no order as to costs.

  
( S. K. HAJRA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case :

O.A. No. 126 of 2002

BETWEEN

Shri Siba Prasad Neog ..... Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

| Sl.No. | Particulars  | Page No. |
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Filed by : Alsha Das

Regn.No.:

File : SIBA

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An application under section 19 of the Central  
Administrative Tribunal Act.1985)

O.A.No. 126 of 2002

15  
Filed by  
the applicant through  
Alsha Das,  
Advocate  
16/4/02

BETWEEN

Sri Siba Prasad Neog  
S/o Sri Umesh Ch. Neog  
Presently working as Inspector  
Central Excise, Under the Supdt.,  
Tinsukia Range.

..... Applicant.

VERSUS

1. Union of India,  
Represented by the Secretary to the Govt. of India,  
Ministry of Finance,  
New Delhi-1.

2. The Chief Commissioner, Eastern Zone  
Custom & Central Excise, Custom House  
Calcutta-1.

3. The Commissioner, Central Excise  
Morelo Building, Shillong.

..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION  
IS MADE:

This application is not directed against any particular but has been made against the action of the Respondents in not considering the case of the applicant for promotion to the post of Supdt. The respondents by issuing various orders promoted the juniors of the applicant who were in the Inspector cadre to the post of Supdt., but the applicant being Senior to them has been denied the said benefit of promotion. The applicant since his date of joining is holding the post of Inspector without any further promotion and the respondents have not yet considered his

*Emg*



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case for promotion to the post of Supdt., although Juniors to the applicant have been given the promotion to the post of Supdt. The respondents even denied him the benefit of the ACP scheme without any reason, whereas Juniors are still enjoying the said benefit. The applicant preferred representations to the Concerned Authority ventilating his grievances numbers of time, but the respondents have not yet replied to any of such representations. Thus, the applicant having no other alternative has come before this Hon'ble Tribunal seeking appropriate relief. This application is also directed against the action of the respondents in not releasing the pay and regularising the leave period of the applicant .

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

X

4.2. That the applicant in the year 1976 i.e. on 22.7.76 joined the services under the respondents as Inspector, and till date he is performing his duty as Inspector without any further promotion. The applicant presently is the seniormost Inspector in the Inspector Cadre, but the respondents for the reasons best known to them, is yet to promote him to the post of Supdt. The applicant during his service tenure never been communicated with any adverse remarks nor any proceeding has been initiated against him. To the best of knowledge of the applicant the respondents with an ulterior motive have denied him the due promotion to the post of Supdt., which is the next promotional post for the Inspectors. Number of Juniors to the applicant have been given promotion to the post of Supdt. ignoring his case and to that effect nothing has been communicated to the present applicant. It is pertinent to mention here that the respondents have issued the seniority list of the Inspectors as on 1.9.98 and circulated the same in the said seniority list name of the applicant appeared at serial No.1.

A copy of the said seniority list as on 1.9.98 is annexed herewith and marked as Annexure-1.

4.3. That the applicant begs to state that right from the year 1995 he topped the seniority list issued year-wise, but the respondents for the reasons best known to them have denied him his due promotion to the post of Supdt. It is pertinent to mention here that as per the Annexure-1 seniority list, applicant is the seniormost Inspector in the direct recruit quota and he was very much within the zone of

consideration. That apart applicant is eligible to held the post of Supdt. under all circumstances. For the last 15 years respondents have not intimated any adverse communication to the applicant regarding his ACR. It is also pertinent to mention here that no departmental proceeding has been initiated during these 15 years, but the respondents kept on denying him the benefit of promotion due to him. The respondents have issued various orders more specifically order No.167/1995 dated 7.6.95, order No.25/95 dated 4.8.95, order No.130/97 dated 19.6.97 etc. by which juniors to the applicant have been promoted to the cadre of Supdt. In the year 1998 i.e. on 26.6.98 the respondents once again promoted juniors to the applicant to the post of Supdt. superseding the applicant.

The applicant inspite of his best effort could not collect the aforesaid promotion orders and therefore he prays before this Hon'ble Tribunal for a direction towards the respondents for production of aforesaid orders dated 7.6.95, 4.8.95, 16.10.95, 19.6.97 and 26.6.98 at the time of hearing of this case.

4.4. That the applicant begs to state that in the matter of denial of promotion the respondents once again have issued an order dated 15.12.00 promoting his 9 juniors. It is pertinent to mention here that as per the Annexure-1 seniority list all of them are junior to the applicant. To the best of knowledge of the applicant the ACRs of the applicant for the last 15 years have been rated as "Outstanding" and there is no adverse entry in these ACRs nor he has been communicated with any such adverse remark.

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A copy of the order bearing No.129/00 dated 15.12.00 annexed herewith and marked as Annexure-2.

4.5. That the applicant begs to state that again in the year 2001 a seniority list of Inspector as on 1.5.2001 has been circulated by the respondents. The name of the applicant like earlier occasion topped the seniority list. The Respondents are now making a move to promote some of the juniors of the applicant from the said seniority list of Inspectors prepared as on 1.5.2001.

A copy of the said seniority list is annexed herewith and marked as Annexure-3.

4.6. That the applicant begs to state that ventilating the grievances he preferred number of representations praying for consideration of his case for promotion to the post of Supdt. with retrospective effect i.e. from the date when his juniors were so promoted. Amongst those representations mention may be made of representations dated 4.8.98 and 5.5.2001 addressed to the Commissioner, Central Excise, Shillong.

Copies of the representations dated 4.8.98 and 5.5.2001 are annexed herewith and marked as Annexure-4 & 5 respectively.

4.7. That the applicant begs to state that right from 1995 the respondents have been denying the benefit of promotion to the present applicant inspite of the fact that

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being the most eligible person to hold the said post of Supdt. The aforesaid fact will be revealed from the Annexure-1 Seniority List of Inspectors preferred as on 1.9.98. Even in the year 1995 promotions have been given to his juniors without considering his case. The aforesaid fact of deprivation starts in case of applicant right from 1995 and still same is continuing. The applicant preferred numbers of representations to the concerned authority but same yielded no result in positive. Even the respondents have not choosen to give any reply in the matter. Adding insult to such injuries the respondents have issued an order bearing No.125/99 by which persons juniors to him have given the benefit of the Assured Career Progression Scheme in the grade of Inspectors. Barring the applicant all the juniors in the said Seniority list have been given the benefit of the said scheme.

A copy of the said order bearing No.125/99 dated 2.11.99 is annexed herewith and marked as Annexure-6.

4.8. That the applicant begs to state that the aforesaid ACP Scheme came into force as per the recommendation of 5th Pay Commission Recommendation for removal of stagnation. The basic criteria laid down in the said scheme relates to financial upgradation of the cadres in respect of all the groups of Central Services granting upgradation of pay only. Employees after completion of 12 years and 24 years in a single grade are eligible for grant of benefit of the said scheme, mainly on the basis of length of service.

✓

A copy of the aforesaid scheme issued by the Ministry of Personnel and Training is annexed herewith and marked as Annexure-7.

4.9. That the applicant begs to state that the benefit of ACP Scheme is a benefit came from the 5th Pay Commission Recommendation in respect of upgradation of pay. The aforesaid benefit is virtually a right of an employee after serving for 12 years in the said post. In fact, the aforesaid benefit is only in respect of upgradation of pay to reduce the financial hardship of the employee who has been stagnating in the said for last 12 years. Again after completion of 24 years of service an employee is entitled to get the benefit of such financial upgradation on the same count without their being any physical promotion. The applicant entered the services of the respondents in the year 1976 and by now he has completed 26 years of service in the same grade without any promotion, but the respondents without any basis have been denying him the said benefit of upgradation under the ACP Scheme.

4.10. That the applicant begs to state that the respondents have now refused to release his salary for the leave period which he took on medical ground. The applicant suffered from T.B in the year 1997 and to that effect he submitted his leave application along with medical certificate but after his joining the duties w,e,f, 6.6.99, the respondents have now withheld his salaries. To that effect the applicant preferred number of representations but same yielded no result in positive and through this

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application he is also making a prayer before this Hon'ble Tribunal for a direction towards the respondents to regularise his leave period w,e,f, 16.4.97 to 6.6.99 and to pay him the salary due to him for the said period. The applicant has got an apprehension that due to the said dispute regarding leave and salary perhaps the respondents have denied him the due promotion with some ulterior motive.

The applicant craves leave of the Hon'ble Tribunal to produce all the relevant documents including the medical certificates at the time of hearing of the case.

4.11. That the applicant begs to state that in the matter of promotion the applicant is being deprived of his legitimate claim and situated thus he made several representation to the Concerned Authority ventilating his grievances. Needless to say here that the respondents for the reasons best known to them have been promoting junior officers without and any reason. Even the representations preferred by the applicant have not been disposed of by the respondents. As per the Annexure-3, seniority list of Inspectors as on 1.5.2001, the applicant is the seniormost Inspector and now the respondents are making move to upgrade the cadre of Inspectors pursuant to a judgement passed by this Hon'ble Tribunal. Taking into consideration the aforesaid serious action depriving the present applicant from his due promotion, there is every likelihood that this time also his case will be considered for such upgradation and future promotion. Apprehending aforesaid danger the applicant is now constrained to make an interim prayer for consideration of his case and/or to stall the process of promotion/upgradation till finalisation of his case.

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Alternatively, the applicant is making an interim prayer for consideration of his case for such upgradation sought to be made by the respondents without prejudice to his claim for promotion raised w.e.f. 1995 when his immediate junior was so promoted, during the pendency of this case.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in not considering the case of the applicant for promotion to the post of Supdt. w.e.f. 1995 is per-se-illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and laws framed thereunder.

5.2. For that the applicant being the seniormost Inspector ought to have given the promotion to the post of Supdt. when his immediate junior was so promoted.

5.3. For that the respondents ought to have intimated the present applicant the reason for such denial of promotion which has been continuing since 1995 and when most of his juniors got the said promotion, there is no earthly reason as to why he has been denied the benefit of said promotion.

5.4. For that the applicant being the seniormost Inspector and he topped the seniority list right from 1995, the respondents ought to have given him the promotion to the post of Supdt. in the year 1995 itself.

5.5. For that the applicant being eligible candidate for getting promotion to the said post of Supdt. and since there being no proceeding pending against the applicant, the



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respondents ought not to have denied him the benefit of the said promotion.

5.6. For that the respondents have acted illegally depriving the applicant his due promotion to the post of Supdt. although he was the seniormost Inspector right from 1995. The respondents even denied the applicant his due upgradation of pay scale under ACP scheme although he fulfills the requisite qualification prescribed in the said scheme. Even the respondents have now refused to release his salary and to regularise his leave period.

5.7. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case:

#### 6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

#### 7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

##### COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

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8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the Respondents to promote the applicant to the post of Supdt., taking into consideration the promotions made earlier to his juniors in the year 1995, with retrospective effect i.e. the date on which his immediate junior was so promoted in the year 1995, onwards.

8.2. To direct the respondents to extend all the consequential benefits including salary, seniority etc w.e.f 1995, onwards.

8.3. To direct the respondents to extend the benefit of ACP scheme to the present applicant with retrospective effect i.e. w.e.f. 9.8.99 with all consequential benefits.

8.4. To direct the respondents to regularise his leave period w,e,f, 16.4.97 to 6.6.99 and to pay him the salary due to him for the said period.

8.5. Cost of the application.

8.6. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the Pendency of the OA the applicant prays for an interim order directing the respondents not to promote/upgrade any Inspector from the Annexure-3 seniority

list alternatively to consider his case for promotion/upgradation to the post of Supdt.as has been sought to be done by the respondents within a short time, without prejudice to his claim of such promotion with retrospective effect.

10. ....

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 76 5494 36  
2. Date : 8/4/02  
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

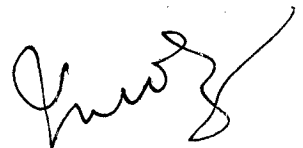
As stated in the Index.

*[Handwritten signature]*

## VERIFICATION

I Shri Siba Prasad Neog, aged about 50 years, S/o-  
Shri Umesh Ch. Neog, Presently working as Inspector, Central  
Excise, Under Makum Range, Tinsukia Division, do hereby  
solemnly affirm and verify that the statements made in  
paragraphs 1-3, 4.1, 4.9 to 4.11 and 5 to 12... are  
true to my knowledge and those made in  
paragraphs 4.2, 4.3 to 4.8.... are also true to my legal  
advice and the rest are my humble submission before the  
Hon'ble Tribunal. I have not suppressed any material facts  
of the case.

