

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

CP 1105 under page- 1 to 2 CP closed R. 805
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✓ R.A./C.P No... 1/05.....

✓ E.P./M.A No... 22/04.....

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SECTION OFFICER (Judl.)

Shakti
16/11/17

(SEE RULE -4)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 93 / 2003

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) Sri Krishna Bhadrn Polujel.

Respondent (s) Union of India -Vs- ~~India~~ 2003.

Advocate for the Applicant (s) Mr A.S. Choudhury & I. Hussain

Advocate for the Respondent(s) Case A.K. Chawli
For Dept. 2, 3, 4, 5

Notes of the Registry	Date	Order of the Tribunal
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This application is in form but not in time
 Consideration Petition is
 Filed / not filed C.F.
 Fee of Rs 50/- deposited
 No. 84/490249
 Dated 29/4/2003

[Signature]
 Dy. Registrar

[Signature]
 11/5/03

Steps Taken

Notice prepared and sent to D/S
 for union the respondent No
 1 to 18 by Regd. A.D.

[Signature]
 8/5/03

D/N_o 946/962/03
 13/5/03

Notice return in 2/10 Respondent 18
 as "No such person in his address"
 as mark by Post man.
 in C file *[Signature]*
 5/6

2.5.2003

Heard Mr. I. Hussain,
learned counsel for the
applicant.

Issue notice to show
cause as to why the application
shall not be admitted.

List on 2.6.2003 for
admission.

pendency of the applica-
tion shall not be a bar on the
respondents to consider the
case of the applicant for
promotion.

[Signature]
 Vice-Chairman

mb

2.6.2003 Put up on 16.6.2003 for further orders.

N

Vice-Chairman

bb

16.6.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. R.K. Upadhyaya Member (A).

Heard Mr. I. Hussain, learned counsel for the applicant and also Mr. A.K. Chowdhury, learned Addl. G.G.S.C. for the respondents.

The application is admitted. Call for the records.

Further four weeks time is allowed to the respondents to file written statement.

List again on 22.7.2003 for orders.

Member

Vice-Chairman

mb

22.7.2003 Mr. B.C. Pathak, learned Addl. G.G.S.C. appearing on behalf of Mr. A.K. Choudhury, learned Addl. G.G.S.C. for the respondents prays for time for filing written statement.

List again on 20.8.2003 for orders,

Member

Vice-Chairman

mb

Pl. comply order dated 16/6/03

NS

16/6/03

Comply the order vide dtd. 13/5/03

17/6

No. written statement has been filed

21.7.03

No. Wls has been filed

19.8.03

20.8.2003

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

Heard Mr. I. Hussain, learned counsel for the applicant. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. is on accommodation. The respondents are yet to file written statement.

The respondents are allowed further four weeks time to file written statement. List the case on 22.9.2003 for written statement.

K.V. Prahaladan
Member

[Signature]
Vice-Chairman

bb

22.9.2003

Heard Mr. I. Hussain, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondent Nos. 1, 2 and 5.

Mr. A.K. Choudhury, learned Addl. C.G.S.C. prayed for time for filing written statement. Prayer is allowed.

List on 24.10.2003 for written statement.

K.V. Prahaladan
Member

[Signature]
Vice-Chairman

mb

24.10.03 Adjourned to 19.11.03.

19.11.2003

Present: The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman
The Hon'ble Shri S.K. Naik Administrative Member.

Mr. I. Hussai, learned counsel for the applicant.

Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

Reply affidavit has been filed today with copy to the opposite party.

Contd.

19/9/03

No written statement has been filed by the respondents.

WJS
19/9/03

No written statement has been filed

[Signature]
18.11.03

13/10
[Signature]

(4)

Contd.

19.11.2003 Applicant seeks and is allowed three weeks time to file rejoinder. List the case on 7.1.2004 for hearing.

On the next date of hearing respondents should keep available with them the relevant DPC Meeting/Proceedings held in October, 2002 and March, 2003 for our perusal.

19.11.03
W/S submitted
by the Respondents.
Nos. 1, 2, 3, 4 & 5.

[Signature]
Member

[Signature]
Vice-Chairman

bb

17.12.2003 List on 24.12.2003 before the Division Bench.

[Signature]
Member (A)

mb

19/12/03
Rejoinder has been
filed by the applicant
WS without sign in verification.
19/12/03

The above defects
is removed.

WS
14/1/04.

The case is ready
for hearing.

24.12.03
Mr I.Hussain, learned counsel for the applicant and also Mr A.K.Choudhury, learned Addl.C.G.S.C have submitted that the case was originally fixed on 7.1.2004. But in the meantime it has been advanced and posted to today. Therefore, they have not brought their file and also necessary documents in support of their pleas. Thus they prayed for adjournment.

Accordingly list against on 7.1.04 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

pg

26.2.2004 Present: Hon'ble Shri Shanker Raju, Judicial Member

Hon'ble Shri K.V. Prahladan, Administrative Member.

Heard the learned counsel for the parties. The O.A. stands disposed for the reasons recorded separately.

[Signature]
Member (A)

[Signature]
Member (J)

nkm

10.3.04
Copy of the budget
has been sent to the
officer for issuing the
same to the applicant.
WS

[Signature]
18/3/04

b

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.93 of 2003

Date of decision: This the 26th day of February 2004

The Hon'ble Shri Shanker Raju, Judicial Member

The Hon'ble Shri K.V. Prahladan, Administrative Member

Shri Krishna Bahadur Bhujal
S/o Late Ranbir Bhujal
Assistant Commissioner
Central Excise, Jorhat Division,
Jorhat, Assam.

.....Applicant

By Advocates Mr A.S. Choudhury and
Mr I. Hussain.

- versus -

1. The Union of India, through the
Secretary,
Ministry of Finance (Department of Revenue),
Government of India,
New Delhi.
2. The Chairman
Central Board of Excise and Customs,
New Delhi.
3. The Member (Personnel & Vigilance)
Central Board of Excise & Customs,
New Delhi.
4. The Chief Commissioner
Central Excise,
Kolkata.
5. The Commissioner
Central Excise
Shillong.
6. Shri Prem Chndra
General Manager
Government Opium Factory, Gajipur,
Uttar Pradesh.
7. Shri Dimbeswar Bora
Deputy Commissioner
Central Excise (A&E),
Shillong.
8. Shri B.R. Deb Roy
Deputy Commissioner, Customs,
Strand Road, Kolkata.
9. Shri Nazrul Islam
Deputy Commissioner
Siliguri Customs Division
Siliguri, West Bengal.
10. Shri A.K. Pandit
Deputy Commissioner,
Strand Road, Kolkata.
11. Md. A. Hussain
Deputy Commissioner
Central Excise
Bhangagarh, Guwahati.

12. Shri L.S. Vanchuawng
Deputy Commissioner, Customs
Aizwal Division,
Aizwal, Mizoram.
 13. Shri M.C. Hazarika
Deputy Commissioner
Central Excise, Dibrugarh Division,
 14. Shri Biswajit Sarkar
Deputy Commissioner
Customs,
Strand Road, Kolkata.
 15. Shri Subir Kumar Chakraborty
Deputy Commissioner
Central Excise, Shillong Division,
Shillong.
 16. Shri S.P. Chakraborty
Deputy Commissioner
C/o Member (P & V),
Central Board of Excise & Customs,
New Delhi.
 17. Shri P.S. Purkayastha
Deputy Commissioner
New Delhi.
 18. Shri Rama Kanta Das
Deputy Commissioner,
Central Excise, Digboi Division,
Tinsukia, Assam.
-Respondents
By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

O R D E R (ORAL)

SHANKER RAJU, MEMBER (J)

The applicant, an Assistant Commissioner in the Central Excise and Customs seeks promotion as Deputy Commissioner. The DPC held in 2002 has not considered the case of the applicant.

2. Heard Mr I. Hussain, learned counsel for the applicant and Mr A.K.Chaudhuri, learned Addl. C.G.S.C.


3. The learned counsel for the applicant states that as per the instructions on writing of ACRs a representation against adverse remarks in the ACR is to be disposed of within three months from the date of its submission.

4. We also find that as per the procedure to be adopted in holding the DPC as contained in O.M. dated 10.4.1989, when a representation is pending against adverse remarks in the ACR, the DPC may in their discretion defer the consideration of case until a decision on the representation against the adverse remarks is taken.

5. In case the adverse remarks is toned down or expunged review DPC is to be held to consider the case of the applicant for promotion from the date his juniors were promoted.

6. As it is found that the representation dated 15.5.2001 against the adverse remarks which were communicated to the applicant on 25.4.2001 is still pending and no action taken by the respondents for disposal of the representation, the O.A. stands disposed of with directions to dispose of the representation by a speaking order without taking into consideration the litigation before us and without prejudice to him and the same shall be communicated to the applicant. If the adverse remarks are toned down or expunged a review DPC to be held for consideration of the applicant for promotion to Deputy Commissioner from the date his juniors are promoted and in that event he would be entitled to all consequential benefits.

The O.A. stands disposed of.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

3/5/03

2011

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 30th APR 2003
 गुवाहाटी बेंच
 Guwahati Bench

ORIGINAL APPLICATION NO. 93/2003.

Sri Krishna Bahadur Bhujel - Vs - Union of India & Others

LIST OF DATES

Sl.No.	Statement Particulars	Para No. Page No.	Anx. No. Page No.
1.	Residential status	$\frac{4.1}{6}$	-
2.	Educational qualification	$\frac{4.2}{6}$	-
3.	Appointed as Inspector of Central Central Excise in 1975 , joining at Dhubri on 25.9.75 , transferred to various places , promoted as Superintendent w.e.f. 13.12.88, transferred to various places and while at Imphal promoted to the post of Asstt. Commissioner vide a common order dt. 12.6.98(Applicant's name at Sl.No.22) and transfer of the applicant as Manager Govt. Opium & Alkaloid Works(G.O.A.M) Gajipur in Uttar Pradesh	$\frac{4.3}{6}$	$\frac{1}{24 \text{ to } 29}$
4.	Because of some anomalies in seniority list in the rank of Superintendents preferred O.A. No.237/99 in this Hon'ble Tribunal and this Tribunal vide an order dt. was plased to dispose of the same	$\frac{4.5}{8}$	-
5.	In pursuance of the aforesaid order, applicant's position was revised at 462.22 against earlier at 1067 on All India basis and his name was reflected in serial No.22 of the list dt. 18.6.01. After retirement of some Superintendents, applicant's position came to 7 in the <i>seniority</i> list under Shillong Collectorate	$\frac{4.6}{8}$	$\frac{2}{30 \text{ to } 39}$
6.	Thereafter 5 junior persons (Respondent No.14 to 18) were promoted to Asstt. Commissioner on temporary basis. They are much junior to applicant in the rank of Superintendent as well as Asstt.Commissiner.	$\frac{4.7}{9}$	$\frac{3}{40 \text{ to } 41}$

Sl.No.	Statement Particulars	Para No. Page No.	Anx.No. Page No.
7.	Applicant was transferred from Gajipur to Shillong collectorate, joined on 3.11.01 and then to Jorhat where he joined on 24.4.01 while at Jorhat he received the impugned communication dt. 24.4.01 from respondent No.5 conveying adverse remark, recorded in A.C.R. for 1999-2000 for his service at Gajipur. The applicant submitted representation dt. 15.5.2001 to respondent No.5.	$\frac{48}{10}$	$\frac{4}{42}$
8.	The applicant received another communication dt. 13.2.2002 from Under Secy. G.O.I, Ministry of Revenue informing him about 2 other adverse remarks for 1998-99 for the period of service at Gajipur. The applicant submitted representation	$\frac{49}{11}$	$\frac{6}{46}$ $\frac{7}{47 \text{ to } 48}$
9.	The respondents have not disposed the representation and nothing has been communicated as yet	$\frac{4.10}{11}$	-
10.	Respondent No.1 issued the impugned office order No.181/2002 dt. 11.11.02 promoting 92 Nos of Asstt.Commissioner to Deputy Commissioners from the group of Asstt.Commissioners who were promoted from Supdt. of Customs	$\frac{4.11}{12}$	$\frac{8}{49 \text{ to } 56}$
11.	The respondent have not published the seniority/gradation list in the rank of Asstt.Commissioner	$\frac{4.12}{12 \text{ to } 13}$	-
12.	The applicant submitted representation dt. 14.11.2002 to respondent No.3 against his deprivation from promotion stating that his representation have not been disposed, it is presumed that the adverse remarks has been expunged	$\frac{4.13}{13}$	$\frac{9}{57}$
13.	Representation dt. 13.1.03	$\frac{4.14}{13 \text{ to } 14}$	$\frac{10}{58 \text{ to } 59}$
14.	Legal notice dt. 13.1.03 to respondent No.3	$\frac{4.15}{14}$	$\frac{11}{60 \text{ to } 62}$

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Sl.No.	Statement Particulars	Para No. page No.	Anx. No. Page No
15.	Legal Grounds	<u>5(i) to 5(x)</u> 15 to 19	- <u>12</u> 63 to 64
16.	Relief sought for	<u>8(i) to 8(6)</u> 20 to 21	-
17.	Interim relief sought for	<u>9(i) to 9(4)</u> 21 to 22	-
18.	Verification	Page 23	-

Filed by
I. Hussain
 (I. Hussain) 30/4/03
 Advocate
 29.4.03.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI 14

(An application under Section 19 of the Central Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. _____/2003.

Sri Krishna Bahadur Bhujel Applicant.

-Vs.-

The Union of India & Ors. Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application with Verification	1 to 23.
2.	<u>Annexure No. 1</u> : Copy of common promotion and transfer order dtd. 12.6.98.	24 to 29
3.	<u>Annexure No. 2</u> : Copy of corrected seniority list dated 18.6.2001 in the rank of Supdt.	30 to 39
4.	<u>Annexure No. 3</u> : Copy of promotion order dated 2.1.2002 issued by R. No.4 promoting Respondent No.12 to 16.	40 to 41
5.	<u>Annexure No. 4</u> : Copy of impugned letter dated 25.4.01 of the R.No.5 communicating the adverse remarks.	42
6.	<u>Annexure No. 5</u> : Copy of representation dated 15.5.01 of the applicant to the Respondent No.5.	43 to 45
7.	<u>Annexure No. 6</u> : Copy of letter dated 13.2.2002 of the Under Secy. as regards adverse remark.	46
8.	<u>Annexure No. 7</u> : Copy of representation dated 8.7.2002 of the applicant.	47 to 48

...2.