And I sign on this the Verification on this  
the 16<sup>th</sup> day of April of 2002.



Signature.

SENIORITY LIST IN THE GRADE OF INSPECTOR AS ON 01-09-98

| SL.NO.        | NAME & QUALIFICATION               | DATE OF BIRTH | DATE OF APPTT. IN GOVT. SERVICE | DATE OF CONFIRMATION | DATE OF APPTT. AS INSPECTOR | WHETHER DR, PR | REMARK       |
|---------------|------------------------------------|---------------|---------------------------------|----------------------|-----------------------------|----------------|--------------|
| <u>S/OHRI</u> |                                    |               |                                 |                      |                             |                |              |
| 1.            | Siba Prasad Neog, B.A.             | 29-08-52      | 22-07-76                        | 10-10-81             | 22-07-76                    | DR             |              |
| 2.            | Dinesh Mahanta, B. Sc. (H)         | 01-01-53      | 12-09-83                        | 13-05-87             | 12-09-83                    | DR             |              |
| 3.            | Gangadhar Das, (ST), B.A.          | 01-08-56      | 12-07-82                        | 13-05-87             | 12-07-82                    | DR             |              |
| 4.            | Bikesh Kr. Saikia, (ST), B. Com.   | 01-01-57      | 08-03-82                        | 13-05-87             | 08-03-82                    | DR             |              |
| 5.            | Ms. Sayada Jasmine Begum, B. A.    | 01-12-52      | 15-04-74                        | 01-12-82             | 16-11-82                    | PR             |              |
| 6.            | Debendra Moshahary, (ST), M.A.     | 10-09-58      | 05-03-82                        | 13-05-87             | 05-03-82                    | DR             |              |
| 7.            | James Dohling, (ST), B.A.          | 18-03-56      | 02-03-82                        | 13-05-87             | 02-03-82                    | DR             |              |
| 8.            | Karendra Nath Daimary, (ST), B.Sc. | 01-01-52      | 12-07-82                        | 13-05-87             | 12-07-82                    | DR             |              |
| 9.            | Debajyoti Mishra, B. Com.          | 01-09-54      | 01-06-74                        | 01-12-82             | 16-11-82                    | PR             |              |
| 10.           | Dipak Roy Choudhury, B. Sc.        | 21-07-57      | 01-07-82                        | 13-05-87             | 01-07-82                    | DR             |              |
| 11.           | Santanu Kr. Chalia, B. Sc. (H)     | 01-03-57      | 29-07-82                        | 13-05-87             | 19-07-82                    | DR             |              |
| 12.           | Faizuddin Fakir, B. Sc.            | 01-03-58      | 10-09-82                        | 13-05-87             | 10-09-82                    | DR             |              |
| 13.           | Haripada Debnath, B. Sc.           | 01-02-48      | 20-03-74                        | 01-12-82             | 16-11-82                    | PR             |              |
| 14.           | Kumud Ch. Deka, B. Sc.             | 18-01-58      | 05-07-82                        | 13-05-87             | 05-07-82                    | DR             |              |
| 15.           | Benu Prasad Jaishi, B. A.          | 22-03-56      | 03-04-82                        | 13-05-87             | 03-04-82                    | DR             | On Deputatio |
| 16.           | Mukul Baruah, B. Sc.               | 01-02-58      | 11-08-82                        | 13-05-87             | 11-08-82                    | DR             | with D.R.I.D |
| 17.           | Chandan Kr. Chanda, B. A.          | 10-12-55      | 25-01-77                        | 13-05-87             | 18-01-82                    | DR             |              |
| 18.           | Chandan Biswas, B. Sc.             | 24-07-57      | 01-04-82                        | 13-05-87             | 01-04-82                    | DR             |              |
| 19.           | Dipankar Choudhury, B. Sc.         | 07-10-57      | 09-07-82                        | 13-05-87             | 09-07-82                    | DR             |              |
| 20.           | L. Hauferram (ST), P.U.            | 24-12-46      | 01-03-74                        | 01-12-82             | 16-11-82                    | PR             |              |

Contd. P/2.

Attested  
Asha Das  
Advocate

| 1.  | 2.                                 | 3.       | 4.       | 5.       | 6.       | 7.            | 8. |
|-----|------------------------------------|----------|----------|----------|----------|---------------|----|
|     | <u>S/SHRI</u>                      |          |          |          |          |               |    |
| 21. | Budip Kr. Nandi, B. Sc.            | 01-02-51 | 07-09-77 | 01-12-82 | 16-11-82 | PR            |    |
| 22. | Biman Ch. Das, (SC), H.S.L.C.      | 21-08-47 | 15-03-74 | 01-12-82 | 16-11-82 | PR            |    |
| 23. | Gyotish Ch. Das, (SC), B.A.        | 01-12-52 | 14-11-77 | 01-12-82 | 16-11-82 | PR            |    |
| 24. | Amit Kr. Deb, Matric               | 01-10-41 | 06-04-74 | 01-12-82 | 16-11-82 | PR            |    |
| 25. | Karendra Ch. Rabha, (ST), B.A.     | 01-11-49 | 22-01-77 | 01-12-82 | 26-11-82 | PR            |    |
| 26. | Ms. Lilyda Shangpliang, (ST), B.A. | 27-01-52 | 03-02-74 | 01-12-82 | 16-11-82 | PR            |    |
| 27. | Pankajlal Singha, B. A.            | 28-01-60 | 20-06-83 | 13-05-87 | 20-06-83 | DR            |    |
| 28. | Parun Kr. Singha, B. Sc.           | 01-02-57 | 22-10-83 | 13-05-87 | 22-10-83 | DR            |    |
| 29. | Pannalal Singha, B. Com.           | 30-01-58 | 20-06-83 | 13-05-87 | 20-06-83 | DR            |    |
| 30. | Ashok Kr. Dey, B. A.               | 10-06-53 | 10-04-78 | 01-08-83 | 15-07-83 | PR            |    |
| 31. | Ms. H. Memcha Devi, B. Sc.         | 01-12-57 | 05-05-83 | 13-05-87 | 05-05-83 | DR            |    |
| 32. | W. S. K. Singh, (O.B.C.), B.A.     | 01-03-57 | 07-09-83 | 13-05-87 | 07-09-83 | DR (Resigned) |    |
| 33. | Swapan Dutta, B. Sc.               | 18-12-56 | 09-03-83 | 13-05-87 | 09-03-83 | DR            |    |
| 34. | Balaram Das, P. U.                 | 12-02-53 | 23-06-77 | 01-08-83 | 18-07-83 | PR            |    |
| 35. | Debashish Mazumder, B. Com.        | 22-01-57 | 02-05-83 | 13-05-87 | 02-05-83 | DR            |    |
| 36. | Jamkhogin Haokip, (ST), B.A.       | 01-03-60 | 30-05-83 | 13-05-87 | 30-05-83 | DR            |    |
| 37. | Ms. Hilda Mary Synrem, (ST), P.U.  | 07-12-50 | 14-02-78 | 01-08-83 | 05-07-83 | PR            |    |
| 38. | Abdul Mutalib, B. Sc.              | 01-01-57 | 31-12-80 | 13-05-87 | 07-07-83 | DR            |    |
| 39. | Sujit Mishra, B. Sc.               | 17-01-59 | 08-09-83 | 13-05-87 | 08-09-83 | DR            |    |
| 40. | Syed Taffique Hussain, B. Sc.      | 20-09-58 | 06-10-83 | 30-05-87 | 06-10-83 | DR            |    |
| 41. | Dhani Ram Das, P. U.               | 07-02-50 | 26-02-78 | 01-08-83 | 22-07-83 | PR            |    |
| 42. | Pabitra Kataki, B. Sc.             | 25-12-57 | 02-05-83 | 13-05-87 | 02-05-83 | DR            |    |

Attested

W.D.

Advocate.

2. S/SRI

|                                   | 3.       | 4.       | 5.       | 6.       | 7. | 8. |
|-----------------------------------|----------|----------|----------|----------|----|----|
| Shiv Sankar Basumatary (ST), M.A. | 16-04-66 | 20-04-92 | 08-04-95 | 03-07-97 | PR |    |
| Pradip Kr. Dey, B.Sc.             | 11-05-64 | 11-05-92 | 19-03-95 | 02-07-97 | PR |    |
| B.B. Tiwari, B.Com.               | 01-06-69 | 26-10-92 | 19-03-95 | 01-07-97 | PR |    |
| Suman Purkayastha, B.Sc. (Major)  | 26-10-69 | 05-06-92 | 08-04-95 | 03-07-97 | PR |    |
| Amri Lama, B.A.                   | 13-11-67 | 19-01-93 | 19-03-95 | 01-07-97 | PR |    |
| Sudip Paul Choudhury, H.S.L.C.    | 01-03-62 | 03-11-82 | 02-11-35 | 03-07-97 | PR |    |
| Joydeep Das, B.Sc.                | 15-08-66 | 28-07-92 | 19-03-95 | 02-07-97 | PR |    |
| Ljoy Goswami, B.Com.              | 01-12-68 | 28-07-92 | 19-03-95 | 03-07-97 | PR |    |
| Satyen Bora, B.Sc.                | 17-11-68 | 01-12-92 | 08-04-95 | 02-07-97 | PR |    |
| Nalini Chakraborty, B.Com.        | 20-12-62 | 16-09-91 | 16-09-93 | 02-07-97 | PR |    |
| Bipul Kr. Bora, B.Com.            | 05-01-65 | 13-06-90 | 13-06-92 | 02-07-97 | PR |    |
| Pankaj Kr. Moitra, B.Com.         | 26-08-63 | 29-05-92 | 19-03-95 | 02-07-97 | PR |    |
| Kalidas Paul, B.Com. (Major)      | 22-01-66 | 09-03-93 | 08-04-95 | 02-07-97 | PR |    |
| Dulal Ch. Biswas (SC), B.Sc.      | 01-07-65 | 06-08-92 | 08-04-95 | 02-07-97 | PR |    |
| Madan Majumder (SC), B.Com.       | 10-05-62 | 25-02-92 | 08-04-95 | 02-07-97 | PR |    |
| Arel Marak (ST), B.A.             | 01-05-67 | 12-04-91 | 19-04-93 | 02-07-97 | PR |    |
| Subal Ch. Das (SC), H.S.L.C.      | 16-11-58 | 11-04-85 | 15-05-87 | 02-07-97 | PR |    |
| M. Haokhoseizau (ST), M. Com.     | 01-04-65 | 30-06-92 | 08-04-95 | 01-07-97 | PR |    |
| Partha Roy (SC), B.Com.           | 23-12-67 | 12-04-91 | 19-04-93 | 02-07-97 | PR |    |

Attested  
Advocate.

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, SHILLONG

ESTABLISHMENT ORDER NO. 129 / 2000 DATED, SHILLONG THE 15th DECEMBER 2000

Subject: Estt. promotion, transfer and posting in the grade of Supdt  
Gr. 'B' - order regarding.

## PART - I

## PROMOTION

The following Inspectors of Central Excise & Customs are hereby promoted to the grade of Superintendent Gr. 'B' in the scale of pay of Rs. 6500-200-10,500/- with effect from the date they take charge of higher post at the places of posting with immediate effect and in accordance with further orders.

| Sl.No. | Name                       |
|--------|----------------------------|
| 01     | Shri Dinesh Mahanta        |
| 02     | Shri Gangadhar Das         |
| 03     | Smt. Sayeda Jasmine Begum  |
| 04     | Shri Debendra Mushahary    |
| 05     | Shri James Dohling         |
| 06     | Shri Karendra Nath Dalmary |
| 07     | Shri L. Hau Fahrlem        |
| 08     | Shri Jyotish Ch. Das       |
| 09     | Shri Bellram Das           |

The Seniority of Shri Dinesh Mahanta will be fixed by placing him in the position below Late Pinaki Shankar Roy and above Shri P.S. Purkayastha No. 2 who was promoted to the grade of Superintendent vide office Estt. order No. 41/98 dated 20.03.98.

The Seniority of the other officers will be fixed in the order shown above.