: 2 :

9. Annexure No. 8 :
Copy of the impugned Office
order No. 181/02 dated 11.11.02
issued by the R.No.1. -49 to 56
10. Annexure No. 9 :
Copy of the representation dated
14.11.02 submitted to the R.No.3. - 57
11. Annexure No. 10 :
Copy of the representation dated
18.11.02 sent to the R. No. 3. - 58 to 59
12. Annexure No. 11 :
Copy of legal Notice dated 13.1.03
sent the Respondent No.3. - 60 to 62
13. Annexure No. 12 :
Copy of relevant portion of the
Guidelines as regards represent-
ation against adverse remarks etc. - 63 to 64.
14. Notice.

J. Hussain
Advocate
filed by .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

16

Filed by the Applicant
Sri Krishna Bahadur Bhujel
Through
Iqbal Hussain
Advocate
30.4.03

(An application under Section 19 of the Central
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. _____/2003.

Sri Krishna Bahadur Bhujel

.... Applicant.

-Versus-

The Union of India & Others

..... Respondents.

DETAILS OF THE APPLICANT :

1. Name of the Applicant : Sri Krishna Bahadur Bhujel.
S/o. Late Ranbir Bhujel,
R/o. Upper Mauprem,
"Spritika Niwas",
Shillong - 793 002,
Mehgalaya.
2. Designation : Assistant Commissioner,
Central Excise, Jorhat Division,
P.O. Jorhat, Dist. Jorhat,
Assam.

...2.

2

PARTICULARS OF RESPONDENTS :

- Name and designation of the Respondents. : 1. The Union of India,
through the Secretary,
Ministry of Finance,
(Department of Revenue)
Govt. of India,
North Block, New Delhi-11 0002.
2. The Chairman,
Central Board of Excise
and Customs, North Block,
New Delhi - 110002.
3. The Member,
(Personnel and Vigilance)
Central Board of Excise and
Customs, North Block,
New Delhi - 110 002.
4. The Chief Commissioner,
Central Excise,
15/1, Strand Road,
Kolkata - 700 001.
5. The Commissioner,
Central Excise,
Morello Compound, Shillong.
6. Sri Prem Chandra,
General Manager,
Govt. Opium Factory, Gajipur,
P.O. Gajipur, Utterpradesh.

2

: 3 :

- 7. Sri Dimbeswar Bora,
Deputy Commissioner,
Central Excise (A & E),
Morellow Compound, Shillong.
- 8. Sri B.R. Deb Roy,
Dy. Commissioner, Customs,
C/o. Commissioner of Customs,
Strand Road, Kolkata.
- 9. Sri Nazrul Islam,
Deputy Commissioner,
Siliguri Customs Division,
P.O. Siliguri, West Bengal,
- 10. Sri A.K. Pandit,
Deputy Commissioner,
C/o. Commissioner of Customs,
Strand Road, Kolkata.
- 11. Md. A. Hussain,
Deputy Commissioner,
Central Excise,
Bhangagarh, Guwahati-5.
- 12. Sri L.S. Vanchhawng,
Deputy Commissioner, customs,
Aizwal Division, Aizwal,
Mizoram.

2

: 4 :

13. Sri M.C. Hazarika,
Deputy Commissioner.
Central Excise, Dibrugarh
Division, Milan Nagar,
Dibrugarh, Assam.
14. Sri Biswajit Sarkar,
Deputy Commissioner,
Customs, C/o. Commissioner
of Customs, Strand Road,
Kolkata.
15. Sri Subir Kumar Chakaraborty,
Deputy Commissioner,
Central Excise, Shillong Divn.,
Morello Compund, Shillong.
16. Sri P S.P. Chakraborty,
Deputy Commissioner,
C/o. Member (P & V),
Central Board of Excise & Customs,
North Block, New Delhi - 2.
17. Sri P.S. Purukayastha,
Deputy Commissioner,
C/o. Commissioner of Customs,
New Delhi.
18. Sri Rama Kanta Das,
Deputy Commissioner, Central Excise,
Digboi Division, P.O. Digboi,
Dist. Tinsukia, Assam,

I. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE.

1. Impugned letter No. C. No.3/Commr/ACR/CON/2000 dated 25.4.2001 issued by the Respondent No.5 (vide Annexure No.4) and letter F.NO. A-28017/7/2000-EC/PER Dated 13.2.2002 issued by the Respondent No.1 under signature of the Under Secretary to the Govt. of ~~ax~~ India, Ministry of Finance, Department of Reveune (vide Annexure No.6) communicating adverse remarks against the applicant.

ii) Impugned Office order No. 181/2002 dated 11.11.2002 passed by the Respondent No.1 (under signature of Under Secretary of the department) so far it relates to the group of the Assistant Commissioner promoted from the group of Superintendent of Central Excise (vide Annexure No.8)

2. JURISDICTION OF THE TRIBUNAL :

The applicant ~~axax~~ declare that, the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicant declares that the application is filed before this Hon'ble Tribunal within ~~ax~~ time limit prescribed under Sec. 21 of Administrative Tribunal Act, 1985.

2

4. FACTS OF THE CASE :

4.1. *G That the applicant states that, she is a permanent resident of shillong and presently serving as Assistant Commissioner, Central Excise, Jorhat Division, Jorhat, Assam.

4.2. That the applicant states that, he had his education at Shillong since primary level upto College level. He is a graduate in Arts with Political science, English, Economic and Nepali as his subject of studies. He never studied Hindi ~~sight~~ at School or in College level. However, he gathered the working knowledge of Hindi during his service career.

4.3. That, the applicant states that, he was initially appointed as Inspector of Central Excise and Customs in the year 1975 and joined at Dhubri (Assam) on 25.9.75. Thereafter he was transferred to various places. While serving at Tinsukia, he was promoted to the post of Superintendent w.e.f. 13.12.88. Thereafter, he was transferred to various places in North Eastern Region and while posted at Imphal, Manipur, he was promoted to the post of Assistant Commissioner vide ~~an~~ common order No. 122/1998 ~~of~~ dated 12.6.98 issued by the Under Secretary, Govt. of India, Ministry of ~~Risk~~ Finance, New Delhi. In the said order the name of the applicant is at Sl. No. 22 of the aforesaid order. By the said order the applicant was transferred as Manager, Govt. Opium & Alkaloids Works (G.O.A.W) Gajipur in Uttar Pradesh.

The...

P
2

The copy of common promotion and transfer order dated 12.6.98 is annexed as Annexure No.1.

4.4. That the applicant states that, thereafter he joined at G.O.A.W., Gajipyr on 29.6.98 as Manager is equivalent to the rank of Assistant Commissioner, The G.O.A.W. is a labour oriented factory where opium is cultivated, processed and sent to various ~~xxxxxxx~~ authorised establishments etc. It is purely a labour oriented industry and the applicant got famailiarised with activities within a short time. Apart from cultivation and processing opium, the job of Factory Manager involved general administation, tax matters, public relation, security, constructive work and so on. During the relevant time Sri Prem Chandra was the General Manager of Factory (Respondent No. 6) . The applicant found many anomolies at the factory. He reported the matters to the Respondent No.6 but he was trying to avoid all such things. The applicant also noticed that, the Respondent No.6 used to employ many factory workers for his domestic works in his residence and he objected to this also. When the Committee from Chief Controller of Accounts, New Delhi ~~xxxx~~ visited the factory the applicant informed him of the irregularities and as such the Respondent No. 6 was very much annoyed against the applicant.

4.5. That...

2

4.5. That the applicant states that, earlier, there were various anomalies as regards seniority list in the rank of Superintendent of Central Excise on All India basis as well as under Shillong Collectorate. Because of these reasons some of the Superintendents approached this Hon'ble Tribunal vide O.A. No. 237/99 for redressal of their grievances and this Hon'ble Tribunal vide an order dated 8.2.2001 was pleased to dispose of the same directing the Respondent authorities for correction of the seniority list. The applicant is not having the copy of the aforesaid order of this Hon'ble Court and as such has not annexed the same with this application.

4.6. That the applicant states that, in pursuance of the order of this Hon'ble Tribunal, the seniority position in the rank of Superintendent was recast. Accordingly, the applicant's name was brought in to revised position at 462.22 against his earlier position at 1067 on All India basis. The applicant's name was reflected in the serial No. 22 of the corrected seniority list published on 18.6.2001 of the said list, Person at Sl. No. 1 to 10, Sl. No. 13, 15 and 16 have already retired and seniority position of the applicant came to 7 in the rank of Superintendent under Shillong Commissionerate. The Private Respondents No.7 to 18 are much junior to the applicant in the rank of Superintendent and their seniority status from ~~80~~ 907.1 to 907.22 (excluding the persons who are already retired or expired).

The....

S2

: 9 :

The copy of corrected seniority list dated 18.6.2001 in the rank of Superintendent is annexed as Annexure No. 2.

4.7. That the applicant states that, thereafter, five junior persons in the rank of Superintendents namely Sri Biswajit Sarkar (Respondent No. 14) with seniority position at 907.14, Sri Subir Kumar Chakraborty (Respondent No.15) with seniority position at 907.15, Sri S.P. Chakarborty (Respondent No. 16) with seniority position at 907.16, Sri P.S. Purkayastha (Respondent No. 17 with seniority position at 907.17 and Sri Rama Kanta Das (Respondent No. 18) with seniority position at 907.23 were promoted to the post of Assistant ~~Commissioner~~ ^{Commissioner} an adhoc basis for a period of 6 months on purely temporary basis vide an order dated 2.1.2002 of Respondent No.2 . The aforesaid promotees were much ^{junior} prior to the applicant both in the rank of Superintendents as well as in the rank of a Assistant Commissioner and the applicant had no occasions to worry about at the relevant time as he thought that the promotions of the aforesaid persons will not hamper his further promotion although they were promoted superceeding some other persons.

The copy of promotion order dated 2.1.2002 issued by the Respondent No.4 promoting Respondent No. 12 to 16 is annexed as Annexure No. 3.

4.8. That..

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4.8. That the ~~applicant~~ states that after serving for some time at Opium Factory, Gajipur he was transferred to Shillong as Assistant Commissioner where he joined on 3.2.2000 and then to Jorhat in the same tank where he joined on 3.11.2001 and is presently serving. While at Jorhat he was shocked and surprised to receive a communication dated 25.4.2001 from the Respondent No.5 conveying adverse ~~remarks~~ remarks recorded in the ACR for the year 1999-2000 presumably for the period of his service at Gajipur. As per the letter four numbers of adverse remarks were recorded in the A.C.R. (as per Annexure No.4) and the applicant was directed to represent against the same within thirty days of receipt of the communication if he so desires. The aforesadd communication was received by the applicant on 29.04.2001 at Jorhat. Thereafter, the applicant submitted his representation dated 15.5.2001 to the Respondent No.5 explaining his position in detail and denied the allegations. He also prayed for ~~exp~~ expunction of adverse remarks from the A.C.R. of 1990-2000. He also sent copies of representation to the Joint Secretary (HQ) and also to the Respondent No.4.

The copy of impugned letter dated 25.4.2001 of the Respondent No.5 communicating the adverse remarks is annexed as Annexure No.4.

The copy of representation dated 15.5.2001 of the applicant to the Respondent No.5 is annexed as Annexure No.5.

4.9. That...

4.9. That the applicant states that, although he submitted his representation against the communication of adverse remark within time, he did not receive any communication/order from the Respondent authorities as regards disposal of the representation. Instead the applicant received another letter dated 13.2.2002 from the Under Secretary to the Govt. of India, Ministry of Revenue, New Delhi informed him about 2 other adverse remarks for the year 1998-99 while, he was serving as Manager of the Factory at Gajipur. By the said order also the applicant was directed to file representation within a period of 30 days of receipt of the same if he so wishes. On receipt of the same the applicant submitted his representation dated 8.3.2002 through the Respondent No. 5 (withintime) explaining all the facts and denied all the allegations. He also prayed for expunge the adverse remark from the A.C.R.

The copy of Letter dated 13.2.02 of the Under Secretary, as regards adverse remark is annexed as Annexure No. 6.

The copy of representation dated 8.7.2002 of the applicant is annexed as Annexure No. 7.

4.10. That the applicant states that, inspite of his submission of representation in time, nothing has been communicated to him as regards disposal of the representation till date and he is completely in dark about the fate of both the representations.

4.11. That...

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4.11. That the applicant states that, while he was expecting that his representation will be death^l with by the respondent authorities and will expunge the adverse remark on the basis of his explanations. But the Respondent No.1 authorities issues on impugned Office Order No.181/2002 dated 11.11.2002 promoting as many as 92 Nos of Assistant Commissioner to the post of Deputy Commissioners. ~~from~~ the groups of Assistant Commissioner who were promoted from the grade of Superintendent of Central Excise (As per Annexure No.IV of the impugned order) apart from direct recruit a Assistant Commissioners and, Group of Customs Appraiser and Assistant Commissioners promoted from Superintendent of Customs. However, the case of the present applicant has got the relevancy with the promotion list of Assistant Commissioners promoted from the grade of Superintendent of Central Excise only, By the said order the Respondent No.7 to 18 who are junior to the applicant have been promoted to the rank of Deputy Commissioner.

The copy of impugned Office order No. 181/2002 dated 11.11.2002 issued by the Respondent No.1 (Under signature of Under Secretary) is annexed as Annexure No. 8.

4.12. That the applicant states that, the Respondent authorities have not published the seniority/graduation list of ~~offic~~ers in the rank of Assistant Commissioners and as such, he is not aware of the seniority position of all the Assistant Commissioners who were promoted to the

S2

Deputy.....

Commissioners and as such could not implead all such Officers herein this application. However, the applicant has impleaded the promotæes who were serving under Shillong Commissionerate who are definitely junior to him, As the seniority/gradation list of Assistant Commissioners is not available with the applicant this Hon'ble Tribunal may be pleased to call for the same from the respondent authorities for proper adjudication of the matter.

4.13. That the applicant states that, as on coming to know that, his name has not been includedⁱⁿ/the promotion order, he submitted a representation dated 14.11.2002 to the Respondent No.3 stating the facts of non inclusion of his name in the order. In his representation, the applicant stated about his earlier representation against the adverse remarks which were yet to be disposed of and it is presumed that, the adverse remarks have been expunged. He also prayed the Respondent No. 3 to look in to the matter and pass an order in his favour.

The copy of representation dated 14.11.2002 submitted to the ~~XXXXXXXXXX~~ ~~XXXXXX~~ Respondent No.3 is annexed as Annexure No. 9.

4.14. That the applicant states that, he also submitted another representation dated 18.11.02 to the Respondent No.3 through the Respondent No.5 as his name did....

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did not ~~gi~~ figure in the promotion order presumably on the basis of adverse remarks in his ACR which have not been disposed of. The applicant submitted that as his representations were not disposed of within a period of 3 months the same were supposed to be expunged from the A.C.R. which entitle him for promotion. The copies of the representations were also sent to other Respondent authorities for their information and necessary action. But till date his representations ^{Have not been} attended to.

The copy of representation dated 18.11.2002 sent to the Respondent No.3 is annexed as Annexure No.10.

4.15. That the applicant states that, as nothing was done to consider his case for promotion, he sent a legal notice dated 13.1.2003 to the Respondent No.3. As nothing has been done till date, the applicant has been compelled to approach this Hon'ble Tribunal for redressal of his greivances.

The copy of legal Notice dated 13.1.2003 sent the ~~xxxxx~~ Respondent No. 3 is annexed as Annexure No. 11.

5. Ground of.....

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5. GROUND OF RELIEFS WITH LEGAL PROVISION :

i) For that, the impugned letters dated 25.4.01 issued by the Respondent No.5 communicating the adverse remarks against the applicant (vide Annexure No.6) impugned letter dated 13.2.2002 issued by the Respondent No.1 (vide Annexure No.7) and the impugned Office Order dated 11.11.2002 passed by the Respondent No.1 promoting as many as 92 Nos of Assistant Commissioners to the post of Deputy Commissioners depriving the applicant are illegal, arbitrary and against the principles of equity, good conscience and administrative fairness.

ii) For that, the Respondent authorities while considering the cases of eligible persons for promotion failed to take account of the seniority position of the applicant in the rank of Superintendent as well in the rank of Assistant Commissioners and promoted many of his Juniors by passing the claim of the applicant in a most arbitrary manner which has no sanction of law and for the said reasons the impugned letters/orders are liable to be set aside and quashed.

iii) For that, the respondent authorities, have ignored the conditions put in order dated 2.1.2002 (Annexure No.3) as regards ad-hoc promotion of 5 junior persons to the post of Assistant Commissioners. Although they were given promotion for a period of 6 months only,

the...

the Respondent authorities instead ~~that~~ favoured them with further promotion to the rank of Deputy Commissioners on some extraneous consideration and as such their promotion is not sustainable in the eye of law as well as on their own guidelines.

iv) For that, the ~~xxx~~ respondent authorities did not consider the prevailing circumstances in the Gajipur factory at the relevant time which was brought to order by the sincere and hard work of the applicant. The applicant was the victim of conspiracy of the Respondent authorities particularly of the Respondent No. 6 against whose the applicant complained to senior visiting officials from H.Q., New Delhi. The relevant records of the factory are ample proof about the mismanagement by the Respondent No.6 which the applicant wanted to rectify in the interest of the department. But on the contrary he has been slapped with two letters communicating adverse remarks. The Respondent authorities ought to have considered his achievements during his long tenure in service since 1975 which he performed with best of his ability and sincerity.

v) For that the Respondent authorities ought to have considered the representation of the applicant by which he stated the facts and denied all the allegations but the Respondent authorities without disposing the representations, ^{deprived} the applicant of his legitimate right for promotion in a most arbitrary and illegal manner.

vi) for...

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vi) For that, as per Notification No. GI.D.P & AR.OM No. 21011/1/77-Estt. dtd. 30th January, 1978 the time limit for disposal of representations against adverse remarks has been fixed as three months and the same becomes in-operative if the representation is not disposed within that period which reads as follows -

"Time limit for disposal of representation against adverse remarks and when note to be taken of such remarks. All representations against adverse remarks should be decided expeditiously by the competent authority and in any case, within three months from the date of submission of the representation. Adverse remarks should not be deemed to be operative if any representation filed within the prescribed time limit is pending. If so representation is made within the prescribed time, or once this has been finally disposed of, there would be no further bar to take notice of the adverse remarks".

But in this instant case, the respondent authorities without disposing the representation taken into account the adverse remark and did not consider him fit to be promoted and promoted many of his juniors. As such the impugned letters/orders are illegal and are in violation of the official directions/guidelines and are liable to be set aside and quashed.

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The....

The relevant portion of the guide-
lines as regards representations against
adverse remarks etc. is annexed as
Annexure No.12.

vii) For that, the adverse remarks for the period
1998-99 if any ought to have communicated to the appli-
cant in proper time, so that, he could move the authorities
in time and every thing could have been settled in time
and he would have been eligible for promotion. But the
Respondent authorities communicated the adverse remarks
after two and three years of the relevant period (in
piecemeal manner) just to deprive of his promotion to the
post of Deputy Commissioner. This action of the Respon-
dent authorities in communicating adverse remark for a
period relating to 3/4 years old speaks volumes of
high handnēss and arbitrary action of the Respondent
authorities and the applicant cannot be deprived of
his legitimate rights for promotion.

viii) For that, the Respondent authorities ought to
have considered the representations as well as legal notice
which the applicant sent to the Respondent No.3(with
copies to all concerned) for his promotion to the post
of Deputy Commissioner for which he was illegally deprived
of. But surprisingly no action has been taken in this
regard and as having no ^{alternative} ~~alternative~~ the Applicant has
approached this Hon'ble Tribunal for redressal of his
grievances.

ix) For...

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ix) For that, the applicant reserves his right to implead any other person from the list of ~~promotees~~ promotees if so required for proper adjudication of the matter.

x) For that, in any view of the matter the impugned letter^S_^ communicating adverse remarks as well as the promotion order to the post of Deputy Commissioner so far it relates to the applicant's group is concerned is bad in law illegal, arbitrary and against the principle of equity, good conscience and administrative fairness and as such is liable to be set ~~aside~~ aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

1. That the applicant filed representations dated 15.5.2001 (vide Annexure No.5) and dated 8.7.2002 (vide Annexure No.7) against the adverse remarks, representations dated 14,11.2002 (vide Annexure No. 10) and Legal Notice dated 13.1.2003 against his deprivation for promotion to the rank of Deputy Commissioner which are yet to be attended to.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT | TRIBUNAL :

The applicant declares that, he has not filed any application, writ petition or suit regarding this matter in any court of law or Tribunal and no case is pending before any court.

8. RELIEF....

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8. RELIEF SOUGHT FOR :

In view of the facts and circumstances narrated above the applicant prays for the following reliefs.

- 1) The applicant prays for setting aside and quashing the impugned letter C.No. 3/COMMR/ACR/CON/2000 dated 25.4.2001 of the Respondent No.5 (Vide Annexure No.4) and letter No. F.No. A-28017/7/2000-EC/PER dated 13.2.2002 issued by the Under Secretary to the Govt. of India Ministry of Finance, Department of Revenue (vide Annexure No.6) communicating adverse remarks against the applicant.
- 2) ~~That~~ to expunge the adverse remarks as communicated to the applicant vide aforementioned letters (Annexure No. 4 and 6) ;
- 3) to set aside and quash the impugned Office Order No. 181/2002 dated 11.11.2002 passed by the Respondent No.1 so far it relates to the Group of Assistant Commissioners promoted from the Grade of Superintendent of Central Excise (Vide Annexure No.8);
- 4) to direct the respondent authorities to promote the applicant to the rank of Deputy Commissioner with retrospective effect when other Assistant Commissioners are promoted to the rank of Deputy Commissioner taking into account his seniority position etc.

5) to direct...

S

: 21 :

5) to direct the respondent authorities to give all service benefits, seniority, pay scale including arrear pay and allowances etc. after his promotion to the post of Deputy Commissioner from the date of his juniors were promoted to the said post.

6) to grant any other relief that the applicant may be entitled to.;

9. DETAILS OF INTERIM RELIEF SOUGHT FOR :

The applicant prays that pending disposal of this application.

1) The operation of the impugned letter C.No.3/COMMR/ACR/CON/2000 Dated 25.4.2001 of the Respondent No.5 (vide Annexure No.4) and letter F.No.A-28017/7/2000-EC/PER dated 13.2.2002 issued by the Under Secretary to the Govt. of India, Ministry of Finance, Department of Revenue (vide Annexure No.6) communicating adverse remarks against the applicant *may be stayed.* ✖

2) to expunge the adverse remarks as communicated to the applicant vide aforementioned letters (Annexure No. 4 and 6) ;

3) to stay the operation of impugned Office Order No.181/2002 dated 11.11.2002 passed by the Respondent No.1 so far it relates to the Group of Assistant Commissioners promoted from the grade of Superintendent of Central Excise (vide Annexure No.8) ;

4) to...

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4) to promote the applicant to the post of Deputy Commissioner.

10. DETAILS OF POSTAL ORDER :

Postal Order No. : 86 490249
Date of Issue : 29. 4. 03
Issued from : G.P.O., Guwahati.
Payable at : Gauhati.

11. LIST OF ENCLOSURES :

As per Index.

Verification...

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: 23 :

V E R I F I C A T I O N

I, Sri Krishna Bahadur Bhujel, aged about 52 years, Son of late Rahbir Bhujel, permanent resident of Upper Manprem, Shillong, Meghalaya, presently serving as Assistant Commissioner, Central Excise at Jorhat, Assam do hereby verify that the contents in paragraphs 1, 2, 3, 4, 6, 7, 10 and 11 are my personal knowledge and paragraph 5, 8 and 9 are believed to be true as legal advice and I have not suppressed any material fact.

Date : 5.4.2003

Place : Guwahati.

Krishna Bahadur Bhujel
Signature of Applicant.

24- 1000.76020006

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P.No. A32012/6/98-Ad.II
Government of India
Ministry of Finance
Department of Revenue

New Delhi, the 12th June, 1998

OFFICE ORDER NO.122 /1998

Subject:- Promotion, Posting and transfers of officers in the grade of Assistant Commissioner (Junior Time Scale) - Reg

The President is pleased to order that the following Superintendents of Central Excise and Superintendents of Customs (Preventive) in the grade of Assistant Commissioner of Customs & Central Excise in the scale of pay of Rs. 8000-275-13500 with effect from the date (s) they assume charge of the higher post till further orders.

SUPTS. OF CENTRAL EXCISE, GROUP 'B'

- 1. A.K. Chakraborty
- 2. A.K. Prasad
- 3. ✓ D. B. Prasad-Dub
- 4. ✓ Arinal-Kanti Chanda
- 5. ✓ Kopinath-Dutta
- 6. C. S. Arekar
- 7. ✓ Anjan-Kanti Pandit
- 8. V. S. Gaur
- 9. D. V. Sharma
- 10. ✓ B. L. Malhotra
- 11. R. C. Mahajan
- 12. D. K. Soni
- 13. T. Subblah Nader
- 14. B. D. Yadav
- 15. S. S. Mahajan
- 16. G. C. Poddar
- 17. N. Chandrasekran
- 18. R. P. Velhal
- 19. ✓ Smt. Mary Anthony
- 20. M. Lickal
- 21. K. L. Dhawan
- 22. ✓ H. Y. Kokitkar
- 23. ✓ K. R. Bhujel
- 24. ✓ A. K. Roy
- 25. ✓ B. K. Deb Roy
- 26. ✓ Nazarul Islam
- 27. T. K. Jain

contd. 2/-

Certified to be true copy
[Signature]
Advised

- 27. Dinesh Chandra
- 28. ✓ Tridibeshwar Nath.
- 29. S. C. Pushkarna
- 30. O. P. Bhatia
- 31. Vinod Kumar
- 32. S. J. Thosar
- 33. ✓ Md. Arshad Hussain
- 34. B. R. Lohia
- 35. ✓ Asanta Bora
- 36. ✓ Mr. Gh. Hazarika
- 37. R. K. Mittal
- 38. L. S. Bibe
- 39. R. C. Agarwal
- 40. Anilkumar Dhaba

SUPDTS. OF CUSTOMS (PREVENTIVE), GROUP 'B'

- 1. A. J. Viera
- 2. S. N. Ghosh
- 3. P. K. Chakraborty
- 4. Samir K. Roy
- 5. K. B. Anzani
- 6. M. J. Bhatia
- 7. U. C. Patil
- 8. M. Shaikh
- 9. I. I. Patel
- 10. K. M. Samuel
- 11. V. H. Bhatija
- 12. M. Y. Patel
- 13. A. B. Lala
- 14. R. T. Sahajwal
- 15. L. R. Nayak
- 16. M. V. P. Desai
- 17. A. K. Chowdhury
- 18. J. S. P. L. Fernandez
- 19. Shaikh Hussain
- 20. M. Kainhak Habu
- 21. D. Beera
- 22. V. Kucel Krishnan
- 23. V. Gnanaprakasam
- 24. R. Vishnudas
- 25. M. Palaniyandan
- 26. Ramesh Ch. Pattanayak
- 27. A. K. Das Gupta
- 28. A. George
- 29. R. Muthukrishnan
- 30. H. Ekamalai
- 31. R. Elango
- 32. Lankeahwar Sarfar

cont.