The pay in respect of Shri Dinesh Mahanta on promotion should be fixed as if he had reached the stage it would have reached had he been promoted from the date Shri P.S. Purkayastha No. 2 was promoted and he would be deemed to have been promoted to the grade of Superintendent with effect from the date Shri P.S. Purkayastha No. 2 was promoted. He will be entitled to any arrears of pay for the period preceeding the actual date of promotion.

The other officers promoted vide this order are hereby asked to exercise option within one month from the date of promotion as to whether their initial pay should be fixed in the higher post on the basis of FR 22 (I) (a) (1) straightway without any further review on the basis of increment in the pay scale of the lower post or their pay on promotion should be fixed in the manner as provided under FR 22 (a) (i) which may be refixed under the provisions of FR 22 (I) (a) (1) on the date of accrual of next increment in the scale of pay of lower post. Once exercised shall be final.

In the event of refusal of promotion they would be debarred from promotion for a period of one year.

*[Signature]*  
Advocate.



ART-II

# TRANSFER AND POSTING

The following transfers, postings and adjustments in the grade of Superintendent are hereby ordered with immediate effect and until further orders.

| Sl.No. | Name                                    | From                                  | To                                     | Remarks |
|--------|-----------------------------------------|---------------------------------------|----------------------------------------|---------|
| 01.    | Shri Dinesh Mahanta<br>(on promotion)   | Tezpur Range<br>Tezpur CE Divn.       | N. Lakhimpur Range<br>Tezpur CE Divn.  |         |
| 02.    | Shri Gangadhar Das<br>(on promotion)    | Hqrs. Audit Unit<br>Guwahati          | Supdt. (Adl.)<br>CE Hqrs. Office, Shg. |         |
| 03.    | Smt. S. Jasmine Begum<br>(on promotion) | Technical Branch<br>Tinsukla CE Divn. | Supdt. (Tech.)<br>Tinsukla CE Divn.    |         |
| 04.    | Shri Jyotish Ch. Das<br>(on promotion)  | Tezpur Range<br>Tezpur CE Divn.       | Supdt. (Tech.)<br>Tezpur CE Divn.      |         |
| 05.    | Shri Bellram Das<br>(on promotion)      | Numaligarh Range<br>Jorhat CE Divn.   | Sonar Range<br>Jorhat CE Divn.         |         |

The following officers are hereby placed at the disposal of Commissioner of Customs, NER, Shillong.

| Sl.No. | Name                                         | Present place of posting         |
|--------|----------------------------------------------|----------------------------------|
| 01.    | Shri Debendra Mushahary<br>(on promotion)    | Internal Audit Branch, Shillong  |
| 02.    | Shri James Dohling<br>(on promotion)         | Customs Hqrs. Office, Shillong   |
| 03.    | Shri Karendra Nath Dalmary<br>(on promotion) | Hatisar Land Customs Station     |
| 04.    | Shri L. Hau Fahriem<br>(on promotion)        | Anti Smuggling Unit, CPD, Aizawl |

NOTE: 1. This promotion order is issued against the vacancies arising out of promotion to the grade of Assistant Commissioner which was issued subject to the outcome order in Civil Appeals No. 257 of 1988 and 4004-07/87 with CMF No. 160/87 and 9014/88 and Writ Petitions No. 506/88, 2635/81, 512535 and 1200/884532 pending before the Hon'ble Supreme Court and subject to final order O.A. No. 3/93 pending before the Hon'ble CAT Mumbai Bench by All India Customs Officers' Association and subject to review in the event of the officer (s) promoted, being reverted back to his/their parent cadre, the officer promoted vide this order will also be liable to be reverted back to the parent cadre.

2. This order is issued as per the CATs order in Misc. Petition No. 131/96 dated 23.09.96 but subject to the outcome of the original application No. 101/96 pending before the Hon'ble CAT, Guwahati.

*Handwritten signature and initials*

In the event of any deputationist(s) being reverted to parent Commissioner's junior post officer (s) in the above promotion order will be reverted as Inspector.

The above officer(s) released to Customs will join as Superintendent on promotion in their present places of postings till such time their orders of transfer/posting is decided by Commissioner, Customs NER, Shillong.

Sd/-

O/c

(Z TOCHHAWNG)  
COMMISSIONER  
CENTRAL EXCISE, SHILLONG

C No. II(3)28/ET.III/2000/1442-72

Dated: 19.12.2000

Copy forwarded for Information & necessary action to:-

1. The Chief Commissioner (EZ), Central Excise & Customs, 15/1, Strand Road, Colaba House, Calcutta - 700 001.
2. The Commissioner of Customs NER, Shillong. He is requested to decide postings of Superintendents released to Customs.
3. The Commissioner (Appeals), Customs & Central Excise, Guwahati.
4. The Additional Commissioner (Tech.), Central Excise Hqrs. Office, Shillong.
5. The Deputy/Assistant Commissioner of Central Excise ..... D.V.N. The copy meant for the concerned officer (s) is/are enclosed.
6. The Deputy/Assistant Commissioner of Central Excise ..... Hqrs. Office, Shillong. The copy meant for the concerned officer is enclosed.
7. The CAO/PAO, Central Excise & Customs, Hqrs. Office, Shillong.
8. Sri/Smt. .... for compliance.
9. Accounts I & II/ET I & II/ Confdl. Br./CIU-cum-VIC Br. of Hqrs., Office, Shillong.
10. The General Secretary, Group 'B' Superintendents' Association, / Group 'C' Executive Officers' Association, Customs & Central Excise, Shillong.
11. Guard File.

*[Signature]*

( B. THAMAR )

O/c

ADDITIONAL COMMISSIONER  
CUSTOMS & CENTRAL EXCISE  
SHILLONG.

Attested  
*[Signature]*  
Advocate.

**SENIORITY LIST OF INSPECTOR AS ON 01.05.2001.**

| Sl.No. | Name & Educational Qualification<br><br>S/Shri | Date of Birth | Date of Apptt. in Govt. service | Date of confirmation in Govt. service | Date of appointment as Inspector | Whether DR/PR as Inspector | Remarks |
|--------|------------------------------------------------|---------------|---------------------------------|---------------------------------------|----------------------------------|----------------------------|---------|
|        | 02                                             | 03            | 04                              | 05                                    | 06                               | 07                         | 08      |
| 1.     | Siba Prasad Neog, B.A                          | 29.08.52      | 22.07.76                        | 10.10.81                              | 22.07.76                         | DR                         |         |
| 2.     | Bikash Kumar Saikia, (ST), B. Com.             | 01.01.57      | 08.03.82                        | 13.05.87                              | 08.03.82                         | DR                         |         |
| 3.     | Chandan Kr. Chanda, B.A                        | 10.12.55      | 25.01.77                        | 13.05.87                              | 18.01.82                         | DR                         |         |
| 4.     | Chandan Biswas, B.Sc                           | 24.07.57      | 01.04.82                        | 13.05.87                              | 01.04.82                         | DR                         |         |
| 5.     | Dibakar Choudhury, B.Sc                        | 07.10.57      | 09.07.82                        | 13.05.87                              | 09.07.82                         | DR                         |         |
| 6.     | Sudip Kr. Nandi, B.Sc                          | 01.02.51      | 07.09.77                        | 01.12.82                              | 16.11.82                         | PR                         |         |
| 7.     | Amit Kr. Deb, Matric                           | 01.10.41      | 06.04.74                        | 01.12.82                              | 16.11.82                         | PR                         |         |
| 8.     | Smt. Lilyda Shangpliang, (ST), B.A             | 27.01.52      | 03.02.74                        | 01.12.82                              | 16.11.82                         | PR                         |         |
| 9.     | Pankajlal Singha, B.A                          | 28.01.60      | 20.06.83                        | 13.05.87                              | 20.06.83                         | DR                         |         |
| 10.    | Tarun Kr. Singha, B. Sc                        | 01.02.57      | 22.10.83                        | 13.05.87                              | 22.10.83                         | DR                         |         |
| 11.    | Pannalal Singha, B.Com                         | 30.01.58      | 20.06.83                        | 13.05.87                              | 20.06.83                         | DR                         |         |
| 12.    | Ashok Kr. Dey, B.A                             | 10.06.53      | 10.04.78                        | 01.08.83                              | 15.07.83                         | PR                         |         |
| 13.    | Smt. H. Memcha Devi, B.Sc                      | 01.12.57      | 05.05.83                        | 13.05.87                              | 05.05.83                         | DR                         |         |
| 14.    | Debashish Mazumder, B.Com                      | 22.01.57      | 02.05.83                        | 13.05.87                              | 02.05.83                         | DR                         |         |
| 15.    | Jamkhogin Haokip, (ST), B.A                    | 01.03.60      | 30.05.83                        | 13.05.87                              | 30.05.83                         | DR                         |         |
| 16.    | Smt. Hilda Mary Synrem, (ST), PU               | 07.12.50      | 14.02.78                        | 01.08.83                              | 05.07.83                         | PR                         |         |
| 17.    | Abdul Mutalib, B.Sc                            | 01.01.57      | 31.12.80                        | 13.05.87                              | 07.07.83                         | DR                         |         |
| 18.    | Sujit Mishra, B.Sc                             | 17.01.59      | 08.09.83                        | 13.05.87                              | 08.09.83                         | DR                         |         |
| 19.    | Syed Taffique Hussain, B.Sc                    | 20.09.58      | 06.10.83                        | 30.05.87                              | 06.10.83                         | DR                         |         |
| 20.    | Dhani Ram Das, PU                              | 07.02.50      | 26.02.78                        | 01.08.83                              | 22.07.83                         | PR                         |         |
| 21.    | Pabitra Kataki, B.Sc                           | 25.12.57      | 02.05.83                        | 13.05.87                              | 02.05.83                         | PR                         |         |
| 22.    | Jasabanta Mazumder, B.Sc                       | 03.01.61      | 18.05.83                        | 13.05.87                              | 18.05.83                         | DR                         |         |
| 23.    | Rajkumar Kalita, B.Sc                          | 15.10.56      | 05.05.83                        | 13.05.87                              | 05.05.83                         | DR                         |         |