16.	G.C. Poddar	Calcutta	ACCE, Patna
17.	R. Chandrasekaran	Chennai	ACCE, Chennai
18.	R.P. Velhal	Mumbai	ACCE, Ahmeda
19.	Smt. Mary Anthony Malickal	Chennai	ACCE, Madura
20.	K.L. Dhawan	Chandigarh	AD, NACEW, Fa
21.	B.Y. Kokitkar	Mumbai	ACCE, Vadoda
22.	K.B. Bhujal	Shillong	Manager, GOAN
23.	A.K. Roy	Shillong	ACCE, Shillong
24.	B.R. Deb Roy	Shillong	ACCE, Bhuban
25.	Nazarul Islam	Shillong	ACCE, Bolpur
26.	T.K. Jain	Chandigarh	ACC, Amritsar
27.	Dinesh Chandra	Chandigarh	AD, DGICCE, De
28.	Tridibohwar Nath	Shillong	ACCE, Bolpur
29.	S.C. Poonkarna	Delhi	ACCE, Gwalior
30.	O.P. Bhatia	Jaipur	ACCE, CC-Unit Jaipur
31.	Vinod Kumar	Delhi	ACC, Gwalior
32.	S.G. Thosar	Raipur	ACCE, Indore
33.	Md. A. Hussain	Shillong	ACCE, Shillong
34.	B.R. Lohia	Delhi	AD, DGICCE, De
35.	Aranta Bora	Shillong	ACCE, Calcutta
36.	M.Ch. Hazarika	Shillong	ACCE, Shillong
37.	R.K. Mittal	Jaipur	ACC, Jodhpur
38.	L.S. Bist	Jaipur	AD (DEI), De
39.	R.C. Agarwal	Jaipur	ACCE, CC-Unit Jaipur
40.	Anil Kumar Dhabra	Jaipur	AD, DGICCE, De
41.	A.J. Viera	Goa	ACC (P), Ahmed
42.	S.H. Ghosh	Calcutta	ACC, Calcutta
43.	P.K. Chakrabarty	Calcutta	ACC, Calcutta

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Abwani	Mumbai	ANC, Kota
H.J. Bhatia	Mumbai	ACCE, Mumbai
U.G. Patil	Mumbai	ACC(P), Ahmedabad
M. Shaikh	Mumbai	ACC(P), Patna
I. Patel	Mumbai	ACCE, Surat
M. Samuel	Mumbai	ACCE, Surat
H. Bhatija	Mumbai	ACC, Kandla
M.Y. Patel	Mumbai	ACCE, Bangalore
A.B. Lala	Mumbai	ANC, Lucknow
R.T. Sahajwal	Mumbai	ACCE, Chennai
L.R. Nayak	Goa	ACCE, Hyderabad
V.V.P. Desai	Mumbai	ACCE, Vadodara
A.K. Chowdhury	Calcutta	ACCB, Calcutta
J.S.P.L. Fernandez	Mumbai	ACC, Lucknow
Shaikh Hussain	Mumbai	ACCE, Rajkot
Kaishak Babu	Cochin	ACCE, Bangalore
B. Beesan	Mumbai	ACCE, Surat
V. Katti Krishnan	Cochin	ACCE, Guntur
V. Gnanaparkasham	Chennai	ACCE, Trichy
R. Vishwadevi	Cochin	AD (Publications) Delhi
M. Palaniyandan	Chennai	ACCE, Coimbatore
Ramesh Ch. Pattanayak	Calcutta	ACCE, Calcutta
A.K. Das Gupta	Calcutta	AD, DGICCE, Calcutta
A. George	Chennai	ACCE, Vizag
P. Mathukrishnan	Chennai	ACCE, Coimbatore
P. Ekamalai	Chennai	ACCE, Chennai
L. Elango	Chennai	ACC, Trichy
Ranakeshwar Sarkar	Calcutta	AD, DGICCE, Calcutta



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73.	Ganesh Kachua	Calcutta	AIC, Heemuch
74.	H.D. Rathod	Mumbai	ACC, Kandla
75.	M. Rajayyan	Mumbai	ACCE, Rajkot
76.	P.T. Patil	Mumbai	ACC, Mumbai

(R. K. MALHOTRA)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

Copy forwarded to :-

1. The officers concerned.
2. All Chief Commissioners/Director General, Customs & Central Excise.
3. Pt. CCA, CBEC, New Delhi.
4. PSU to FM/MOS (R)/Secy (R)/Chairman (FC)/All Members, CBEC/JS (Adm.) / DG (Vig.) / DS (ad. II) / Dir. (Pub.).
5. AS (A) / DS (HQRS).
6. The Narcotics Commissioner, Gwalior / CCF, Gwalior, New Delhi.
7. All Head of Department under CBEC.
8. SO (PI) / Ad. V / Hindi Section.
9. Office order folder / Personal file.

(R. K. MALHOTRA)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

21 JUN 2001 12:10

O/O DY. COMM. C. EX. GHY * 5

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MOST IMMEDIATE
COURT MATTER

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L3108

ANX NO 2

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F.No.A23018/3/97Ad.IIB
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE


New Delhi, Dated the June 18, 2001

Subject: All India Seniority List of Superintendents of Central Excise, Group 'B' promoted / appointed upto 31.12.1992 - Corrections therein in respect of Shillong Commissionerate - regarding

Consequent upon revision of seniority position of Superintendents of Central Excise, Group 'B' in the Commissionerate's seniority list by the Commissioner of Central Excise, Shillong, in the light of implementation of CAT, Guwahati Bench's order dated 02.2.2001 in O.A. No.237/1999, the all India seniority list of Superintendents of Central Excise, Group 'B' appointed / promoted from 1.1.1986 to 31.12.1992 is amended as under :-

Sr. No.	Existing Position	Revised Position	Name/ DOB / Category	Date of appl. as Supdt/ Deemed date as appt./ date of appt. as Inspector	Commissionerate	Remarks
1	2	3	4	5	6	7
1.	489	462.1	M.K.CHAKRABORTY 01.03.40	24.04.07 02.08.72	SHILLO- NG	PROMOT- ED A.C.
2.	572	462.2	PROBIR KR. BOI 01.05.38	24.04.07 02.08.72	SHILLO- NG	RETIRED
3.	591	462.3	D.K. BHATTACHARJEE 01.02.30	24.04.07 02.08.72	SHILLO- NG	RETIRED
4.	592	462.4	P.SIARMA 01.08.39	24.04.07 02.08.72	SHILLO- NG	RETIRED
	593	462.5	G.C.CHATTERJEE 01.11.39	24.04.07 02.08.72	SHILLO- NG	RETIRED

Certified to
be true copy



	595	462.0	M.L. DEY 01.10.42	24.04.87 03.08.72	SHILLO- NG	PROMOT- ED AC
7.	611	462.7	P.K. DEB 02.01.40	24.04.87 02.08.72	SHILLO- NG	PROMOT EDED A.C.
8.	917	462.8	B. RANJAN DAS 01.10.35	24.04.87 03.08.72	SHILLO- NG	RETIRED
9.	736	462.9	LALIT KR. HAZARIKA 01.03.35	24.04.87 04.08.72	SHILLO- NG	RETIRED
10.	744	462.10	A.C. BORA (ST) 01.12.41	24.04.87 02.08.72	SHILLO- NG	PROMOT- ED A.C.
11.	851	462.11	B.K. ROY 24.10.51	24.04.87 29.09.75	SHILLO- NG	PROMOT- ED A.C.
12.	866	462.12	N. KAR 01.01.51	24.04.87 29.08.75	SHILLO- NG	PROMOT- ED A.C.
13.	---	462.13	MS. ANUPAMA DEVI 15.09.36	24.04.87 08.09.75	SHILLO- NG	RETIRED
14.	867	462.14	H.K. BHATTACHARJEE 30.11.51	24.04.87 28.09.75	SHILLO- NG	PROMOT- ED A.C.
15.	918	462.16	D.M. BANERJEE 10.08.41	24.04.87 01.10.75	SHILLO- NG	PROMOT- ED A.C.
16.	---	462.16	SWARAJ KR. ROY 31.07.33	24.04.87 29.08.75	SHILLO- NG	RETIRED
17.	930	462.17	R.K. CHAKRABORTY 20.10.51	24.04.87 23.09.75	SHILLO- NG	PROMOT- ED A.C.
18.	939	462.18	J.K. PAUL 30.01.50	24.04.87 10.10.70	SHILLO- NG	PROMOT- ED A.C.
19.	940	462.19	D.P. DAS 15.02.52	24.04.87 22.09.75	SHILLO- NG	PROMOT- ED A.C.

20.	041	402.20	M.K. CHANDA 01.05.50	24.04.87 18.09.75	SHILLO- NG	PROMOT- ED A.C.
21.	942	462.21	G. DUTTA 04.09.50	24.04.87 18.09.75	SHILLO- NG	PROMOT- ED A.C.
22.	1067	462.22	K.B. BHUJEL 31.01.50	24.04.87 25.08.75	SHILLO- NG	PROMOT- ED A.C.
23.	869	462.23	R.C. SUKLABAIIDYA (SC) 01.10.40	24.04.87 05.11.78	SHILLO- NG	EXPIRED
24.	870	462.24	RANJIT KR. BAIDYA (SC) 01.04.40	24.04.87 28.07.76	SHILLO- NG	PROMOT- ED A.C.
25.	1188	462.25	M.C. HAZARIKA (SC) 01.04.46	24.04.87 28.10.76	SHILLO- NG	PROMOT- ED A.C.
26.	1219	462.26	H. SUKLABAIIDYA (SC) 09.03.46	24.04.87 28.07.76	SHILLO- NG	PROMOT- ED A.C.
27.	916	907.1	DIMBESWAR BORAH 01.01.50	22.04.88 01.10.75	SHILLO- NG	PROMOT- ED A.C.
28.	1069	907.2	B.R. DEB ROY 08.03.53	22.04.88 01.10.75	SHILLO- NG	PROMOT- ED A.C.
29.	1070	907.3	NAZRUL ISLAM 01.08.51	22.04.88 23.08.75	SHILLO- NG	PROMOT- ED A.C.
30.	961	907.4	A.K. PANDIT 01.03.49	22.04.88 27.09.75	SHILLO- NG	PROMOT- ED A.C.
31.	1084	907.5	T. NATH 25.12.53	22.04.88 23.09.75	SHILLO- NG	PROMOT- ED A.C.
32.	1147	907.6	M.D.A. HUSSAIN 11.08.51	22.04.88 22.09.75	SHILLO- NG	PROMOT- ED A.C.
33.	962	907.7	D.K. DEB CHOUDHURY 01.04.39	22.04.88 13.09.75	SHILLO- NG	EXPIRED

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34.	1060	907.8	ANJAN KANTI ROY 01.09.45	22.04.88 20.10.75	SHILLO- NG	PROMO ED A.C.
35.	1131	907.9	SMT. P.R. GHOSH 06.04.40	22.04.88 29.09.75	SHILLO- NG	RETIRED
36.	-----	907.10	S. CH. DEB. NATH 01.05.34	22.04.88 19.09.75	SHILLO- NG	RETIRED
37.	-----	907.11	KSHITISH CH. DAS 04.11.41	22.04.88 25.09.75	SHILLO- NG	RETIRED
38.	1861	907.12	SAMIR CH. ADHIKARY 18.05.40	22.04.88 24.07.75	SHILLO- NG	RETIRED
39.	1888	907.13	L.S. VANCHHAWNG (ST) 28.12.51	22.04.88 22.07.76	SHILLO- NG	PROMOT ED A.C.
40.	1708	907.14	BISWAJIT SARKAR 01.11.55	22.04.88 02.08.76	SHILLO- NG	✓
41.	1755	907.15	SUBIR KR. CHAKRABORTY 03.12.52	22.04.88 24.07.76	SHILLO- NG	✓
42.	1756	907.16	S.P. CHAKRABORTY 05.08.50	22.04.88 28.07.76	SHILLO- NG	✓
43.	1757	907.17	P.S. PURKAYASTHA 14.07.53	22.04.88 02.08.76	SHILLO- NG	✓
44.	1167	907.18	ASANTA BORAH (SI) 01.05.46	22.04.88 29.07.76	SHILLO- NG	PROMOT ED A.C.
45.	1218	907.19	SUJAN KR. DAS (SC) 02.02.53	22.04.88 28.01.77	SHILLO- NG	PROM TED A.C.
46.	2197	907.20	SUBODH DHAR (SC) 27.06.54	22.04.88 17.09.77	SHILLO- NG	
47.	2198	907.21	CONFERENCE NGAMLAI (ST) 28.02.50	22.04.88 02.08.76	SHILLO- NG	EXPI

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48.	1221	907.22	GOPAL CH. GARKAR (SC) 22.11.39	22.04.88 ----- 23.11.78	SHILLO- NG	RETIRED
49.	2208	907.23	RAMA KANTA DAS (SC) 01.01.54	22.04.88 ----- 03.10.78	SHILLO- NG	✓
50.	1707	1813.1	R.K. LASKAR (SC) 01.10.38	20.08.80 ----- 24.12.73	SHILLO- NG	RETIRED
51.	1758	1813.2	RANJIT KR. DUTTA-I 10.08.51	20.08.89 ----- 26.07.78	SHILLO- NG	
52.	1827	1813.3	INDRAJIT GUHA 07.05.56	20.08.80 ----- 27.07.76	SHILLO- NG	
53.	1853	1813.4	A.HORE 31.07.53	20.08.80 ----- 23.07.76	SHILLO- NG	
54.	1863	1813.5	A.DASGUPTA 12.01.55	20.08.80 ----- 26.07.76	SHILLO- NG	
55.	1804	1813.6	D.B. ADHIKARI 22.11.53	20.08.80 ----- 20.07.76	SHILLO- NG	
56.	2194	1813.7	GOPENDRA CH. 01.01.47	20.08.89 ----- 20.11.76	SHILLO- NG	
57.	1900	1813.8	P.K DAS-I 01.03.55	20.08.80 ----- 02.08.76	SHILLO- NG	
58.	2150	1813.9	R.K GOSWAMI 07.06.54	29.08.89 ----- 23.07.76	SHILLO- NG	
59.	2151	1813.10	BIDYUT RN.DEB 20.08.52	20.08.80 ----- 24.07.76	SHILLO- NG	EXPIRED
60.	2195	1813.11	N. BHATTACHARJEE 15.05.51	29.08.89 ----- 17.11.78	SHILLO- NG	
61.	2242	1813.12	A.K SHARMA 21.01.54	20.08.89 ----- 29.07.76	SHILLO- NG	

62.	2243	1813.13 22	HEMEN GOGOI 01.01.55	29.08.89 24.07.76	SHILLO- NG	
63.	2251	1813.14 23	A.B. DUTTA 01.07.55	29.08.89 21.07.76	SHILLO- NG	
64.	2252	1813.16 24	R.K. BHATTACHARJEE 01.04.44	20.08.89 20.10.76	SHILLO- NG	
65.	2308	1813.16 25	S.K. BOSE 4.08.51	29.08.89 30.07.76	SHILLO- NG	
66.	2402	1813.17 26	D. KINATH 11.07.52	29.08.89 02.08.76	SHILLO- NG	
67.	2042	1813.18 27	S. PAUL 05.04.54	29.08.89 29.07.76	SHILLO- NG	
68.	2412	1813.19 28	S. BANIK 01.02.41	29.08.89 11.11.76	SHILLO- NG	RETIRED
69.	1220	1813.20 29	M. M. OWER (ST) 31.01.39	29.08.89 28.11.76	SHILLO- NG	RETIRED
70.	3265	1813.21 30	M. MARBANIANG (ST) 24.02.54	29.08.89 30.09.76	SHILLO- NG	
71.	2180	1813.22 31	AGIU, RAM DAS (SC) 01.10.43	20.08.89 12.12.76	SHILLO- NG	
72.	3268	1813.23 32	APALAK DAS (SC) 20.02.53	20.08.89 22.08.76	SHILLO- NG	
73.	4073	1813.24 33	CHANDI DAS BAIDDYA (SC) 20.11.46	29.08.89 30.09.76	SHILLO- NG	
74.	2709	2222.1 34	K.C. MOHAN 20.09.53	09.08.89 31.07.76	SHILLO- NG	
75.	2711	2222.2 35	C.M. CHAKRABORTY 20.12.51	09.08.89 26.07.76	SHILLO- NG	

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76.	2712	2222.3	T.S. SARKAR 02.05.55	09.08.90 27.07.76	SHILLO- NG	
77	2713	2222.4	H.R. SAHA 16.03.51	09.08.90 13.07.76	SHILLO- NG	
78	2714	2222.6	N.K. CHAKABORTY 01.03.44	09.08.90 02.08.76	SHILLO- NG	
79.	2718	2222.6	S. BHOWMICK 23.01.54	09.08.90 26.07.76	SHILLO- NG	
80.	3538	2222.7	J.R.H. DIENGDH (ST) 28.02.50	09.08.90 04.10.78	SHILLO- NG	
81.	4100	2222.8	PRANAB KR. BARUA (SC) 05.09.53	09.08.90 03.10.78	SHILLO- NG	
82.	2710	2777.1	A.V. DUHA (ST) 01.03.51	20.06.91 13.09.75	SHILLO- NG	
83.	2777A	2777.2	R.S. PATNAIK 04.09.51	20.06.91 26.08.91 01.11.75	BHUBA- NES- WAR	
84.	2777B	2777.3	P.L. LENKA 16.01.63	26.06.91 04.11.75	BHUBA- NEW- WAR	
85.	2715	2777.4	PARIMAL CH. KAR 04.08.45	20.08.91 02.08.76	SHILLO- NG	EXPIRED
86.	2717	2777.5	MD. KHURSHED AHMED 01.03.52	20.06.91 30.07.76	SHILLO- NG	
87.	2718	2777.6	P.K. DAS NO.2 01.03.48	20.06.91 30.07.76	SHILLO- NG	
88.	3264	2777.7	PRANAB BHATTACHARJEE 14.02.52	20.08.91 29.07.70	SHILLO- NG	EXPIRED
89.	3491	2277.8	P. SHARMA 01.09.56	20.06.91	SHILLO- NG	

21 JUN 2001 12:45

O/O DY. COMM.

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NO. 038

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90.	3536	2777.9	L.C. DAS 18.12.53	20.06.91 20.07.76	SHILLO- NG	
91.	3537	2777.10	BIMAN DHAR 27.10.53	20.06.91 31.07.76	SHILLO- NG	
92.	3818	2777.11	B. PAUL 23.01.53	20.06.91 02.08.76	SHILLO- NG	
93.	3819	2777.12	P.B. NAG 25.10.52	20.06.91 26.07.76	SHILLO- NG	
94.	2719	2777.13	G.K. SHARMA BORAL 09.01.48	20.06.91 29.10.76	SHILLO- NG	
95.		2777.14	R. LALINGURAUVA (ST) 01.03.57	20.06.91 03.10.70	SHILLO- NG	
96.	3490	2777.16	RAMPRASAD DAS (SC) 01.10.41	20.06.91 22.11.78	SHILLO- NG	
97.		2777.16	ABHIRAM DAS (SC) 01.02.40	20.06.91 20.02.79	SHILLO- NG	RETIRED
98.	3820	3644.1	SUNIL CH. BHOWAL 10.01.39	20.06.92 30.10.76	SHILLO- NG	RETIRED
99.	3834	3644.2	D.C. BISWAS 01.03.39	20.06.92 30.10.76	SHILLO- NG	RETIRED
100.	4004	3644.3	N.C. DAS 31.12.42	20.06.92 29.10.76	SHILLO- NG	
101.		3930.1	BIJOY KRISHNA DEB-I 01.02.39	17.09.92 19.11.76	SHILLO- NG	RETIRED
102.		3930.2	M. SUPRA SINGH 01.07.35	17.09.92 29.10.76	SHILLO- NG	RETIRED
103.	3821	3930.3	D.K. MAJUMDAR 21.01.51	17.09.92 27.01.77	SHILLO- NG	

53

104.	3822	3930.4	A.K. DUTTA 01.02.53	17.09.92 27.01.77	SHILLO- NG	
105.	3988	3930.5	N.L. ROY 01.09.45	17.09.92 20.01.77	SHILLO- NG	
106.	4000	3930.6	P.K. SINGHA CHOUDHURY 01.02.51	17.09.92 28.01.77	SHILLO- NG	
107.	4001	3930.7	I.A. HALIM 07.03.57	17.09.92 27.01.77	SHILLO- NG	
108.	4005	3930.8	T. KAR 01.11.53	17.09.92 29.01.77	SHILLO- NG	
109.	---	3930.9	N. K. NATH 17.01.51	17.09.92 19.09.77	SHILLO- NG	
110.	---	3930.10	M.K. BOSE 17.10.51	17.09.92 18.07.77	SHILLO- NG	
111.	---	3930.11	A. K. CHOUDHURY 01.08.53	17.09.92 19.09.77	SHILLO- NG	
112.	---	3930.12	KISHOLOY DAS 18.03.53	17.09.92 04.10.78	SHILLO- NG	
113.	---	3930.13	UTPAL KR. DAS (ST) 01.12.52	17.09.92 30.10.78	SHILLO- NG	
114.	2199	3930.14	DANGSHI RAM BORO (ST) 01.02.44	17.09.92 25.11.78	SHILLO- NG	
115.	---	3930.15	SWAPAN KR. ROY (SC) 16.03.51	17.09.92 10.11.80	SHILLO- NG	
116.	---	3930.16	DEBENDRA CH. DAS (SC) 01.07.45	17.09.92 29.11.78	SHILLO- NG	
117.	---	3930.17	N.C. PATRA (SC) 01.01.54	17.09.92 30.06.81	SHILLO- NG	

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O/O DY.COMM., C.EX.GHY * 5

NO. 93

P.

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F.NoA23018/3/97-Ad.IIB

2. The seniority position mentioned under column Number 2 stand deleted in the seniority list of Superintendent of Central Excise, Group 'B' mentioned above. The date of assumption of charge against the officers listed at serial Nos. 453 to 462 in the aforesaid seniority is corrected as 24.4.1987.

[Signature]

(R. M. Singh)
for DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

Copy forwarded to :-

- 1. The under Secretary, Ad.II Section, Department of Revenue, New Delhi.
- 2. All Commissioners of Central Excise.
- 3. The Commissioner of Central Excise, Shillong.
- 4. Office folder

[Signature]

(R. M. Singh)
for DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

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(C.E.)

11/1/02

GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
M.G.ROAD, SHILLONG - 793 001

ANN NO. 3

ESTABLISHMENT ORDER NO.01/2002
DATED, SHILLONG THE 2ND JANUARY, 2002

Subject :- Estt. Promotion transfer & posting in the grade of Assistant Commissioner of Central Excise (JTS) - order regarding.

In pursuance of Ministry's order No. 156/2001 dated 31.12.2001 the President is pleased to order the following Superintendents of Customs & Central Excise to be promoted purely on ad-hoc basis to officiate in the grade of Assistant Commissioner of Customs & Central Excise in the pay scale of Rs. 3000-2775-13500 notionally with effect from 08.09.97 in compliance with the Hon'ble CAT Guwahati Bench's order dated 08.02.2001 in O.A. No. 237/99.

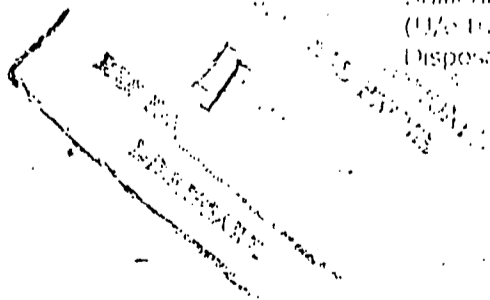
Sl.No.	Name
01.	Shri Biswajit Sarkar
02.	Shri Subir Kr. Chakraborty
03.	Shri S.P. Chakraborty
04.	Shri P.S. Purkayastha-I
05.	Shri Ramakanta Das (SC)

The above officers are also granted promotion to the grade of Assistant Commissioner of Customs & Central Excise on an ad-hoc basis notionally w.e.f. 08.09.97 i.e., from the date their immediate junior viz., Shri A.S. Kharvandikar had been promoted. They are also granted the consequential benefits of fixation of pay and increments in the higher grade. However, they would not be entitled to the arrears of pay and allowances.

The above promotion to the grade of Assistant Commissioner of Customs & Central Excise have been made on purely ad-hoc basis for a limited period of 6(six) months. Besides, the above promotion does not confer on the officer so promoted any claim for continued officiation in the grade of Assistant Commissioner and the period of such service will not count for seniority or as qualifying service for further promotion.

Consequent upon promotion of the above Superintendents the following transfer and postings in the grade of Assistant Commissioner of Customs & Central Excise are ordered with immediate effect.

Sl.No.	Name of the Officer	From	To
01.	Shri Biswajit Sarkar	Dhubri CPF (U/O transfer to Dhubri Central Excise)	ACC Kolkata
02.	Shri S.K.Chakraborty	Karimganj Customs Division	Technical Branch, Central Excise Hqrs. Office, Shillong.
03.	Shri S.P. Chakraborty	Byrnihat Range (U/o transfer to Hqrs. Audit Unit, Guwahati.	Dhubri C. Excise Division.
04.	Shri P.S. Purkayastha-I	DOMS, New Delhi	ACC, Delhi
05.	Shri Ramakanta Das	Borsora LCIS, Shillong Customs Divn. (U/o transfer to Law/ Disposal, Dimpur Divn.	Legal/Appeal/Adjn./ Inspection of C.Ex. Hqrs. Office, Shillong.

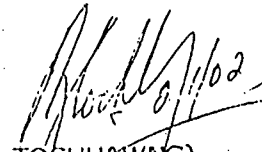


(Signature)
COMMISSIONER
CENTRAL EXCISE
SHILLONG.

*Original to be
true copy*

Copy forwarded for information & necessary action to :-

1. Smt. K. Kipgen, Under Secretary to the Govt. of India, Ministry of Finance, Deptt. of Revenue, Central Board of Excise & Customs, North Block, New-Delhi - 02.
2. The Chief Commissioner (EZ), Customs & Central Excise, 15/1, Strand Road, Kolkata - 700 001.
3. The Commissioner, Customs NER, Shillong.
4. The Commissioner (Appeals), Customs & Central Excise, Guwahati.
5. The Additional Commissioner (P&V)/(Tech.), Central Excise Hqrs. Office, Shillong.
6. The Assistant Commissioner of Central Excise/Customs Dibangach Dinsui. Copy meant for the concerned officer is/are enclosed.
7. The Commissioner, Directorate of O & M Services, Customs & Central Excise, 412-A, Deep Shikha Building, Rajendra Place, New Delhi. Copy meant for the concerned officer is enclosed.
8. The CAO/PAO of Hqrs. Office, Shillong.
9. Accts. I & II/ET I & II/Confdl. Br./CIU-cum-VIG Branch of Hqrs. Office, Shillong.
10. The General Secretary, Group 'B' Superintendents' Association, Central Excise & Customs Shillong.
11. Guard File.


(Z. TOCHI-AWNG)
COMMISSIONER
CENTRAL EXCISE
SHILLONG.



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Ann. NO. 4

CONFIDENTIAL

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
SHILLONG

C.No. 3/COMMR/ACR/CON/2000/

Dated: 25.04.2001

To

Shri K.B. Bhujel,
Assistant Commissioner,
Central Excise,
Jorhat.

Subject:- Adverse remarks recorded in your ACR for the year 1999-2000-
c/r.

I am to convey the following adverse remarks recorded in your ACR for the year 1999-2000.

"The officer showed little initiative of his own and was reluctantly ready to assume responsibilities only when he was asked to take up."

"He has himself admitted vide his letter addressed to Joint Secretary dated 13.06.99 that he is unable to pick up new field of labour management, therefore his promptness to attend labour related work was slow."

"Being at far off place from his hometown the officer always was home sick and availed maximum leave during his short tenure at the factory."

"Lack of knowledge in Hindi was also his weakness which affected his working."

It is also hoped that you would take the deficiency in good spirit. In case you wish to represent, you should do so strictly within 30 days of the receipt of the communication. Such representation, if any should be placed before the Chief Commissioner, under intimation to the Ministry.

(Z. TOCHHAWNG)
COMMISSIONER

CENTRAL EXCISE :: SHILLONG

Certified to be
true copy
R

C.No. II(9)42/CON/ACR/ACJ/2000/ 602

Dated: 15.5.2001

58

To,

The Chief Commissioner,
Central Excise,
15/1 Strand Road,
Calcutta - 700001.

Sent by registered post
no. 2343 & 16.5.2001

Sir,

Sub :- Adverse remarks recorded in my ACR for the year 1999-2000 - Representation against.

With reference to the Commissioner, Central Excise, Shillong letter C.No. 3/Commr'/ACR/CON/2000 dated 25.4.2001 resting on the above subject.

I have the honour to inform you that I have been given adverse remarks in my ACR for the year 1999-2000 which I vehemently refused and termed it as irrolevent, irregular and lacking proof. I therefore place below my submission against each of the point as stated below.

It is stated that I showed little initiative of my own and was reluctantly ready to assume responsibilities only when I was asked to take up. This allegation is totally baseless and after thought I have always taken up my responsibilities with total loyalty and sincerety. I took utmost care to discharge my duties to the full satisfaction of my superiors and in many a occassion I looked after and performed the duties of 'sales manager' which is a 'B' grade post. The immediate superior i.e., General Manager was very much satisfied with my job, so I had not received any 'Show Cause' notice/explanation from him, as such the said remarks carries no meaning at all. Further the General Manager used to be away on tour for 4-5 days every month and I was given charge to look after which I did it with utmost dedication to duty and there was no complaint what-so-ever.

Secondly, it is alleged that I was unable to pick up new field of labour management, therefore my promptness to attend labour related work was slow. This allegation is also irrelevent and emanate from my so called representation to the Joint Secretary dated 13.6.99. Though my sudden posting from Shillong Central Excise Commissionerate where I served for over 23 years to Chazipur Opium Factory was a new filed

Contd. on Page No. 2/-

Confirmed to be
true copy
JP

for me but I picked up the work very effeciently within a short span of time by frequent consultation with labour Officers and labour leaders. I even managed to fulfill the export targets as well as domestic supply in spite of labour unrest and in adverse weather not condusive for production of opium cakes. And this fact can be well established if labour officers and labourers are questioned, which will prove my propmtness to labour related work. There were also occassion when myself and labour officer managed to ~~diffuse~~^{diffuse} volatile situation created by the action of General Manager.