| 01  | 02                           | 03       | 04       | 05       | 06       | 07 | 08                                |
|-----|------------------------------|----------|----------|----------|----------|----|-----------------------------------|
| 24. | Dils. Debajyoti Sinha, M.A   | 10.01.58 | 15.06.83 | 13.05.87 | 15.06.83 | DR |                                   |
| 25. | Ganesh Ch. Sharma, B.Sc      | 01.03.59 | 04.08.83 | 13.05.87 | 04.08.83 | DR |                                   |
| 26. | Joydeep Dutta, B.Com         | 01.09.56 | 01.09.83 | 13.05.87 | 01.09.83 | DR |                                   |
| 27. | Hom Prasad Sharmah, B.A      | 20.01.57 | 22.10.83 | 13.05.87 | 22.10.83 | DR |                                   |
| 28. | Swapan Kr. Nath, B.Sc        | 01.01.58 | 07.09.83 | 13.05.87 | 07.09.83 | DR |                                   |
| 29. | Tridip Ch. Roy, B.Sc         | 18.01.57 | 30.08.83 | 13.05.87 | 30.08.83 | DR | On Deputation with DRI, New Delhi |
| 30. | Rahul Sinha, B.Sc            | 29.11.58 | 13.05.83 | 13.05.87 | 13.05.83 | DR |                                   |
| 31. | Imdadur Rehman, M.Sc         | 03.01.58 | 07.09.83 | 13.05.87 | 07.09.83 | DR | On Deputation with DRI, Silchar   |
| 32. | Sagar Kr. Dutta, B.Sc        | 31.08.57 | 11.07.83 | 13.05.87 | 11.07.83 | DR |                                   |
| 33. | Dwigendra Mohan Das, B.A     | 01.09.57 | 19.09.83 | 13.05.87 | 19.09.83 | DR |                                   |
| 34. | Nikendra Singha, M.A         | 02.09.58 | 02.05.83 | 13.05.87 | 02.05.83 | DR |                                   |
| 35. | Naziruddin, B.Sc             | 04.10.56 | 20.06.83 | 13.05.87 | 20.06.83 | DR |                                   |
| 36. | Sudip Kr. Dutta, B.A         | 31.12.58 | 10.05.83 | 13.05.87 | 10.05.83 | DR |                                   |
| 37. | Hem Chandra Kalita, B.Sc (H) | 01.01.57 | 07.09.83 | 13.05.87 | 07.09.83 | DR | On Deputation with DRI, Silchar   |
| 38. | Dambaru Borah, (ST)          | 01.07.55 | 08.06.83 | 13.05.87 | 08.06.83 | DR |                                   |
| 39. | Debeswar Chandi (ST), B.A    | 01.03.58 | 17.09.83 | 13.05.87 | 17.09.83 | DR |                                   |
| 40. | Prafulla Kr. Taye, (ST), B.A | 01.10.58 | 06.10.83 | 13.05.87 | 06.10.83 | DR |                                   |
| 41. | Thangchuilo, (ST), B.A       | 01.03.52 | 16.05.83 | 13.05.87 | 16.05.83 | DR |                                   |
| 42. | Tushar Kanti Sen, B. Com (H) | 15.01.57 | 16.09.83 | 13.05.87 | 16.09.83 | DR |                                   |
| 43. | Nihareish Nandi, (SC), B.A   | 01.11.56 | 10.11.83 | 13.05.87 | 10.11.83 | DR |                                   |
| 44. | Larho Krelo, (ST), B.A       | 01.03.60 | 12.10.83 | 13.05.87 | 12.10.83 | DR |                                   |
| 45. | Sakkam Kilong, (ST), B.A     | 04.08.59 | 01.10.83 | 13.05.87 | 01.10.83 | DR |                                   |
| 46. | Dilip Kr. Gogoi, B.Sc        | 01.09.56 | 11.11.83 | 13.05.87 | 11.11.83 | DR |                                   |
| 47. | Bibhuti Bhusan Borah, B.Sc   | 01.03.57 | 06.10.83 | 13.05.87 | 06.10.83 | DR |                                   |
| 48. | Shyamal Kr. Dutta, B.Sc      | 25.01.57 | 01.11.83 | 13.05.87 | 01.11.83 | DR |                                   |
| 49. | Ashok Kr. Chakraborty, B.Sc  | 01.11.58 | 01.02.84 | 13.05.87 | 01.02.84 | DR |                                   |
| 50. | Khagen Borah, B.Sc           | 01.01.59 | 01.11.83 | 13.05.87 | 01.11.83 | DR |                                   |
| 51. | Bijoy Bhusan Baruah,         | 01.09.59 | 07.09.83 | 13.05.87 | 07.09.83 | DR |                                   |
| 52. | Phani Bhusan Roy, B.Sc       | 01.09.56 | 05.09.83 | 13.05.87 | 05.09.83 | DR |                                   |
| 53. | Dipak Kr. Deb, B.Sc          | 16.01.58 | 06.09.83 | 13.05.87 | 06.09.83 | DR |                                   |
| 54. | Basudeb Bhattacharjee, M.A   | 23.02.58 | 26.09.83 | 13.05.87 | 26.09.83 | DR |                                   |
| 55. | Imranul Goni                 | 11.10.56 | 24.10.83 | 13.05.87 | 24.10.83 | DR |                                   |
| 56. | Subhasish Guha, B.Com        | 03.03.60 | 06.10.83 | 13.05.87 | 06.10.83 | DR |                                   |
| 57. | Dilip Kr. Chettri, B.Sc      | 01.03.57 | 19.02.83 | 13.05.87 | 25.05.83 | DR |                                   |
| 58. | Parag Kr. Baruah, B.A.       | 12.10.58 | 10.11.83 | 13.05.87 | 10.11.83 | DR | On Deputation with DRI, New Delhi |

STUD  
WAM  
Adm

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| 01   | 02                                    | 03       | 04       | 05       | 06       | 07 | 08 |
|------|---------------------------------------|----------|----------|----------|----------|----|----|
| 651. | Sanjib Kr. Borpujari, B. Sc.          | 11.09.68 | 06.04.92 | 08.04.95 | 08.02.00 | PR |    |
| 652. | Jugal Kr. Lahon, B. Com               | 13.01.60 | 15.12.92 | 01.04.96 | 08.02.00 | PR |    |
| 653. | Smt. Jaimole K.M., B. A.              | 19.05.66 | 15.05.91 | 01.04.95 | 08.02.00 | PR |    |
| 654. | Sandip Das (SC), B. Com (H)           | 21.12.63 | 30.08.93 | 01.04.96 | 08.02.00 | PR |    |
| 655. | Kanakeswar Goswami, B. Sc.            | 01.01.64 | 07.02.86 | 10.11.88 | 09.02.00 | PR |    |
| 656. | Nishitush Choudhury, HSLC             | 04.05.65 | 18.06.86 | 10.11.88 | 08.02.00 | PR |    |
| 657. | Mahadeo Pradhan, HSLC                 | 22.02.60 | 04.12.80 | 01.02.82 | 09.02.00 | PR |    |
| 658. | Bimal Jyoti Dey, HSLC                 | 28.02.57 | 04.12.80 | 01.02.82 | 08.02.00 | PR |    |
| 659. | Ranjit Das, HSLC                      | 02.09.57 | 05.12.80 | 01.02.82 | 08.02.00 | PR |    |
| 660. | Smt. Suchana Dey, HSLC                | 19.01.67 | 08.01.88 | 08.01.90 | 08.02.00 | PR |    |
| 661. | Kamalakanta Das (SC), HSLC            | 01.01.58 | 17.03.81 | 01.02.82 | 10.02.00 | PR |    |
| 662. | R. K. Ibongsana Singh, M. A.          | 01.04.66 | 17.07.78 | 01.08.80 | 11.02.00 | PR |    |
| 663. | Smt. Kwianti mon Diengdoh (ST), P. U. | 17.02.64 | 01.08.89 | 01.08.91 | 08.02.00 | PR |    |
| 664. | Banlurlem Lyngdoh Tron (ST), P. U.    | 07.06.67 | 17.07.89 | 01.08.91 | 08.02.00 | PR |    |
| 665. | Smt. Iorilla Myrthong (ST), B. A.     | 07.11.66 | 21.07.89 | 04.08.91 | 08.02.00 | PR |    |
| 666. | Anil Saikia, P. U.                    | 30.06.64 | 25.08.89 | 23.11.91 | 08.02.00 | PR |    |
| 667. | Sanjiv Kr. Sethi, B. A.               | 24.07.66 | 10.11.89 | 23.11.91 | 09.02.00 | PR |    |
| 668. | Niranjan Malakar (SC), B. Com         | 30.10.59 | 18.09.89 | 23.11.91 | 08.02.00 | PR |    |
| 669. | Smt. Malabika Roy (SC), HSLC          | 02.01.66 | 15.09.89 | 23.11.91 | 08.02.00 | PR |    |
| 670. | Shyamal Deb (SC), B. Com              | 01.11.62 | 05.12.93 | 01.04.96 | 08.02.00 | PR |    |
| 671. | Kajal Kr. Mandal (SC), HSLC           | 05.10.67 | 20.09.89 | 23.11.91 | 08.02.00 | PR |    |
| 672. | David N. Sangma (ST), P. U.           | 01.01.60 | 15.09.89 | 23.11.91 | 08.02.00 | PR |    |
| 673. | Smt. Bansharai Kharkongor (ST), B. A. | 19.12.65 | 19.09.89 | 23.11.91 | 08.02.00 | PR |    |
| 674. | Ashish Dutta (SC), B. Com             | 29.03.67 | 13.05.94 | 01.04.97 | 08.02.00 | PR |    |
| 675. | Ram Bilash Das (SC), B. Sc.           | 27.12.71 | 16.05.94 | 01.04.97 | 15.02.00 | PR |    |
| 676. | Smt. Hatkim Lhovum (ST)               | 01.03.65 | 16.05.94 | 01.04.97 | 11.02.00 | PR |    |
| 677. | Darilang Pakyntein (ST), B. A.        | 28.12.67 | 01.06.94 | 01.04.97 | 08.02.00 | PR |    |
| 678. | Utpal Das (SC), HSLC                  | 28.08.71 | 12.08.94 | 01.10.96 | 08.02.00 | PR |    |
| 679. | Parag Kanti Das (SC), B. Sc.          | 01.03.67 | 24.02.92 | 16.01.97 | 08.02.00 | PR |    |

Ames  
W  
Advcom

To,

Date : 04-08-98.

The Commissioner,  
Central Excise,  
Shillong.

Sir,


Sub : Denial of Promotion.

Please refer to my earlier representations dt. 4.8.95 against Establishment order No. 167/1995 dt. 7.6.95, against order No. 25/95 dt. 4.8.95, against order No. 309/95 dt. 16.10.95 and against order No. 130/97 dt. 19.6.97. I have not received any reply to the above mentioned representations wherein, I had sought clarification for withholding my promotion. I once again draw your kind attention to the Establishment order No. 92/1998 dt. 26th of June 1998. I have to state that my name has been figuring 1st in the order of seniority list, but I have been denied promotion for reasons best known to the department. In this connection, I state that I have not been communicated with any adverse remarks in my Annual Confidential Report since last 10 years and I donot have any departmental proceedings against me on adverse grounds.

Inspite of that, I am in total darkness regarding the denial of my promotion. At this moment I am on leave on medical grounds, so kindly send the reply to my residential address given below.

Hence I request the Commissioner to kindly clarify the matter regarding my withholding of promotion.

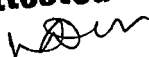
Yours faithfully,

 4.8.98

( SRI S.P. NEOG )

Inspector,  
Central Excise,  
L.K.R.B. Road, Nabin Nagar,  
Guwahati-781 024.

**Attested**



**Advocate.**

To,

Date : 05-05-2001.

The Commissioner,  
Central Excise,  
Morelo Building,  
Shillong.

Sir,

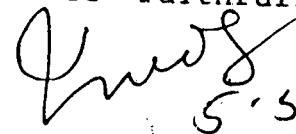
Sub : Withholding my promotion.

Please refer the seniority list issued by the department on 1.9.98 wherein my name is in No. 1 slot of the aforesaid seniority list. But my name doesn't figure in the promotion order No. 129/2000 dt. 15.12.2000, and received by our office on 20.1.2001. I have represented my case several times earlier, I am yet to receive any reply from your office, for this act of denial of promotion. As a result, I am totally in the dark about the happenings in the department and subsequently the non-communication about my case. I have not received a single letter, as to why I have been denied and deprived of my legitimate right to promotion on seniority basis.

In this context, I have to inform you that I had joined the department on 22.7.76 as Inspector, Central Excise. I had passed all my departmental examinations in one term and accordingly confirmed in the present post. I further state that I have not been communicated with any adverse remarks in the Annual Confidential Report for the period earmarked for promotion.

Hence, I request the Commissioner to kindly inform me as to why my name is always in No. 1 position and still, I am not being promoted to the post of Superintendent.

Yours faithfully,

  
5.5.2001

( SRI S.P. NEOG )

Inspector,  
Central Excise, Makum Range,  
Tinsukia.

Attested

  
Advocate.

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE ::::: SHILLONG.

ESTABLISHMENT ORDER NO. 125/99

DATED, SHILLONG THE 02.11.99.

Subject :-

The Assured Career Progression Scheme in the grade of Inspectors- Implementation of order Regarding. -

PART - I

The following Inspectors of Customs & Central Excise are hereby allowed the first financial upgradation under the ACP Scheme as per the recommendations of the Fifth Pay Commission in the scale of pay of Rs. 6,500-200-10,500 w.e.f. August 9, 1999.

| <u>Sl.No.</u> | <u>Name of the Officer</u><br><u>S/Shri</u> | <u>Present place of posting</u> |
|---------------|---------------------------------------------|---------------------------------|
| 01.           | Dinesh Mohanta                              | Tezpur Central Excise           |
| 02.           | Gangadhar Das                               | Guwahati Central Excise         |
| 03.           | Debendra Moshahary                          | Hqrs. Audit, Shillong           |
| 04.           | James Dohling                               | Aizawl Customs Divn.            |
| 05.           | Karendra Nath Daimary                       | Customs Hqrs. Shillong          |
| 06.           | Dipak Roy Choudhury                         | Guwahati Central Excise         |
| 07.           | Santanu Kr. Chalia                          | Customs Hqrs. Shillong          |
| 08.           | Faizuddin Fakir                             | Guwahati Customs Divn.          |
| 09.           | Kumud Chandra Deka                          | Guwahati Central Excise         |
| 10.           | Benu Prasad Jaisi                           | D.R.I., New Delhi               |
| 11.           | Mukul Baruah                                | Imphal Customs Divn.            |
| 12.           | Chandan Kumar Chanda                        | Dhubri Central Excise           |
| 13.           | Chandan Biswas                              | Agartala Customs Divn.          |
| 14.           | Dibakar Choudhury                           | Guwahati Central Excise         |
| 15.           | Pankaj Lal Sinha                            | Imphal Customs Divn.            |
| 16.           | Tarun Kr. Singh                             | Karimganj Customs Divn.         |
| 17.           | Panalal Sinha                               | Guwahati Central Excise         |
| 18.           | Smt. H. Memcha Devi                         | Silchar Central Excise          |
| 19.           | Debashish Mazumdar                          | Agartala Customs Divn.          |
| 20.           | Abdul Mutalib                               | Aizawl Customs Divn.            |
| 21.           | Sujit Mishra                                | Tinsukia Central Excise         |
| 22.           | Syed Taffique Hussain                       | Guwahati Central Excise         |
| 23.           | Pabitra Kataki                              | Dibrugarh Central Excise        |
| 24.           | Jesabanta Mazumdar                          | Karimganj Customs Divn.         |
| 25.           | Raj Kumar Kalita                            | Commr. (Appeal), Guwahati       |
| 26.           | Jatin Chandra Das                           | Tinsukia Central Excise         |
| 27.           | Dils Debajyoti Sinha                        | Guwahati Customs Divn.          |
| 28.           | Ganesh Chandra Sharma                       | Guwahati Central Excise         |
| 29.           | Joydutta Dutta                              | Silchar Central Excise          |
| 30.           | Hom Prasad Sharma                           | Dibrugarh Central Excise,       |

**Attested**  
*[Signature]*  
Advocate.

Cond... P/2.



-: 2 :-

|     |                             |                          |
|-----|-----------------------------|--------------------------|
| 31. | Swapan Kumar Nath           | D.R.I., New Delhi        |
| 32. | Tridip Chandra Roy          | Silchar Central Excise   |
| 33. | Rahul Sinha                 | D.R.I., Silchar          |
| 34. | Imdadur Rahaman             | Dimapur Customs Divn.    |
| 35. | Sagar Kumar Dutta           | Karimganj Customs Divn.  |
| 36. | Dwigendra Mohan Das         | Dhubri Central Excise    |
| 37. | Naziruddin                  | Guwahati Customs Divn.   |
| 38. | Sudip Kumar Dutta           | D.R.I., Silchar          |
| 39. | Hem Chandra Kalita          | Guwahati Central Excise  |
| 40. | Debeswar Chandi             | Dimapur Customs Divn.    |
| 41. | Prafulla Kumar Taye         | Dimapur Customs Divn.    |
| 42. | Thangchuolio                | Aizawl Customs Divn.     |
| 43. | Tushar Kanti Sen            | Agartala Customs Divn.   |
| 44. | Nihareish Nandi             | Guwahati Central Excise  |
| 45. | Larho Krelo                 | Dimapur Customs Divn.    |
| 46. | Sekham Kilong               | N.C.B., Imphal           |
| 47. | Dilip Kumar Gogoi           | Dibrugarh Central Excise |
| 48. | Bibhuti Bhusan Borah        | Dibrugarh Central Excise |
| 49. | Shyamal Kumar Dutta         | Guwahati Customs Divn.   |
| 50. | Ashok Kr. Chakraborty       | Imphal Customs Divn.     |
| 51. | Khagen Borah                | Guwahati Customs Divn.   |
| 52. | Bijoy Bhusan Borah          | Aizawl Customs Divn.     |
| 53. | Phani Bhusan Roy Choudhury  | Silchar Central Excise   |
| 54. | Dipak Kumar Deb             | Guwahati Central Excise  |
| 55. | Basudeb Bhattacharjee       | Customs Hqrs. Shillong.  |
| 56. | Imranul Goni                | Dibrugarh Central Excise |
| 57. | Subhashish Guha             | Guwahati Central Excise  |
| 58. | Dilip Kumar Chettri         | Customs Hqrs. Shillong   |
| 59. | Parag Kr. Baruah            | D.R.I., New Delhi        |
| 60. | Asit Chakraborty            | Karimganj Customs Divn.  |
| 61. | Binayak Bhattacharjee       | Silchar Central Excise   |
| 62. | Ashish Adhikari             | Customs Hqrs. Shillong.  |
| 63. | Biswendu Dey                | Guwahati Central Excise  |
| 64. | Subir Das                   | D.R.I., Guwahati         |
| 65. | Bikash Ch. Nath             | Dhubri Central Excise    |
| 66. | Niharanjan Deb Roy          | Shillong Range.          |
| 67. | Guru Prasad Das             | Tezpur Central Excise    |
| 68. | Bhaskar Kanti Bhattacharjee | Karimganj Customs Divn.  |
| 69. | Panalal Dutta               | Digboi Central Excise    |
| 70. | Gopeswar Ch. Paul           | Dhubri Central Excise    |
| 71. | Ajit Mohan Paul             | Hqrs. Shillong.          |
| 72. | Mohit Kanti Dey             | Karimganj Customs Divn.  |
| 73. | Mahendra Dutta              | D.R.I., Guwahati         |
| 74. | Mrinal Kanti Goswami        | Customs Hqrs. Shillong.  |

Contd...P/3.

|      |                             |                                   |
|------|-----------------------------|-----------------------------------|
| 75.  | Sasanka Sekhar Das          | Guwahati Customs Divn.            |
| 76.  | Md. Mukhibur Rehaman        | Guwahati Customs Divn.            |
| 77.  | Jagadindu Das               | Imphal Customs Divn.              |
| 78.  | Ganesh Chandra Deka         | Dimapur Customs Divn.             |
| 79.  | Pijush Banerjee             | Guwahati Customs Divn.            |
| 80.  | Md. Hanif Alam Bora         | Tinsukia Central Excise           |
| 81.  | Swapnatur Mohanta           | Guwahati Customs Divn.            |
| 82.  | Haripada Roy                | Karimganj Customs Divn.           |
| 83.  | Rabindra Kumar Bora         | Tezpur Central Excise             |
| 84.  | Nijit Kumar Nandy           | Guwahati Central Excise           |
| 85.  | Dharani Bora                | Guwahati Customs Divn.            |
| 86.  | Md. Abdul Munim             | Karimganj Customs Divn.           |
| 87.  | Prahlad Borborah            | Karimganj Customs Divn.           |
| 88.  | Rabindra Pathak             | Dhubri Central Excise             |
| 89.  | Narendra Chandra Talukdar   | Guwahati Central Excise           |
| 90.  | Lekhendra Nath Sonowal      | Dimapur Customs Divn.             |
| 91.  | Jitendra Kumar Saikia       | Aizawl Customs Divn.              |
| 92.  | Balaram Pegu                | Jorhat Central Excise             |
| 93.  | Ratneshwar Doley            | Tezpur Central Excise             |
| 94.  | Jogesh Sonowal              | Dibrugarh Central Excise          |
| 95.  | John Oscar Marak            | Dhubri Central Excise             |
| 96.  | Priyaram Doley              | Dimapur Customs Divn.             |
| 97.  | Bishnu Ram Bora             | Dhubri Central Excise             |
| 98.  | Lalchangliani Sailo         | Hqrs. Audit, Shillong             |
| 99.  | Dambaru Bhaktiari           | Tinsukia Central Excise           |
| 100. | Paul Peter Kujur            | Karimganj Customs Divn.           |
| 101. | Ajit Debnath                | Customs Hqrs. Shillong            |
| 102. | Raj Kumar Dorendrajit Singh | Imphal Customs Divn.              |
| 103. | Haratosh Kumar Das          | New Cus. House Airpool<br>Mumbai. |
| 104. | Hareshwar Goswami           | Guwahati Customs Divn.            |
| 105. | Sanjoy Kumar Majumdar       | Karimganj Customs Divn.           |
| 106. | Buddha Pratim Dutta         | D.R.I., Shillong.                 |
| 107. | Raj Kumar Debendra Singh    | E.C.B. Imphal                     |
| 108. | Subir Dutta Choudhury       | NOIDA                             |
| 109. | Raj Kumar Sur Chandra Singh | Imphal Customs Divn.              |
| 110. | Bgoru Rustom Mon            | N.C.B. Imphal                     |
| 111. | Vanzakhup Hungzo            | Jorhat Central Excise             |
| 112. | Shivaji Chanda              | Tinsukia Central Excise           |
| 113. | Abhijit Dey (No.1)          | Anti-Evasion, Shillong.           |
| 114. | Ratnangshu Chakraborty      | Karimganj Customs Divn.           |
| 115. | Phanidhar Kakoti            | Guwahati Customs Divn.            |
| 116. | Gobindenath Kalita          | Guwahati Central Excise           |
| 117. | Jitendra Mohan Bora         | Guwahati Customs Divn.            |

**Attested**

Intd. P/4.

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|      |                            |                            |
|------|----------------------------|----------------------------|
| 118. | Ashim Roy                  | D.R.I., Silchar            |
| 119. | Fallav Lochan Saikia       | Tinsukia Central Excise    |
| 120. | Nirmal Kumar Das           | Silchar Central Excise     |
| 121. | Franab Kumar Phukan        | Guwahati Central Excise    |
| 122. | Pankaj Kumar Bhattacharjee | Guwahati Central Excise    |
| 123. | Sanjeev Kumar Chakraborty  | S-ilchar Central Excise    |
| 124. | Bhagirat Baruah            | Guwahati Central Excise    |
| 125. | Bikash Chakraborty         | Guwahati Customs Divn.     |
| 126. | Nobendu Narayan Roy        | Karimganj Customs Divn.    |
| 127. | Lobendu Shekar Das         | Silchar Central Excise     |
| 128. | Kailash Barman             | C.B.I., Guwahati           |
| 129. | Tafiruddin Ahmed           | Customs Hqrs. Shillong.    |
| 130. | Binoy Kishore Sharma       | Guwahati Customs Divn.     |
| 131. | Jayanta Bhattacharjee      | Customs Hqrs. Shillong.    |
| 132. | Prasanna Sharma            | Tezpur Central Excise      |
| 133. | Dwipen Chandra Bania       | Guwahati Central Excise    |
| 134. | Babul Mazumdar             | Guwahati Central Excise    |
| 135. | Kshitendu Kumar Malakar    | Customs Hqrs. Shillong.    |
| 136. | Samiran Das                | Guwahati Central Excise    |
| 137. | L.L. Mate                  | Hqrs. Law Branch, Shillong |
| 138. | Deepak Mahanta             | Guwahati Customs Divn.     |
| 139. | Lalkhoneh Simte            | Imphal Customs Divn.       |
| 140. | Kaizadal                   | Silchar Central Excise     |
| 141. | Jayanta Kumar Pathak       | Tezpur Central Excise      |
| 142. | Kiran Kumar Thapa          | Customs Hqrs. Shillong.    |
| 143. | Jayanta Banik              | Guwahati Central Excise    |
| 144. | Md. Shardul Ahmed          | Guwahati Central Excise    |
| 145. | Gautam Chandra Mandal      | Guwahati Central Excise    |
| 146. | Ramdev Goswami             | Guwahati Central Excise    |
| 147. | Santanu Mukherjee          | Guwahati Central Excise    |
| 148. | String Singh Nongbet       | Shillong Range.            |
| 149. | Biswajit Kar               | Guwahati Central Excise    |
| 150. | Pabitra Kumar Saikia       | Guwahati Central Excise    |
| 151. | Sunirmal Das Choudhury     | Guwahati Central Excise    |
| 152. | Amit Kumar Sengupta        | Guwahati Central Excise    |
| 153. | Bikram Shankar             | D.R.I., Shillong.          |
| 154. | Niranjana Dhar             | Dimapur Customs Divn.      |
| 155. | Benu Ranjan Sutradhar      | S-ilchar Central Excise    |
| 156. | Amit Dutta                 | Guwahati Customs Divn.     |
| 157. | Pijush Kanti Dey           | Guwahati Central Excise    |
| 158. | Biswajit Paul              | Dibrugarh Central Excise   |
| 159. | Ajoy Ghosh                 | Guwahati Central Excise    |
| 160. | Pradip Kumar Mahanta       | Guwahati Customs Divn.     |