Thirdly, I am accused of being home sick and availed maximum leave during ~~his~~^{my} short tenure at factory. This is also a baseless allegation. After my medical leave, I devoted myself completely to work with utmost sincerely and loyalty. I did not leave any stone unturned to discharge my duties faithfully, which even prompted me to file a complaint to the C.C.F. Gwalior against the general manager who was using 8 to 10 labourers from factory payroll to his bungalow and his agriculture garden. So I have also made such remarks in attendance register of the labourer which can be verified.

Lastly, it is stated that lack of knowledge in Hindi was also his weakness which affected his working. In this connection I would like to state that before being posted to a Hindi speaking belt, I had put on over 23 years of service in North East where medium of work is totally english, therefore, my knowledge in hindi was certainly less but it has never effected my working. I do use to dispose off over 15 to 20 files daily inspite of noting being totally in hindi.

Under the circumstances stated above I therefore pray your honour to kindly consider my submission and order expunction of the adverse remarks from my ACR of 1999-2000.

For which act of this kindness I shall remain ever pray.

Yours faithfully,


(K.B. BHUJEL),
ASSISTANT COMMISSIONER,
CENTRAL EXCISE, JORHAT.

Contd. on Page No. 3/-

03)

C.NO. II(9)42/CON/ACR/ACJ/2000/ 603-04 Dated: 15-5-2001

Copy to :- Registered Post no. 2342 dt 16.5.2001.

1. The Joint Secretary (Adm & NC), Hqrs. Administration C.B.E.C., North Block, New Delhi for favour of information and necessary action.
2. The Commissioner, Central Excise, Shillong for favour of information and necessary action. This has a reference to his letter C.No. 3/Commr/ACR/Con/2000 dated 25.4.2001.

Registered Post no. 2341 dt 16.5.2001

(K.B. BHUJEL),
ASSISTANT COMMISSIONER,
CENTRAL EXCISE, JORHAT.

O/c

CONFIDENTIAL

F.No. A-28017/7/2000-EC/Per
Government of India
Ministry of Finance
Department of Revenue

New Delhi, the 13th February, 2002

To

Shri K.B. Bhujel,
Assistant Commissioner,
Central Excise,
Jorhat
Shillong.

Subject: Adverse remarks in the ACR of Shri K.B. Bhujel, the then Manager,
GAOW, Ghazipur, now Assistant Commissioner for the year 1998-99 –
Reg. –

Sir,

I am directed to say that on scrutinizing the ACR, the following remarks recorded in the ACR of **Shri K.B. Bhujel**, Manager for the year **1998-99**, have been found adverse :-

"The officer could not show desired level of quality in Inspection of Production work of opium factor which resulted in severe criticism from a committee (headed by Principal Chief Controller of Accounts) who visited this U.T."


"His quality of leadership was 'worker' oriented rather than 'work' oriented therefore output was difficult to improve."

2. It is further informed that the deficiency would be taken by you in good spirit and if you wishes to represent, you wish to do so within 30 days from the date of receipt of this communication.

Yours faithfully,


(K. Kipgen)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

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Ann. No. 762



GOVT. OF INDIA
OFFICE OF THE ASSISTANT COMMISSIONER
CENTRAL EXCISE DIVISION
JORILAT

C.NO. II(9)50/CON/ACJ/MISC/2001/

Dated ::

To,

The Under Secretary,
Govt. of India,
Ministry of Finance,
Deptt. Of Revenue,
New Delhi.

(Through The Commissioner, Central Excise, Shillong),

Sub :- Adverse remarks in the ACR of Sri K.B. Bhujel, the then manager GOAW, Ghazipur now Assistant Commissioner for the year 1998-99 – representation reg.

Sir,

With reference to the above I hereby submit my representation against the adverse remarks in my ACR 1998-99.

The adverse remark that "the officer could not show who visited this U.T." is unfounded and far from truth. I resumed my duties on 24.10.98 after availing medical leave and after resuming, I performed my duties with utmost sincerity and dedication in accordance to allotted duties and responsibility (copy enclosed). During the period I found that the General Manager Sri P. Chandra was virtually running the factory as a dictator. He was not only indulged in mis-management for his personal gain but was also engaging no. of labourers to work in his house for farming works and these was duly reported in writing to C.C.F. on 11.6.99 under C. No. 1/10/411/CF/98/1784 dated 11.6.99. During the tenure my primary aim was to save the wastage of Govt. revenue. I also reported the mis-handling of Opium receipt by Sales Manager and wastage of opium found in each container to the General Manager but he did not pay any attention. But when visit of staff from Office of the Chief Controller of Accounts was known, he along with his favourite Sales Manager (Responsible for receipt of opium) managed to hide all such containers with good amount of opium in each container in a safer place. But I being manager and duty bound, pointed such irregularities to the visiting staff of C.C.A. who were very critical of such wastage and loss of Govt. Revenue. And now this criticism is attributed to the level of my quality of inspection.

I, therefore request you to call for the committee report headed by Principal C.C.A., New Delhi along with list of duties and responsibilities allotted to each and every officers of the factory and kindly decide the veracity of adverse remarks.

And as for the quality of leadership being worker oriented rather than work oriented, I am at dilemma to understand the actual meaning of the words. Until or unless you can manage the workers no work can be derived from them. Since my joining it was my utmost effort to see that the labourers (workers) get fair treatment, legitimate medical and other benefit. I found that many of the workers were detailed and utilized in personal works of General Manager and other influential officials which I objected and this can be well verified from attendance registers of workers of different branch where I have remarked to treat such workers absent from work and their salary stopped but my voice were never

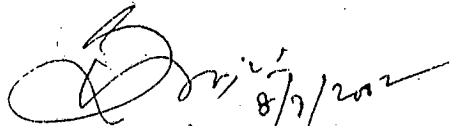
certified to be true copy

heard. This matter also I had informed to C.C.F., Gwalior in writing. Further, there were occasion when the workers were agitated and wanted to go for lightening strike due to dictatorial behaviour of the then General Manager, Sri P. Chandra but it was my apt handling with due support of the then labour officer Sri A.P. Zade, that such situations were averted. So it is very wrong notion to say that my leadership was not work oriented.

I, therefore, pray you to kindly verify that fact and expunge the adverse remarks from my ACR.

For which act of this kindness, I shall remain ever pray.

Yours faithfully,

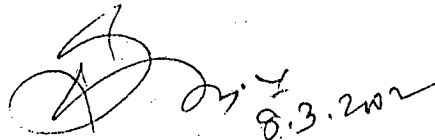


(K.B.BHUJEL)
ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

C. No. II(9)50/CON/ACJ/MISC/2001/ 1491

Dated :: 08.03.2002

Advance
Addressed-copy by Registered post to Shrimati K. Kipgen, Under Secy, to the Govt. of India
Ministry of Finance, Department of Revenue, New Delhi.



(K.B.BHUJEL)
ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

Sent to Delhi by the Commr. cc. Shillup

C/c

vide letter No. 3/Commr/ACR/Con/2000/487 & 21-3-02

New Delhi, the 11th Nov., 2002

OFFICE ORDER NO. 181/2002

Subject : Ad-hoc to the grade of Deputy Commissioner of Customs & Central Excise - regarding.

The President is pleased to order that the officers mentioned at S.No. 1 to S.No. 27 of Annexure-I, S.No. 1 to S.No. 43 of Annexure-II, S.No. 1 to S.No. 25 of Annexure-III and S.No. 1 to S.No. 92 of Annexure-IV in the grade of Asstt. Commissioner (Grade-VI) of the IC&CES be promoted to officiate on purely ad-hoc basis in the grade of Deputy Commissioner of Customs & Central Excise (Grade-V) of the service in the scale of pay of RS. 10,000-325-15,200/- with immediate effect.

2. The above promotions have been made in compliance with the order dated 08.07.2002 passed by the Hon'ble CAT, Madras Bench in the case of IC&CES Association & Others Vs. Union of India & Others.

3. The above promotions do not confer on the officers so promoted any claim for continued officiation in the grade of Deputy Commissioner of Customs & Central Excise and the period of such service will not count for seniority / confirmation or as qualifying service or as for further promotions.

(K.KIPGEN)

Under Secretary to the Govt. of India


COPY FORWARDED TO :-

1. The officers concerned.
2. All Ch. Comms. / Dir. Generals, Customs & Central Excise.
3. All Comms. / Directors, Customs & Central Excise.
4. Pr. CCA, CBEC, New Delhi.
5. PSs to FM / MÔS (R) / Secy (R) / Chairman (EC) / All Members, CBEC / JS (ADMN) / DG (Vig.) / DS(AD.II) / Dir. (Pub.)
6. AS (A) / Dir. (Hqrs. Admn.)
7. All Head of Department under CBEC.
8. SO(P) / AD.V / Hindi Section.
9. The Secretary, UPSC, New Delhi.
10. Office order folder / Personal file.
11. The Web-Site Manager, Delhi
12. The Dir, O&M, Delhi.

(K.KIPGEN)

Under Secretary to the Govt. of India

Promotion Order ah Annex - IV

Auth file to be true copy


DIRECT RECRUIT ASSISTANT COMMISSIONERS

S.No	Name of the officer & Date of Birth
1.	Binoy Kumar 15.08.67
2.	Sunil Singh Katiyar 10.11.69
3.	Vinod Kumar Gahlout 06.01.72
4.	Manoj Kumar Rajak 01.04.68
5.	Ms. Limatula 22.11.68
6.	Suresh Nandanwar 30.06.72
7.	Ms. Amita Singh 09.07.71
8.	Arvind Madhavan 19.08.72
9.	Jcetesh Nagori 04.05.75
10.	Suresh Babu Bodduluri 12.06.70
11.	Sameer Chitkara 01.10.73
12.	Ms. N.Minu 24.07.73
13.	Dinesh Kumar Gupta 28.01.71
14.	Nilesh Kumar Gupta 11.10.71
15.	Smt. Monika Batra 10.08.73
16.	Amandeep Singh 20.02.71
17.	Amitesh 24.12.72
18.	Shailesh Kumar 02.01.70
19.	Basistha Prasad 06.01.67
20.	K.Ramakrishnan 15.04.69
21.	K.Balamurugan 25.04.70
22.	Ajay 15.05.67
23.	Dhavale Satish Sitaram 15.11.68
24.	Rajesh Kumar Verma 13.04.69
25.	Vinay Kumar Singh 01.07.69
26.	Pulapaka Anand Kumar 01.08.66
27.	Bachhu Singh Meena 02.04.69

ANNEXURE-II

ASSTT. COMMISSIONER PROMOTED FROM THE GRADE OF CUSTOMS APPRAISER.

S.No	Name of the officer & Date of Birth
1.	Anurag Bakshi 01.08.59
2.	H.R.Garg 06.05.56
3.	G.S. Purohit 10.02.59
4.	Anil Kumar Singh 15.01.56
5.	S.N. Ojha 23.06.61
6.	Om Prakash 20.08.54
7.	J.F.X.Ferrao 15.12.48
8.	V.Murugesan 13.05.48
9.	P.D.Roy 26.02.44
10.	A.R.C.Riberio 16.01.46
11.	K. Rajendran 02.10.49
12.	R. Balagurumathan 05.01.46
13.	S.Eswara Sharma 01.07.48
14.	T.Hanumanta Rao 04.03.52
15.	Tapan Kumar Das 05.01.51
16.	Amarjit Singh 12.03.55
17.	Ajit Kumar Chattopadhyay 02.03.49
18.	P.V. George 11.12.49
19.	R.K. Nair 26.06.46
20.	U.Rajkumaran 26.06.43
21.	K.A./Thomas
23.	K.K.G. Nair 04.03.45
24.	N.V.B. Nair 05.06.46
25.	P.V. Reddy 21.03.47
26.	K.B.:Bhatt 24.05.56

27.	A.K. Goswami 13.07.56
28.	P.Kalaichelvan 05.06.56
29.	M.Chandra Bose 09.05.58
30.	L.B. Yadav 01.01.59
31.	P. Viswanathan 11.02.50
32.	T.S.A. Pillai 11.01.51
33.	N. Sreeramchandran 22.02.50
34.	Nagendra Kumar Mishra 24.01.59
35.	Kamala Shankar Mishra 05.06.59
36.	Binod Kumar Choubey 09.08.60
37.	A.C. Pushkarna 09.10.60
38.	J.N. Das 21.02.50
39.	Virendra Kumar 05.04.61
40.	S. Kankaiah 07.02.53
41.	M.K. Mondal 28.03.47
42.	Sahi Ram Meena 14.07.59
43.	A.K. Mandal 16.10.48

ANNEXURE-III

ASSTT. COMMISSIONERS PROMOTED FROM THE GRADE OF SUPDT. OF CUSTOMS
(PREVENTIVE).

S.No	Name of the officer & Date of Birth
1.	S.T. Wadile 17.10.45
2.	P.S. Rajput 15.11.51
3.	G.S. Salvi 28.10.47
4.	R.N. Pathak 08.07.46
5.	K.P.R. Nair 23.05.44
6.	D. John 16.05.43
7.	P.V.P. Desai 02.10.44

12

8.	N.M. Vengurelekar 15.08.49
9.	P. Krishnamurthy 01.06.44
10.	N.V. Perumaliah 07.09.44
11.	P.K. Chakraborty 07.12.42
12.	M. Shaikh 30.09.45
13.	K.M. Samuel 05.05.43
14.	V.H. Bhatija 03.01.47
15.	M.Y. Patel 03.06.48
16.	L.R. Nayak 10.05.47
17.	M.V.P. Desai 17.01.44
18.	J.S.P.L. Fernandez 10.04.47
19.	Shaikh Hussain 03.04.43
20.	M. Kaishak Babu 13.05.43
21.	R. Vishnudas 30.04.51
22.	A. George 07.11.43
23.	Ganesh Kachua 01.08.47
24.	H.D. Rathod 07.04.51
25.	M. Rajayyan 18.08.47

ANNEXURE-IV

ASSTT. COMMISSIONER PROMOTED FROM THE GRADE OF SUPDT OF CENTRAL EXCISE.