**Attested**  
*[Signature]*  
 Advocate

|      |                               |                           |
|------|-------------------------------|---------------------------|
| 161. | Sashi Prasad Gogoi            | Dibrugarh Central Excise  |
| 162. | Dilip Kumar Sharma (No.1)     | Jorhat Central Excise     |
| 163. | Jagadish Ch. Rajbongshi       | Guwahati Central Excise   |
| 164. | Ranendu Dutta                 | Commr.(Appeals), Guwahati |
| 165. | Hem Chandra Sharma (No.1)     | Guwahati Central Excise   |
| 166. | Rudolf Valentino Basawiaumoit | Customs Hqrs. Shillong.   |
| 167. | Swapan Das                    | Dimapur Customs Divn.     |
| 168. | Ms. Zarina Khan Shadap        | CIU-VIG, Shillong.        |
| 169. | Tapan Kumar Rajkhowa          | Tinsukia Central Excise   |
| 170. | Kishore Ranjan Nath           | Dhubri Central Excise     |
| 171. | Tapan Chandra Gayan           | Commr.(Appeals), Guwahati |
| 172. | Anthony Pothmilong            | Hqrs. A udit, Shillong.   |
| 173. | K. Hmar                       | Silchar Central Excise    |
| 174. | Sukumar Goswami               | Guwahati Customs Divn.    |
| 175. | Sudip Kumar Dey               | Guwahati Central Excise   |
| 176. | Shyam Sundar Joshi            | Guwahati Customs Divn.    |
| 177. | Hiramba Basumatary            | Dhubri Central Excise     |
| 178. | Premananda Saikia             | Dibrugarh Central Excise  |
| 179. | Dharmeshwar Deka              | Guwahati Customs Divn.    |
| 180. | Liladhar Paite                | Tinsukia Central Excise   |
| 181. | Sinam Chita-ranjan Singh      | Hqrs. STS Br. Shillong;   |
| 182. | Thoudam N.G. Singh            | Imphal Customs Divn.      |
| 183. | Tarun Kumar Dutta             | D.R.I., Guwahati          |
| 184. | Sisir Dey                     | Agartala Customs Divn.    |
| 185. | Swapan Roy                    | Tinsukia Central Excise   |
| 186. | Tapash Bhattacharjee          | Hqrs. Audit, Shillong.    |
| 187. | Amitabh Bhattacharjee         | Customs Hqrs. Shillong    |
| 188. | Syed Ahmed Shah               | Guwahati Central Excise   |
| 189. | Vijay Thapa                   | Hqrs. Audit, Shillong.    |
| 190. | Abdus Salam Ruknuddin         | Dibrugarh Central Excise  |
| 191. | Uttam Kumar Dey               | Dibboi Central Excise     |
| 192. | Ashish Kumar Nandy            | Customs Hqrs. Shillong.   |
| 193. | Dilip Kumar Sharma (No.2)     | Imphal Customs Divn.      |
| 194. | Ananda Chandra Roy            | Guwahati Central Excise   |
| 195. | Sheikh Amzad Hussain          | Guwahati Customs Divn.    |
| 196. | Hiranmoy Dutta                | Karimganj Customs Divn.   |
| 197. | Kamaniya Bhattacharjee        | NOIDA                     |
| 198. | Abhijit Bhuyan                | Dimapur Customs Divn.     |
| 199. | Bijen Lyngdoh                 | Hqrs. Audit, Shillong.    |
| 200. | Johar Kar                     | Karimganj Customs Divn.   |
| 201. | Atanu Roy Choudhury           | Karimganj Customs Divn.   |
| 202. | Utpal Bhattacharjee           | Customs Hqrs. Shillong.   |
| 203. | Ms. Tshering Lahmu Bhutiani   | Customs Hqrs. Shillong.   |

|                                 |                           |
|---------------------------------|---------------------------|
| 204. Nibash Ranjan Das          | Imphal Customs Divn.      |
| 205. Renel Martin Chyne         | Hqrs. STS Br., Shillong   |
| 206. Manindra Sarania           | C.B.N., Guwahati          |
| 207. Nehru Pegu                 | Guwahati Customs Divn.    |
| 208. Pradip Kumar Daimary       | Imphal Customs Divn.      |
| 209. Uttam Kumar Das            | Guwahati Customs Divn.    |
| 210. Jyotish Das                | Agartala Customs Divn.    |
| 211. Bidhu Bhusan Karmakar      | Guwahati Central Excise   |
| 212. Gautam Das                 | D.R.I., Guwahati          |
| 213. Nandeshwar Basumatary      | Guwahati Customs Divn.    |
| 214. Srihas Dhar                | Guwahati Customs Divn.    |
| 215. Jayanta Kumar Hiwali       | Jorhat Central Excise     |
| 216. Swapan Kumar Roy           | Hqrs. Customs, Shillong   |
| 217. Raj Kumar Bhuminjoy S ingh | D.R.I., Imphal            |
| 218. Manik Lal Choudhury        | Silchar Central Excise    |
| 219. Sumtinthang Pulamte        | Hqrs. Law Br., Shillong.  |
| 220. Meitram Indramani Singh    | Jorhat Central Excise     |
| 221. Shankar Pratim Deb         | Karimganj Customs Divn.   |
| 222. Prabir Kumar Sen           | Hqrs. Adjn. Br., Shillong |
| 223. Manabendra Banik           | Silchar Central Excise    |
| 224. Sujit Bhattacharjee        | Customs Hqrs. Shillong.   |
| 225. Ng. Sanahal Singh          | Imphal Customs Divn.      |
| 226. Dolan Chandra Choudhury    | Calcutta Law Cell         |
| 227. Th. Madhai Singh           | Jorhat Central Excise     |
| 228. Debashish Chakraborty      | Guwahati Customs Divn.    |

The financial upgradation is subject to the following conditions.

- (i) The officers are expected to perform duties as are entrusted to them together with retention of old designation. Financial upgradation is personal to the incumbent for the stated purposes and restriction of the ACP scheme for financial and certain other benefits (HBA, Allotment of Government accommodation, Advances etc.) only without conferring any privileges related to higher status (eg. Invitation to ceremonial function, deputation to higher posts etc.)
- (ii) The financial upgradation under the ACP scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP scheme.
- (iii) Pay shall be fixed under the provisions of F.R. 22I (a) (1) subject to a minimum financial benefit of Rs. 100/-. The financial benefit allowed under the Assured Career Progression scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade.

(iv)

Grant of higher pay-scale under the ACP scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion or occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter he shall become eligible for the second upgradation under the ACP scheme only after he completes the required eligibility service/period under the ACP scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade.

(v)

The financial upgradation contemplates merely placement on personal basis in the higher pay scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned.

The Head of Office should satisfy the conditions before fixing the pay of the above officers.

Sd/-

( Z. TOCHHAWNG )  
COMMISSIONER

C.No. II(24)1/ET.I/99/

Dated:

24 NOV 1999

Copy forwarded for information & necessary action to :-

1. Shri Lakhbir Singh, Under Secretary, AD-III(A), Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi - 1. ✓
2. The Chief Commissioner (Eastern Zone), Customs & Central Excise, 15/1, Strand Road, Customs House, Calcutta - 01. ✓
3. The Deputy Director, Directorate of Revenue Intelligence, 7th Floor, Drum Shape Building, I.P. Bhawan, I.P. Estate, New Delhi - 110002. Copy meant for the officer(s) is/are enclosed for delivery.
4. The Commissioner (Customs), North Eastern Region, Shillong.

Attended

*[Signature]*

Contd... P/8.

5. The Commissioner (Appeals), Customs & Central Excise, Guwahati
6. The Additional Director General, Directorate of Revenue Intelligence, Calcutta Zonal Unit, 8, Ho-Chih Minh Sarani, 2nd Floor, Calcutta-71.
7. The Assistant Director, Directorate of Revenue Intelligence, Shillong Regional Unit, Oak Hall, Oakland, Shillong. Copy meant for the officer(s) concerned is/are enclosed for delivery.
8. The Deputy Director, Narcotics Control Bureau, Imphal Regional Unit, Paona Bazar, Imphal-735001. Copy meant for the officer(s) concerned is/are enclosed for delivery.
9. The Deputy Commissioner (Airport), Sahar International Airport Sahar, Mumbai-99. Copy meant for the officer concerned is enclosed for delivery.
10. The Deputy Development Commissioner, Noida Export Processing Zone, Noida, Dadri Road, Phase-II, Noida-201305 (U.P.). Copy meant for the officer(s) is/are enclosed for delivery.
11. The Administrative Officer (Estt.), Central Bureau of Investigation, Government of India, Block No.-3, 4th Floor, C.G.O. Complex, Lodhi Road, New Delhi - 110003.
12. The Superintendent of Police, Central Bureau of Investigation, Anti-Corruption Branch, Sundarpur, Guwahati-5. Copy meant for the officer concerned is enclosed for delivery.
13. The Joint Commissioner (Tech.)/Deputy Commissioner (Tech.), Central Excise, Shillong.
14. The Assistant Commissioner of Central Excise/Customs Division concerned is/are enclosed for delivery. Copy meant for the officer(s) concerned is/are enclosed for delivery.
15. The Superintendent, Calcutta Law Cell, Shillong Law Unit, M.S. Building, 15/1, Strand Road, Customs & Central Excise, Calcutta - 700001.
16. The Superintendent (Appeals), Customs & Central Excise, Guwahati Copy meant for the officer(s) concerned is/are enclosed for delivery.
17. The Superintendent \_\_\_\_\_ of Central Excise Hqrs. Office, Shillong. Copy meant for the officer(s) concerned is/are enclosed for delivery.
18. The Superintendent & \_\_\_\_\_ of Customs Hqrs. Office, Shillong. Copy meant for the officer(s) concerned is/are enclosed for delivery.
19. The C.A.O./P.A.O., of Hqrs. Office, Shillong.
20. Shri/Smti. \_\_\_\_\_, Inspector for compliance.
21. Accounts-I & II/ET.I & II/Confidential Branch/CIU-Cum-Vig. Br.
22. The General Secretary, Gr.'C' Executive Officers' Association, Customs & Central Excise, Shillong.
23. Guard File.

**Attested**

*[Signature]*

**Advocate.**

CUSTOMS & CENTRAL EXCISE : : SHILLONG

C. NO. II (18) 1/Accts. I/98/

60408-27

Dated : 15-9-99

Copy Forwarded for information and necessary action to :  
The P.A. to the Commissioner of Customs/Central Excise,  
Shillong.

1. The Joint Commissioner (P&V) / (Tech), Central Excise,  
Shillong.
2. The Assistant Commissioner, Shillong  
Customs / Central Excise Division. (All Division)
3. The Adm. Officer (Estt.) Customs & Central Excise,  
Shillong.
4. The Adm. Officer (Customs), Customs, NER, Shillong.
5. The Adm. Officer (Customs), Customs, NER, Shillong.

*(Signature)*  
( D. CHOUDHURY )  
CHIEF ACCOUNTS OFFICER  
CUSTOMS & CENTRAL EXCISE  
SHILLONG.

Attested

*(Signature)*  
Address



No. 35034/1/97-Estt (I)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

North Block, New Delhi-110001

August 9, 1999

OFFICE MEMORANDUM

Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR THE  
CENTRAL GOVERNMENT CIVILIAN EMPLOYEES

....

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated hereunder:-

GROUP 'A' CENTRAL SERVICES

2. In respect of Group 'A' Central Services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central Services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotional prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3. While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no. 1 in Annexure-I) of regular service respectively. Isolated Posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above.

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Attested

*[Signature]*  
Director

certain categories of employees such as casual employees including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

3.2. 'Regular Service' for the purpose of the ACP Scheme shall be interpreted to mean the eligibility for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc. as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

#### 6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DIC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DIC as per the prescribed rules is headed by the Chairman/Member of the UESC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an Officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DIC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that matured during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the

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first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

7. Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/posts within their administrative jurisdiction;

13. Hindi version would follow.

Sd/-

( K.K. JHA )  
Director(Establishment)

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ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Govt. servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs. 14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotion;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc. this would have consequential effect on the second upgradation which would also get deferred accordingly;
- 5.1 Two financial upgradations under the ACP Scheme in the entire government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion) availed through limited departmental and competitive examination) availed from the grade in which an employee was appointed as direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
2. Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
3. Fulfillment of normal promotion norms (bench-mark, department-examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance such duties as are entrusted to the employees together with attention of old designations, financial upgradations as personal the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building allowance, allotment of Government accommodation, advances, etc.) without conferring any privileges related to higher status; y. invitation to ceremonial functions, deputation to higher posts, etc.) shall be ensured for grant of benefits under the ACP Scheme.