S.No	Name of the officer & Date of Birth
1.	B.C. Sahoo 20.07.50
2.	R. Vittal Vivekanandan 05.10.47
3.	R. Karunakaran-I 14.06.50
4.	N. Sasidharan 08.10.51
5.	N.P. Agarwal 16.10.50
6.	M. Jayaraman 22.10.50
7.	K. Kandasamy 10.04.48
8.	K. Rajagopal 13.08.44

9.	V. Gandhi 03.06.45
10.	Ms. Manjit Kaur 15.08.43
11.	M.Haja Mohideen 02.06.49
12.	M.C. Asthana 02.03.44
13.	S.D.V. Rajkumar 18.06.49
14.	R. Narayanan 14.01.50
15.	Ram Pratap 05.07.56
16.	B.G. Koli 01.06.49
17.	M.Kadar Batcha 15.03.44
18.	P.T. Kamble 14.01.50
19.	Pratap Singh 20.11.45
20.	R. Swaminathan 02.04.49
21.	S.Syed Yaseen 29.05.50
22.	N.V. Udaykumar 31.08.49
23.	M.N. Das 20.09.46
24.	K. Durairaj 25.05.49
25.	V. Ramakrishnan 24.11.50
26.	C.D. Damodaran 28.01.44
27.	P.A. Gangadharan 24.06.51
28.	C.S. Rajput 25.04.49
29.	H.S. Shirsat 23.01.50
30.	P.C.K. Nair 01.04.44
31.	S.C. Gupta 24.07.52
32.	B.L. Sharma 01.06.49
33.	A.A. Kapse 24.10.49
34.	V.M. Basheer Ahmed 28.03.49
35.	L.S. Vanchangwng 28.12.51
36.	H.C. Verma 27.03.53
37.	V. Raja Ram 29.09.51
38.	John Jacob 13.04.50

40

39.	M.K. Saseendran 18.03.49
40.	A. Samuel Joyson 16.07.50
41.	R. Ramalingam 20.06.49
42.	R. Sellamuthu 06.05.43
43.	D. Babu Rangaswamy 02.02.51
44.	G.P. Pommurajendran 25.02.49
45.	A. Iqbal 22.07.49
46.	Dr. Prudhvi Singh 01.11.49
47.	M.A. Damodran 26.01.43
48.	T.D. Bodade 09.06.46
49.	N.G. Moone 31.09.49
50.	A.V. Kamble 20.05.45
51.	S. Sridharan 29.05.50
52.	M. Doraiswamy 04.05.49
53.	R. Muthuswamy 05.04.50
54.	Bijoy Kumar Roy 24.10.51
55.	Tara Chand 15.04.46
56.	Nirupam Kar 01.01.51
57.	N.K. Bhattacharjee 30.11.50
58.	R.K. Baidya 01.04.49
59.	Jagdish Chandra 02.02.49
60.	P.R. Vijayan 07.05.49
61.	Dimbeswar Borah 01.01.50
62. ✓	Biswajit Sarkar 01.11.55
63. ✓	Subir Kr. Chakraborty 03.12.52
64. ✓	S.P. Chakraborty 07.08.50
65. ✓	P.S. Purkayastha-I 14.07.53
66. ✓	Rama Kant Das 01.01.54
67.	A.M. Tilak 26.09.50
68.	R.K. Chakraborty 20.04.51

71

69.	J.K. Paul 01.02.50
70.	Debaprasad Das 15.02.52
71.	Mrinal Kanti Chanda 01.05.50
72.	Gopinath Dutta 04.09.50
73.	G.S. Arekar 29.01.50
74.	Anjan Kumar Pandit 01.03.49
75.	V.S. Gaur 09.06.52
76.	D.V. Sharma 14.01.50
77.	B.L. Malhotra 04.08.44
78.	D.K. Soni 26.10.54
79.	Smt. Mary Anthony Malickal 13.06.47
80.	A.K. Roy 01.09.45
81.	B.R. Deb Roy 08.03.53
82.	Nazarul Islam 01.09.51
83.	Dinesh Chandra 02.04.43
84.	Tridibeshwar Nath 23.12.53
85.	S.C. Pushkarna 07.03.50
86.	O.P. Bhatia 03.11.42
87.	Vinod Kumar 15.12.48
88.	Md. A. Hussain 11.09.51
89.	M.C. Hazarika 01.04.46
90.	R.K. Mittal 21.09.54
91.	L.S. Bist 10.01.56
92.	R.C. Agarwal 18.12.44

ANX. NO. 9

The Member (P & V),
CBEC, North Block,
New Delhi.

Sir,

Subject: - Non-inclusion of name in Senior Time Scale - Reg.

With most humbly and respectfully I beg to lay down the following few lines for favour of your information and necessary action.

That Sir, on 11.11.02, an order of promotion to the grade of Deputy Commissioner of Customs & Central Excise was released vide O/o No. 181/2002 dated 11.11.2002.

That Sir, in the said list my junior over the period of 4 (four) years found place at Sl. No. 64, 65 & 66 but my name was conspicuously missing from the said list.

That Sir, while I was posted at Ghazipur (UP) as Manager of Govt. Opium & Alkaloid Works during 1998-1999 & 1999-2000 I received adverse remarks which I contested and sent my representation through the office of the Commissioner, Central Excise, Shillong. My last representation for the year 1999-2000 was sent to the Chief Commissioner, Central Excise, 15/1 Strand Road Kolkata-700001 under C. No. II(9)42/CON/ACR/ACJ/2000/602 dated 15.5.2001 with a copy to the Joint Secy. (Adm & NC), Hqrs. Administration, CBEC North Block, New Delhi and to the Commissioner, Central Excise, Shillong in response to the Commissioner, Central Excise, Shillong letter C. No. 3/Commr ACR/CON/2000 dated 25.4.2001

That Sir, since than I did not hear anything from the Board. Since so much time has elapsed and therefore, I presumed that my adverse remarks have been expunged.

That Sir, the above order has not only degraded me in the eyes of my colleagues but have given me immense mental worries.

I, therefore, request you to kindly look into the matter and favour me with an order in the light of my above submission.

For which act of this kindness, I shall remain ever pray.

Yours faithfully,

sd/

(K.B.BHUJEL)

ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

C. No. II(9)42/CON/ACR/ACJ/2002/ 1546-48

Date 14.11.2002

Copy to:-

1. The Joint Secy (Adm. & NC), Hqrs. Adm. CBEC, North Block, New Delhi for favour of information and necessary action.
2. The Chief Commissioner, Central Excise 15/1 Strand Road, Kolkata for favour of information and necessary action.
3. The Commissioner, Central Excise, Shillong/Guwahati for favour of information and necessary action.

sd/

(K.B.BHUJEL)

ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

C. No. II(9)42/CON/ACR/ACJ/2002/

Date 14.11.2002

✓ Copy to the Secy., NER, Group 'A' Promotee Association for information. He is requested to take up the matter.

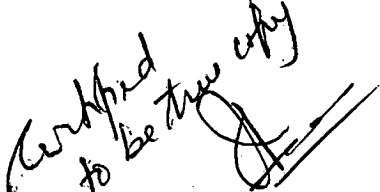


(K.B.BHUJEL)

ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

Encl: - Copies of representation

Verified
to be true copy



✓ Sent by registered ^{speed} post no. ~~SP EE 8435 7253 IN~~ & 20.11.2002
-58-
SP EE 8435 7253 IN

ANNX NO. 10

5042

C.NO.11(9)50/CON/ACI/MISC/2001/

Date: 18.11.2002

To,

The Member (P&V/AS)
Central Board of Excise & Customs
North Block
New Delhi 110002

Sub: Representation against promotion order No. 181/2002 dt 11.11.02-Res.
✓ (Through the Commissioner, Central Excise, Guwahati)

Sir,

With humbly and most respectfully, I beg to lay down the following few lines for favour of your information and necessary action.

That Sir, an adhoc promotion list to the grade of Deputy Commissioner (IC&CES) was released on 11.11.2002 under Office Order No.181/2002.

That Sir, I am aggrieved to say that my name did not figure in the said list.

That Sir, after putting 24 years of service at North East region alone I was posted to Ghajipur (U.P.) on promotion to the grade of Assistant Commissioner. I was sent there as Manager of Government Opium & Alkaloids Works in the month of June/98 and during February/2000 I was again transferred to the Shillong Central Excise Commissionerate.

That Sir, in the first week of May/2001 I received adverse remarks communiqué for the year 1990-2000 through the Commissioner of Central Excise, Shillong and according to instruction contained in the said letter, I represented against the adverse remarks (both copies enclosed).

That Sir, I was again favoured with "adverse remarks" for the year 1998-99 vide Board's letter F.No.A-28017/7/2000-EC/Per dated 13.2.2002 and asked to represent within 30 days time if I so desired. I contested this "adverse remarks" also and sent representation to Board on 8.3.2002 (both copies enclosed).

That Sir, both the representations have been sent by speed post of the Postal Department and I have not heard anything since then.

That Sir, para 24 (Part-B) of Chapter 52 of the manual of Establishment and Administration stipulates the time limit for disposal of representation against adverse remarks within 3 (three) months from the date of submission of representation and also says that adverse remarks should not be deemed to be operative if any representation filed within prescribed time limit is pending. (Authority : G.I., Deptt of Per & A.R., OM.No.21011/1/77-Estt dated 30.1.1978). I, therefore, feel that my both adverse remarks are deemed expunged and entitles me a berth in the said promotion order.

That Sir, this promotion order in the grade of Deputy Commissioner where my name is excluded degrades me in the eyes of my colleagues and has also given me immense mental worries.

That Sir, besides aforesaid facts, I also like to invite your kind attention to the Board's letter F.No.A23018/3/97/Ad-IIB dated 18.6.2001, wherein the seniority in the grade of Superintendent, Central Excise, Group-B promoted/appointed upto 31.12.1992 is corrected in the light of implementation of CAT, Guwahati Bench's

✓ Certified to be true copy
[Signature]

Order of 8.2.2001 in O.A. No.237/1999. In the said list, the names of S/Sri S.K. Chakraborty, S.P. Chakraborty and P.S. Purkayastha-I figure down below the names of other officers who are placed after the names of above officers in the grade of Deputy Commissioner (IC&CES) vide Office Order No.181/2002 dated 11.11.2002.

I, therefore, solicit your attention to the above facts and request you to order amendment of abovesaid promotion order.

For which act of this kindness, I shall remain under the deep debt of gratitude.

Yours faithfully,



(K.B. BHUJEL)
ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

C.NO.II(9)50/CON/ACJ/MISC/2001/5043-46

Date: 18.11.2002

Copy for favour of information and necessary action to :

- SPLE 843572530/N 1. The Chairman, CBEC, North Block, New Delhi 110002.
- SPLE 843572682/N 2. The Member (P&V/AS) (Advance Copy) CBEC, North Block, New Delhi 110002.
- SPLE 843572625/N 3. The Joint Secretary (Adm), CBEC, North Block, New Delhi 110002.
- SPLE 843572696/N 4. The Chief Commissioner, Central Excise, 15/1, Strand Road (Customs House), Kolkata 700001.
- SPLE 843572753/N 5. The Commissioner, Central Excise, Guwahati. Shillong

AM dt. 20.11.2002



(K.B. BHUJEL)
ASSISTANT COMMISSIONER
CENTRAL EXCISE, JORHAT

Indraneel Chowdhury

Advocates

- 60 -

ANN NO. 11 15

Rajgarh Bye-lane No.2

Guwahati-781003

Assam

: 0361-2547646

© : 0361-2520185

DATE : 13-1-03

To

The Member (P & V/AS)
Central Board of Excise & Customs,
North Block,
New Delhi - 110 002

Sub: LEGAL NOTICE

Sir,

Under instruction of my Client Sri K.B. Bhujel, Assistant Commissioner, Central Excise, Jorhat, I place before you the following lines for your consideration :-

1. That my Client was appointed as Inspector on 25.9.1975 and thereafter promoted to the post of Superintendent on 13.12.1988. Thereafter, in view of the Judgment and Order dated 8.2.2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No.237/99, the All India Seniority List of Superintendents of Central Excise, Group-B promoted/appointed upto 31.12.1992 were revised/corrected. In the said revised seniority list, the name of my Client figured at 462.22.

2. Thereafter, on 12.6.1998 my Client was promoted to the rank of Assistant Commissioner and transferred to ^{Gajipur (D.P)} ~~Gazipur~~ as Manager of Govt. Opium & Alkaloids Works. In February/2000, my Client was again transferred to Shillong Central Excise Commissionerate.

Contd....P/2....

e-mail : indraneel_71@hotmail.com

Certified to be
true copy
[Signature]

(2)

3. That certain adverse remarks/entries were made against my Client for the year 1999-2000 which was communicated to my Client in May/2001. Against the said communique, my Client immediately submitted a representation on 16.5.2001 by registered post. Since then, nothing in connection with the aforesaid adverse remarks/entries have been communicated to my Client.

4. Thereafter, again certain adverse remarks/entries were made against my Client for the year 1998-99 which were communicated to my Client vide letter F No. A-28017/7/2000-EC/Per dated 13.2.2002. My Client immediately submitted a representation to the Board on 8.3.2002 and since then, nothing whatsoever in this connection has been communicated to him.

5. That Para-24 (Part-B) of Chapter-52 of the Manual of Establishment and Administration stipulates that " all representations against adverse remarks should be decided expeditiously by the competent authority and in any case, within 3 (three) months from the date of submission of the representation. Adverse remarks should not be deemed to be operative if any representation falls within the prescribed time limit is pending". In this view of the matter, it may be reasonably presumed that the aforesaid adverse remarks/entries so made against my Client are deemed to have been expunged.

6. That vide Order No. 181/2002 dated 11.11.2002 issued by the Under Secretary to the Govt. of India, Ministry of Finance, Department of Revenue, all the Assistant

Contd....P/3...

(3)

Commissioners of Central Excise promoted on 12.6.1998 to the said rank have been promoted to the rank of Deputy Commissioner. However, my Client's name did not find place amongst the Assistant Commissioners so promoted to the rank of Deputy Commissioner. By the said Order dated 11.11.2002, many Officers who are junior to my Client in terms of the revised All India Seniority List dated 18.6.2001 have been promoted to the rank of Deputy Commissioner, which is contrary to the procedure laid down in law, unconstitutional and violative of the established principles of the service jurisprudence. Being aggrieved by having been left out from being promoted to the rank of Deputy Commissioner, my Client submitted a representation dated 8.11.2002 before the competent authority. However, no action in this regard has been taken till date.

Under these circumstances, I call upon you to take necessary corrective measures and issue an Order of promotion in favour of my Client Sri K. B. Bhujel, Assistant Commissioner, Central Excise, Jorhat within a period of 15 (Fifteen) days failing which my Client will be constrained to initiate legal proceedings against you, which shall be at your sole risk, costs and consequences.

Yours faithfully,


(INDRANEEL CHOWDHURY)
ADVOCATE

SHILLONG GPO (79300) भारतीय डाक
SP EE850729213IN
Counter No: 1, OP-Code: 111
To: THE MANAGER, C B O & CUSTOMS POST
NEW DELHI, PIN: 110002
From: INDRANEEL CHOWDHURY, GUWAHATI 781003
Wt: 10grams,
Amt: 50.00, 13/01/2003, 12:05

the adverse remarks to the Government servant concerned, the identity of the superior officer making such remarks should not normally be disclosed.

2. Care should be taken to ensure that the remarks are communicated in such a form that the identity of the officer making particular remarks is not disclosed.

3. If, however, in a particular case, it is considered necessary to disclose the identity of the superior officer, the authority dealing with the representation may at his discretion allow the identity to be communicated.

[G.I., M.H.A., O.M. No. 51/2/64-Estt. (A), dated the 30th March, 1964; D.P. & A.R., O.M. No. 51/3/74-Estt. (A), dated the 22nd May, 1975.]

22. Representations against adverse remarks.—Only one representation against adverse remarks (including reference to 'warning' or communication of displeasure of the Government or 'reprimand' which are recorded in the confidential report of the Government servant) should be allowed within one month of their communication. While communicating the adverse remarks to the Government servant concerned, the time-limit should be brought to his notice. However, the competent authority may, in its discretion, entertain a representation made beyond this time if there is satisfactory explanation for the delay.

[G.I., D.P. & A.R., O.M. No. 21011/1/77-Estt., dated the 30th January, 1978 and O.M. No. 51/14/60-Estt. (A), dated the 31st October, 1961.]

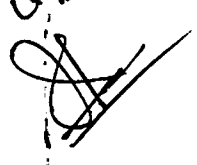
23. To whom representation lies.—Representation against adverse remarks will lie to the authority immediately superior to the countersigning authority, if any, or to the reporting officer. If the immediate superior authority has already reviewed the confidential report in question and has also expressed his view either agreeing or disagreeing with the adverse remarks recorded and accepted by the countersigning authority, the representation should, in that event, lie to the next higher authority.

[G.I., D.P. & A.R., O.M. No. 21011/1/77-Estt., dated the 30th January, 1978 and Rule 474 (12) of P. & T. Manual, Volume III.]

24. Time-limit for disposal of representation against adverse remarks and when note to be taken of such remarks.—All representations against adverse remarks should be decided expeditiously by the competent authority and in any case, within three months from the date of submission of the representation. Adverse remarks should not be deemed to be operative if any representation filed within the prescribed time-limit is pending. If no representation is made within the prescribed time, or once this has been finally disposed of, there would be no further bar to take notice of the adverse remarks.

[G.I., D.P. & A.R., O.M. No. 21011/1/77-Estt., dated the 30th January, 1978.]

25. Manner of disposal of representation.—The following procedure should be adopted in dealing with representations from the employees against the adverse remarks communicated to them:—

Certified to be true copy


- (1) Representations against adverse remarks should be examined by the competent authority in consultation, if necessary, with the reporting officer and countersigning authority, if any.
- (2) If it is found that the remarks were justified and that the representation is frivolous, a note may be made in the confidential report of the petitioner that he did not take the correction in good spirit.
- (3) If the competent authority feels that there is no sufficient ground for interference, the representation should be rejected and the petitioner informed accordingly.
- (4) If, however, it feels that the remarks should be toned down, it should make necessary entry separately with proper attestation at the appropriate place of the report; the correction should not be made in the earlier entries themselves.
- (5) In the rare event of the competent authority coming to the conclusion that the adverse remark was inspired by malice or was entirely incorrect or unfounded, and therefore deserves expunction, it should order accordingly. Before, however, taking such an action, it should bring it to the notice of the Head of the Circle or other Administrative Officer if it does not occupy that position and obtain his concurrence.

When a representation against adverse remarks is wholly or partially upheld, the particulars of the orders based thereon should be recorded in the report itself. If it is decided to tone down the remarks, the competent authority may make the necessary entries at the appropriate place of the report under proper attestation, but the past entries should not be corrected. If the remarks are ordered to be expunged, they should be effectively obliterated both in the confidential report as well as in the copy of the letter communicating those remarks. A copy of the order based on such a representation should not be kept in the CR File. Where a penalty is set aside on an appeal or review, the copy of the punishment order should be removed from the CR File as well as the adverse remarks recorded on the basis of the penalty expunged. In a case where the penalty is modified by the appellate or revising authority, the entry in the confidential report originally made on the basis of the penalty awarded should also be immediately modified accordingly.

[Rule 174 (13) and (14) of P. & T. Manual, Volume III, D.O.; P. & T., Letter No. 27/4/78-Disc. I, dated the 19th April, 1978 and D.P. & A.R., O.M. No. 51/5/72-Est. (A), dated the 20th May, 1972; para. 9.5.]

✓ 26. Column of report should not be kept blank after expunction of adverse remarks.—It has been observed that in a few cases, after the expunction of the adverse remarks, the relevant column(s) was/were left blank, i.e., without any remarks, thus making the report incomplete.

It may be appreciated that an incomplete report cannot be relied upon for a fair and objective assessment of the officer concerned for his

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গণপ্রজাতন্ত্রী বাংলাদেশ
General Administrative Tribunal
১৯ নোভেম্বর ২০০৩
গুৱাহাটী বেন্চ
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Union of India & Ors
- Respondents
Through:
Ajay Kumar Choudhary
19/11/03

In the matter of :-
O.A.No.93 of 2003
Shri K.B. Bhujal ... Applicant
-Versus-
Union of India & Ors.
... Respondents

WRITTEN STATEMENT FOR AND ON BEHALF OF RESPONDENTS
NO. 1, 2, 3, 4 & 5.

I, Anwar Hussain, Deputy Commissioner, Central Excise, Guwahati, do hereby solemnly affirm and say as follows :-

1. That I am the Deputy Commissioner, Central Excise, Guwahati 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 this written statement the other contentions and statements may be deemed to have been denied. I authorised to file the written statement on behalf of all the respondents.

2. That the respondents beg to state that the brief facts of the case as follows :-

The applicant was initially appointed as Inspector of Central Excise and Customs in the year 1975 and joined at Dhubri (Assam) on 25-9-75. He was promoted to the post of Superintendent with effect from 13-12-88. Thereafter, he ^{was} promoted to the post of Assistant Commissioner vide a common order No.122/1998, dtd.12-6-98. By the said order the applicant was transferred as Manager, Govt. Opium & Alkaloid Works (G.O.A.W) Gazipur in Uttar Pradesh. He joined at G.O.A.W., Gazipur on 29-6-98 as Manager. Now he is presently serving as Asstt. Commissioner at Jorhat where he joined on 3-11-2001.

The main contention in the O.A. is non-promotion of the applicant from Asstt. Commissioner (JTS) to Deputy Commissioner (STS). In the O.A., there are two points regarding entry of adverse remarks recorded in the applicant's ACSRs for the year 1998-99 and 1999-2000 and not considering him for the promotion in the O/O No.181/02, dtd.11-11-2002.

In this connection it is stated that he was communicated the adverse entries in his ACR for the period 1998-99 and 1999-2000 by the Competent Authority. However, the adverse entries have not been expunged.

3. That the respondent have no comments to the statements made in paragraph 4.1 to 4.4 of the application.

4. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that necessary revision of seniority list was done as per the directions of the Hon'ble Tribunal in the order O.A.No.237/99 in Group 'B' Superintendent of Central Excise.

5. That the respondents beg to state that the statements made in paragraph 4.6 of the application are matters of records.

6. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that the other officers were given promotion as they were found fit by the DPC whereas the case of the applicant was 'deferred'. However in the subsequent DPC held in March, 2003 he was assessed as 'unfit'.

7. That with regard to the statements made in paragraph 4.8 to 4.11 of the application, the respondents beg to state that the ACR for the year 1998-99 in respect of the applicant was received in the Personnel Section on 17-5-2001 and the approval for communication of adverse remarks recorded in the ACR was received only on 8-6-2001 and the same have been communicated to the applicant vide letter F.No.A-28017/7/2000-EC/Per, dtd. 6-7-2001. Whereas, the adverse remarks recorded in the ACR of the applicant for the year 1999-2000, were communicated to the applicant on 26-3-2001. The representation submitted by the Officer against adverse remarks is under examination in the Department in consultation with the concerned reviewing authorities.

8. That with regard to the statements made in paragraph 4.12 of the application, the respondents beg to state that the seniority list was published in Sept, 2002.

9. That the respondents have no comments to the statements made in paragraph 4.13 of the application.

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10. That with regard to the statements made in paragraph 4.14 to 4.15 of the application, the respondents beg to state that as the DPC did not find him 'fit' for promotion as Deputy Commissioner, he was not promoted.

11. That with regard to the statements made in paragraph 5(i) to 5(x) and 8(1-3) of the application, the respondents beg to state that the applicant was considered by the duly constituted DPC held on Oct, 2002 and March, 2003 for promotion to the grade of Deputy Commissioner. He was assessed as 'deferred' by the DPC held in Oct, 2002 and the DPC held in March, 2003 assessed him as 'unfit'. As per this assessment, he could not be promoted as Deputy Commissioner. Since the DPC has found him 'unfit' for promotion, his plea should not be entertained.

12. That with regard to the statements made in paragraph 8(4) of the application, the respondents beg to state that the applicant will be promoted as AC(STS) when he is found suitable and recommended for the promotion to that grade by DPC.

13. That the respondents have no comments to the statements made in paragraph⁸(5) and⁸(6) of the application.

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

VERIFICATION

I, Anowar Hussain, presently working as Deputy Commissioner, Central Excise, Guwahati being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs / of the application are true to my knowledge and belief, those made in paragraphs 2 - 12 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 13th day of November 2003 at Guwahati.

Anowar Hussain
Deponent
Dy. Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

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State Administrative Tribunal
19th DEC 2003
Guwahati Bench

Filed by Mr. Applicant
Mr. K.B. Bhujel
Advocate
12.03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:.....GUWAHATI.

O.A.No. 93 of 2003

Shri K.B.Bhujel ...Appellant

-Versus-

Union of India and others ..Respondents

Rejoinder of the applicant against the written statement filed on behalf of the respondent nos. 1,2,3,4 and 5.

I, Shri Krishna Bahadur Bhujel, applicant of the aforementioned case, do hereby solemnly affirm and state as follows :-

1. That I have filed the aforementioned application before this Hon'ble Tribunal ventilating my grievances for depriving myself from promotion from the post of Assistant Commissioner to Deputy Commissioner in the department and with a prayer for my promotion for which I am entitled to.

2. That, a copy of the written statement has been served upon me and having gone through the same fully understood the contents therein and begs to file the rejoinder. The averments/contentions made in the written statement which are not specifically admitted by myself are deemed to have been denied and reiterates my averments/contention made in the application.

contd...

3. That, I beg to state that, Mr. Anowar Hussain, who has verified and filed the written statement on behalf of the official respondent no.1 to 5 has been impleaded as private respondent no.11 in this instant case and he ought not to have filed and verified the written statement on behalf of the official respondent nos. 1 to 5.

4. That, as regards to averments made in sub-para 1 to 3 of the paragraph 2 of the written statement same are matters of records and I have got no comment to make.

5. That the respondents have not controverted the statements made in para 4.4 of the Original application as regards anomalies found at the factory and reporting of the same by the applicant to the higher authorities. As such the statements made in the O. A. is to be treated as true and should be taken into account by this Hon'ble Tribunal.

6. That, as regards the averments made in paragraph 4 and 5 of the written statement, the applicant begs to state that, as per direction dated 8.2.01 of this Hon'ble Tribunal in O A.N .237/99, the necessary revision of seniority list was done and the applicant's position in list from earlier 1067 was brought to Sl.No.462.22 and the applicant became much senior to many such officers whose seniority were shown in appropriate places down the list.

7. That, as regards averments made in paragraph 6 of the written statement the applicant begs to state that

contd...

the applicant begs to defer with the statement. As stated that other officers were given promotion as they were found fit by the D.P.C. whereas the case of the applicant was deferred and again in the subsequent D.P.C. held in March, 2003 the applicant was assessed as unfit. The applicant begs to state that there is no other yardstick except ACRs of the officers concerned which are taken into account for consideration of promotion. And in the case of the applicant the adverse remarks in the ACR of the applicant for the year 1998-99 and 1999-2000 against which representations were submitted on 8.3.2002 and 15.5.2001 respectively, are still not decided inspite of prescribed time limit of three months for disposal of representation against adverse remarks in terms of Govt. of Indias D.P. & A.R. O.M. No.21011/1/77 Estt. dated 30.1.1978.

8. That as regards the averments made in paragraph 7 of the written statement the applicant begs to state that it is not true that the adverse remarks recorded in the ACR for the year 1998-99 of the applicant was communicated to the applicant vide letter F. No.28017/7/2000/EC/Per dated 6.7.2001 but it was communicated to the applicant vide letter F. No.28017/7/2000-EC/Per dated 13.2.2002 (Annexure-6 of the O.A.No.93/03) and adverse remarks recorded in the ACR of the applicant for the year 1999-2000 was communicated to the applicant vide C. No.3/Commr/ACR/CON/2000 dated 25.4.2001 from the Office of the Commissioner, Central Excise, Shillong (Annexure-4 of O.A. No.93/2003) and not on 26.3.2001 as stated, but till date the applicant representations against adverse remarks are not disposed of which ought to have been expeditiously decided by

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12. That, as regards averments made in paragraph 12 of the written ^{en statement} petition, the applicant begs to state that by virtue to seniority and also in the light of non-disposal of representations against the adverse remarks recorded in the ACR of the applicant for the year 1998-99 and 1999-2000 as per prescribed time limit, the applicant deserve the promotion to the grade of Dy. Commissioner with retrospective effect with consequential benefits of service, seniority arrear pay and allowances.

13. That, because of the aforementioned facts and circumstances, this Hon'ble Court may be pleased to allow the applicant and pass an order directing the respondents to promote the applicant to the post of Deputy Commissioner wef. the date when his juniors were promoted with all consequential service benefits etc.

Verification.....

Verification

I, Sri Krishna Bahadur Bhujel, presently working as Assistant Commissioner, Central Excise, do hereby solemnly affirm and state that the statements made in paragraphs 1 to 12 are true to my knowledge and belief and also are true to the records of the case and rest are my humble submissions made before this Hon'ble Tribunal.

And I sign this verification on this the 14th day of December, 2003 at Guwahati.

DEPONENT.

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VERIFICATION

I, Sri Krishna Bahadur Bhujel, presently working as Assistant Commissioner, Central Excise, do hereby solemnly affirm and state that the statements made in paragraphs 1 to 12 are true to my knowledge and belief and also are true to the records of the case and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 25th day of December, 2003 at Guwahati.

Krishna Bahadur Bhujel

DEPONENT.