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7. Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/cadre of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on dynamic basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;
8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scales under the ACP Scheme;
9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs. 100/- as per the Department of Personnel and Training Office Memorandum No. 1/6/97-Pay, I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;
10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal department for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 2 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service

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already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Compete Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department not the employees shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switchover from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in case where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

Sd/-

(K. K. JHA)

Director (Establishment)

Attested

Advocate.

STANDARD/Common PAY-SCALES

A. per Part-1 of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated September 30, 1997

(REFERENCE PARA 7 OF ANNEXURE OF THIS OFFICE MEMORANDUM)

| S. No. | REVISED PAY-SCALES (Rs.) |
|--------|--------------------------|
| 1      | S-1 2550-55-2660-60-3200 |
| 2      | S-2 2610-60-3150-65-3540 |
| 3      | S-3 2650-65-3300-70-4000 |
| 4      | S-4 2750-70-3800-75-4400 |
| 5      | S-5 3050-75-3950-80-4590 |
| 6      | S-6 3200-85-4900         |
| 7      | S-7 4000-100-6000        |
| 8      | S-8 4500-125-7000        |
| 9      | S-9 5000-150-8000        |
| 10     | S-10 5500-175-9000       |
| 11     | S-12 / 6500-200-10500    |
| 12     | S-13 7450-225-11500      |
| 13     | S-14 7500-250-12000      |
| 14     | S-15 8000-275-13500      |
| 15     | S-19 10000-325-15200     |
| 16     | S-21 12000-375-16500     |
| 17     | S-23 12000-375-18000     |
| 18     | S-24 14300-400-18300     |

Attested  
[Signature]  
[Date]

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Union of India & Ors  
through  
Anwar Hussain Chaudhary  
Jd. Central Gov.  
Shillong Council  
24/6/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI.

IN THE MATTER OF :

O.A. NO.126 of 2002

Shri S.P. Neog

.....Applicant

- Vs -

Union of India & Ors.

.....Respondents

Written statement for an on behalf of Respondents  
No.1, 2 and 3.

I, Anowar Hussain, Assistant Commissioner, Central  
Excise, Guwahati do hereby solemnly affirm and say as follows :

1. That I am an Assistant Commissioner, Central Excise,  
Shillong Commissionerate and as such fully acquainted with the  
facts and circumstances of the case. I have gone through a copy of  
the application and have understood the contents thereof. Save  
and except whatever is specifically admitted in that written  
statement the other contentions and statements may be deemed to  
have been denied. I am authorised and competent to file this  
written statement on behalf of all the respondents.

Anowar Hussain  
ASSISTANT COMMISSIONER  
CENTRAL EXCISE  
GUWAHATI DIVISION



2. That the deponent begs to state that the statements made in paragraph 4.1 of the application are matters of facts and needs no comments.

3. That with regard to the statements made in para 4.2 of the application the respondents beg to state that the applicant could not be promoted to the grade of Superintendent, because as per the Annual Confidential Reports (ACT), his grading was below the stipulated benchmark necessary for promotion to the grade in terms of Ministry's letter No. 22011/5/91-Estt(D) dated 27.03.97. Though his ACR & grading may not be adverse but still it was found to be below the requisite benchmark for promotion to the said grade.

4. That with regard to the statements made in para 4.3 of the application the respondents beg to state that the contention that the applicant was 'denied' promotion is not correct. The applicant could not be promoted as his performance was found to be below the requisite benchmark.

5. That with regard to the statements made in para 4.4 of the application the respondents beg to state that the juniors to the applicant were promoted since they fulfilled all the requisite criteria including the ACR grading, whereas the ACR gradings of the applicant was below benchmark.

*Arjun H. S. S. C.*  
Assistant Commissioner  
CENTRAL EXCISE  
GUWAHATI DIVISION

The applicant's claim that the ACRs of last 15 years were 'Outstanding' is baseless and imaginary. Moreover, it is not possible for any officer to know his/her ACR gradings, unless he/she adopts any unfair means to know the same because from the name Annual Confidential it implies that it is CONFIDENTIAL and remain so for ever.

Though the applicant has no adverse entry in his ACRs, but more than once the ACR gradings were below the benchmark.

6. That with regard to the statements made in para 4.5 of the application the respondents beg to stated that this is a facat that the applicant is the senior most Inspector, as per the seniority list of 01.05.2001, but the seniority is not the only criteria for promotion. Moreover, it is not clear what does the applicant mean by the sentence "making a move".
7. That with regard to the statements made in para 4.6 the respondents beg to state that no such representation has been received from the applicant.

8. That with regard to the statements made in para 4.7 and 4.8 of the application the respondents beg to state that as stated in para 4 of this written statement the applicant was not "denied" promotion rather he could not be promoted as per the existing rules regarding promotion.

*X-2002 H-550*  
Assistant Commissioner  
CENTRAL EXCISE  
GUWAHATI DIVISION

As per as granting of benefit under the ACP Scheme is concerned, it is to be mentioned here that the said benefit could not be granted to the applicant on the same ground for which he could not be promoted, in terms of Ministry's letter No. 35034/1/97-Estt.(D) dated 09.08.99.

9. That with regard to statements made in para 4.8 of the application the respondents beg to state that the matter of fact. But the applicant could not be considered for granting the benefit under the ACP scheme due to the facts as stated in para 8 above.

10. That with regard to statements made in para 4.10 the respondents stated that the applicant was on unauthorised leave for the said period for which neither he took any prior permission nor did he informed the Department about his illness while availing the leave for more than two years. However, when he submitted the leave application, after absenting from duty for two years, it was decided to verify genuinness of the medical certificates submitted the addresses of the Doctors who had issued the certificates.

But the applicant has not submitted the address of one of the two doctors, till date, for the reason best known to him. Therefore, the "leave" is yet to be regularised and untill the leave is regularised the leave salary can not be released.

11. That ~~with~~ the respondents beg to state that the statements made in paragraphs 4.11 of the application has been answered in the foregoing paragraphs of the written

written statements.

12. That with regard to the statements made in para 5.1 and 5.6 of the application the respondents beg to state that the contention is not correct. All the action has been taken in terms of rules & regulation, regarding promotion, laid down by the concerned Ministry.

13. That with regard to the statements made in para 5.2 & 5.4 of the application the respondents beg to state that the applicant is the senior most Inspector but seniority does not confer any right to him that he should be promoted even if he does not fulfill all the criteria.

14. That with regard to the statements made in para 5.3 and ~~5.4~~ 5.5 of the application the respondents beg to stated that the same are matters in aforementioned paras.

15. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

*Arun Kumar*  
Assistant Commissioner  
CENTRAL EXCISE  
GUWAHATI DIVISION

Verification.....

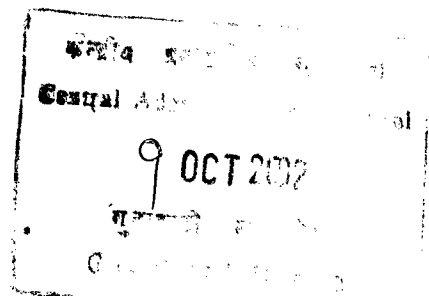
C -46- 60

VERIFICATION

I, Anowar Hussain, Assistant Commissioner of Central Excise, Guwahati being authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs...1, 2, 6, 7, 11, 12 + 14...of the written statement are true to my knowledge, those made in paragraphs...3, 4, 5, 8, 9 + 10... being matter of record are true to my information derived therefrom which I believe to be true and there made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this .....18<sup>th</sup>.....day of June 2002 at Guwahati.

Anowar Hussain  
**DEPONENT**  
Assistant Commissioner  
CENTRAL EXCISE  
GUWAHATI DIVISION



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH.

24/94

OA No.126/2002

Sri S.P. Neog.

-VERSUS-

U.O.I. & Ors.

Rejoinder to the written statement filed by the respondents:

1. That the applicant has been served with a copy of the written statement and has gone through the same. Save and except the statement which are not specifically admitted herein below, rests may be treated as total denial. The statement which are not born out of records are also denied.

2. That the applicant instead of replying the parawise statements, begs to frame the issue raised by the respondents which areas follows.

a) Due to poor grading in ACR (below bench mark) the applicant has not been promoted to the Grade of Superintendent, in terms of Ministries letter dated 27.3.1997.

b) The benefit of ACP scheme has not been extended to the applicant for the same reason for which he could not be promoted to the post of Superintendent.

c) The leave salary of the applicant has not been released due to the fact that the address of the doctor

1988-91

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concerned could not be traced out and hence same has been treated as unauthorised absence.

3(a). That in regard to the issue regarding denial of due promotion to the applicant in the grade of Superintendent, it is stated that till dated there is no adverse entry in the CR of the applicant and he is having a outstanding service career and this fact has been admitted by the respondents in para 5 of the written statement. Taking into consideration the aforesaid admitted facts, it can not be assumed that the applicant's grading in CR is below the so called "bench mark". The respondents have failed to evaluate the bench mark as per Rule guiding the field. The only for the first time could come to know about the said fact and the respondents never apprised him about the fact as required under Law. The Law is very clear that uncommunicated ad-verse entry cannot be a part of assessment of an officer.

3(b). That in respect of denial of benefit under ACP scheme, the applicant begs to state that as per the scheme dated 9.8.1999, the benefit can be withheld only in case of employee during currency of Departmental Proceeding. Admittedly in case of the present applicant, not to speak of any such proceedings, even no adverse entry is available in any of his ACR and this fact has been admitted by the respondents in para 5 of the written statement. Under no circumstances the benefit of ACP scheme can be denied to the present applicant and as such appropriate direction need be issued to the respondents to extend the said benefit and to pay interest @ 21% for such delayed payment.

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3(c). That in respect of the contention of the respondents in respect of denial of leave salary, the applicant begs to state that from the series of events as narrated above, it is crystal clear that the respondents have acted with a malafide intention in each stage of his service career and as a consequence of such action, the leave salary of the applicant has not been released as yet. Till date there is no communication from the respondents as to why of searching the address of the doctor who certified the applicant to be sick, the matter has been delayed. In such an eventuality the Hon'ble Tribunal may be pleased to pass appropriate direction towards the respondents to release his leave salary with interest @ 21% on delayed payment.

4. That in a nutshell, the grievance of the applicant is basically against the malafide action on the part of respondents in denying his due promotion, financial up gradation and non payment of due leave salary. It is stated that the respondents at no point of time apprised the applicant about his ACR or any such adverse or any such down grading. It is noteworthy to mention here that since long he has been shown to be the senior most Inspectors and the fact will be revealed from the seniority list annexed to the OA. That apart in number of occasions the juniors to the applicant has been superseded him and thus it cannot the factor of his ACR. The respondents hence now issued yet another order of promotion dated 23.9.2002, promoting 149 Inspectors to the Grade of Superintendent ignoring the case of the applicant and this promotions have been made only on the basis of seniority. The statement made by the



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respondents are far from truth and there are instances where Inspectors have been promoted to the grade of Superintendent even during the currency of Departmental Proceedings.

A copy of the said order dated 23.9.2002 is annexed as ANNEXURE-RJ-1.

In that view of the matter the applicant prays before the Hon'ble Tribunal for a direction towards the respondents to produce all the relevant records including the minutes of the DPC held for promotion to the Grade of Superintendent in the year 1999-2000 (Annexure-2) and the ACR's of the applicant for last 7 years w.e.f. 1995 to 2002.

5. That the applicant begs to state that under the facts and circumstances stated above the OA deserves to be allowed with cost, and the respondents may be direction (a) to promote the applicant to the post of Superintendent with retrospective effect with all consequential service benefit (b) to extend the financial upgratin as per ACP scheme w.e.f. 9.8.1999 with 21% interest on delayed payment and (c) to release his due leave salary along with 21% interest on such delayed payment.

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VERIFICATION

I Shri Siba Prasad Neog, aged about 50 years, S/o-  
Shri Umesh Ch. Neog, Presently working as Inspector, Central  
Excise, Under Makum Range, Tinsukia Division, do hereby  
solemnly affirm and verify that the statements made in  
paragraphs 1-3 and 5..... are  
true to my knowledge and those made in  
paragraphs .....4..... are also true to my legal  
advice and the rest are my humble submission before the  
Hon'ble Tribunal. I have not suppressed any material facts  
of the case.

And I sign on this the Verification on this the  
4th day of Oct. of 2002.

Signature  
Siba Prasad Neog



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

ESTABLISHMENT ORDER NO. 139/2002. DATED SHILLONG THE 23<sup>rd</sup> SEPTEMBER 2002

Subject: Estt. Promotion, transfer and posting in the grade of Supdt. Gr. 'B' - order regarding.

PART - I

PROMOTION

The following Inspectors of Central Excise and Customs are hereby promoted to the grade of Superintendent Group 'B' in the scale of pay of Rs. 6500-200-10,500/- with effect from the date they assume charge of the higher post at their places of postings with immediate effect and until further orders.

| Sl No. | Name                                        |
|--------|---------------------------------------------|
| 1      | Pankaj Singh                                |
| 2      | Tarun Kr. Singh                             |
| 3      | Pankaj Singh                                |
| 4      | Anand Kr. Dey                               |
| 5      | Smt. H. Mamcha Devi <i>CD implied</i>       |
| 6      | Debashish Mazumder                          |
| 7      | Jamkhogin Haokip (ST) <i>CD Excise 2phd</i> |
| 8      | Smt. Hilda Mary Syniem (ST)                 |
| 9      | Abdul Mutalib                               |
| 10     | Sujit Mishra                                |
| 11     | Syed Talfique Hussain                       |
| 12     | Dhani Ram Das                               |
| 13     | Pabitra Katak                               |
| 14     | Jasabanta Mazumder                          |
| 15     | Rajkumar Kalita                             |
| 16     | Dile. Debajyoti Sinha                       |
| 17     | Ganesh Ch. Sharma                           |
| 18     | Joydeep Dutta                               |
| 19     | Homi Prasad Sharma                          |
| 20     | Swapan Kr. Nath                             |
| 21     | Indip Ch. Roy                               |
| 22     | Rahul Sinha                                 |
| 23     | Imdadur Rahman                              |
| 24     | Sagar Kr. Dutta                             |
| 25     | Dwigendra Mohan Das                         |
| 26     | Nikendra Singh                              |
| 27     | Nazimuddin                                  |
| 28     | Sudip Kr. Dutta                             |
| 29     | Hem Chandra Kalita                          |
| 30     | Daluxwar Chand (ST)                         |
| 31     | Pratulla Kr. Taye. (ST)                     |
| 32     | Thangchuollo. (ST)                          |
| 33     | Tushar Kanti Sen                            |
| 34     | Niharosh Nandi. (SC)                        |
| 35     | Tarlo Kreb. (ST)                            |
| 36     | S. Khlong. (ST)                             |
| 37     | Dilip Kr. Gogoi                             |
| 38     | Bibhuti Ghuman Borah                        |
| 39     | Shyamal Kr. Dutta                           |
| 40     | Ashok Kr. Chakraborty                       |
| 41     | Khagen Borah                                |
| 42     | Eljoy Bhushan Baruah                        |
| 43     | Mani Bhushan Roy Choudhury                  |
| 44     | Dipak Kr. Das                               |
| 45     | Basudeb Bhattacharjee                       |
| 46     | Imranul Goni                                |
| 47     | Subhasish Guha                              |

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|     |                              |
|-----|------------------------------|
| 48  | Omp Kr. Choudh               |
| 49  | Parag Kr. Baruah             |
| 50  | Asmit Chakraborty            |
| 51  | Singhik Bhattacharya         |
| 52  | Ashish Ashikari              |
| 53  | Biswendu Dey                 |
| 54  | Subir Das                    |
| 55  | Bikash Ch. Nath              |
| 56  | Nihar Ranjan DebRoy          |
| 57  | Shankar Choudhary            |
| 58  | Pannalal Dutta               |
| 59  | Gopepur Ch. Paul             |
| 60  | Alit Mohan Paul              |
| 61  | Mohit Kanti Dey              |
| 62  | Mahendra Dutta               |
| 63  | Mrinal Kanti Goswami         |
| 64  | Sasanka Sakhar Das, (SC)     |
| 65  | Md. Muhibur Rahman           |
| 66  | Jugadil Das                  |
| 67  | Ganesh Ch. Deka              |
| 68  | Piyush Banerjee              |
| 69  | Md. Hanif Alam Bora          |
| 70  | Swapnastur Mahanta           |
| 71  | Pratap Choudhary             |
| 72  | Rabindra Kr. Borah           |
| 73  | Nijit Kr. Nandi              |
| 74  | Dharani Borah                |
| 75  | Md. Abdul Munem              |
| 76  | Fahad Borborah               |
| 77  | Rabindra Pathak(SC)          |
| 78  | Narendra Ch. Talukdar, (ST)  |
| 79  | Lokendra Nath Sonowal, (SC)  |
| 80  | Jitendra Kr. Saikia, (ST)    |
| 81  | Baharam Pegu, (ST)           |
| 82  | Pratishwar Doley, (ST)       |
| 83  | Prasenjit Borah, (ST)        |
| 84  | John Oscar Marak, (ST)       |
| 85  | Bishnu Ram Boro, (ST)        |
| 86  | Ms. Lalchandiani Saini, (ST) |
| 87  | Dambaro Bhoxliari, (ST)      |
| 88  | Paul Peter Kujur, (ST)       |
| 89  | Ajit Debnath                 |
| 90  | Rex Hungzo, (ST)             |
| 91  | R.K. Derendrajit Singh       |
| 92  | Ranabir Chakraborty          |
| 93  | Harotosh Kr. Das             |
| 94  | Hareswar Goswami             |
| 95  | Sanjay Kr. Mazumder          |
| 96  | Dipankar Dey                 |
| 97  | Buddha Pratim Dutta          |
| 98  | Rajkumar Debendra Singh      |
| 99  | Subir Dutta Choudhury        |
| 100 | Ms. Shibani Bhattacharya     |
| 101 | Rajkumar Surchandra Singh    |
| 102 | Ms. Rita Rani Bhowmick       |
| 103 | Sivaji Chanda                |
| 104 | Abhijit Dey (No 1)           |
| 105 | Ratnangshu Chakraborty       |
| 106 | Ms. Champa Shome             |
| 107 | Pranidhar Kakoti             |
| 108 | Gobindo Nath Kalita          |
| 109 | Jatindra Mohan Bora          |
| 110 | Ms. K. Patricia Laloo, (ST)  |
| 111 | Ashim Roy                    |
| 112 | Pallav Lochan Saikia         |
| 113 | Nirmal Kr. Das, (SC)         |

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|       |                               |
|-------|-------------------------------|
| 114   | Lobendu Sekhar Das (SC)       |
| 115   | Dipen Ch. Barua, (SC)         |
| 116   | Kanitendu K. Mahapatra, (SC)  |
| 117   | L.L. Maiti Ganguli, (ST)      |
| 118   | Lalithmoni Srima, (ST)        |
| 119   | Kaladai, (ST)                 |
| 120   | Jyoti Kr. Pasha, (SC)         |
| 121   | Lalawone, (ST)                |
| 122   | Gautam Ch. Mahanta, (SC)      |
| 123   | Srinivas Nongboet, (ST)       |
| 124   | Golu Ranjan Sutradhar, (SC)   |
| 125   | H. Valentine Basuawmok, (ST)  |
| 126   | Swapan Das, (SC)              |
| 127   | Ms. Zarina Khori Shodap, (ST) |
| 128   | Tapan K. Rajkhowa, (SC)       |
| 129   | Tapan Ch. Gayen, (SC)         |
| 130   | Anthony Pothmilkong, (ST)     |
| 131   | K. Hmar, (ST)                 |
| 132   | Hiramba Basumatari, (ST)      |
| 133   | Ms. Leena Deka, (ST)          |
| 134   | Hema, Nanda Bala, (ST)        |
| ✓ 135 | N.R. Das, (SC)                |
| ✓ 136 | Jyoti Ch. Das, (SC)           |
| ✓ 137 | S.B. Kanakkar, (SC)           |
| ✓ 138 | Gautam Das, (SC)              |
| 139   | Umesh Dhar, (SC)              |
| 140   | K. Hmar, (ST)                 |
| 141   | S.K. Roy, (SC)                |
| 142   | M.L. Choudhury, (SC)          |
| 143   | N.D. Sutradhar, (SC)          |
| 144   | G.N. Hmar, (ST)               |
| 145   | Golap Ch. Das, (SC)           |
| 146   | N.N. Deka, (SC)               |
| 147   | S.K. Kundu, (SC)              |
| 148   | Ms. Kiranmoyee Das, (SC)      |
| 149   | G.K. Bhuyan, (SC)             |

The seniority of the officers will be fixed in the order shown above.

The officers promoted vide this order are hereby asked to exercise options within one month from the date of promotion as to whether their initial pay should be fixed in the higher post on the basis of FR22(I)(a) (1) straightway without any further review on accrual of increment in the pay scale of the lower post or their pay on promotion should be fixed initially in the manner as provided under FR22 (a) (1) which may be refixed under the provisions of FR 22(I) (a) (1) on the date of accrual of next increment in the scale of pay of lower post. Option once exercised shall be final.

In the event of refusal of promotion they would be debarred from promotion for a period of one year.

#### PART - II

#### TRANSFER AND POSTING

On promotion the above mentioned officers are retained in their present places of postings. The postings of these officers in the grade of Superintendent will be decided at a later date.

#### NOTE:

1. In the event of reversion of any officer(s) to Central Police Commissionerate, Shillong, who is/are on deputation, the junior most officer in the pay band of Inspector order will be reverted as Inspector.

C.No. 11(3)28/ET.III/2000/31608-25788

Dated:

23 SEP 2002

Copy to: waiters for information &amp; necessary action to:

1. The Joint Secretary (Admin.), Central Board of Excise & Customs, North Block, New Delhi 110 002. This has reference to the Ministry's letter dated 23rd Sept, 2002 issued under F.No.A-60012/23/2002/Ad.II(B).
2. The Chief Commissioner (EZ), Central Excise & Customs, 15/1, Strand Road, Customs House, Calcutta - 700 001. This has reference to the Ministry's letter dated 23rd Sept 2002 issued under F.No.A-60012/23/2002/Ad.II(B).
3. The Commissioner of Customs NEP, Shillong.
4. The Additional Director General, Directorate General of Revenue Intelligence, 'D' Block, I.P. Bhawan, (7th Floor), I.P. Estate, New Delhi - 110 002. Copies meant for the concerned officers are enclosed.
5. The Commissioner (Admin.), Customs & Central Excise, Guwahati.
6. The Additional Commissioner (Tech.), Central Excise Hqrs. Office, Shillong.
7. The Additional Director, Directorate General of Audit, Room No-172, 107, C.R. Building, I.P. Estate New Delhi.
8. The Deputy Development Commissioner, Noida Export Processing Zone, Noida Dadri Road, Phase-II, Noida-201 305. Copy meant for the concerned officers is enclosed.
9. The Regional Director, Narcotics Control Bureau, Imperial Regional Unit, Peona Bazar, Imphal - 795 001.
10. The Deputy Director, DRI Regional Unit, Shillong, O.A. Hall, Chiridid, Shillong - 793 001. Copies meant for the concerned officers is enclosed.
11. The Dy./Asstt. Commissioner of Central Excise/Customs - \_\_\_\_\_ Division. The copy meant for the concerned officer is enclosed.
12. The CAO/FAO, Central Excise & Customs, Hqrs. Office, Shillong.
13. The S.O. DRI Intelligence Cell, Silchar Normal School Road, (Adjacent to Garooharty Medical Centre) Terepore, Silchar.
14. Shri/Smt. \_\_\_\_\_ for compliance.
15. Accounts I & II/ET I & II/Confid. Br./CIU-cum-VIG Br. Of Hqrs. Office, Shillong.
16. The General Secretary, Gr.'B' / 'C' Executive Officers' Association, Customs & Central Excise, Shillong.
17. Guard File.

(B. THAWAN)  
 ADDITIONAL COMMISSIONER (P&V)  
 CENTRAL EXCISE & CUSTOMS  
 SHILLONG.