



ALL INDIA CENTRAL EXCISE INSPECTORS' ASSOCIATION
WEST BENGAL, SIKKIM & ANDAMAN NICOBAR CIRCLE
 CUSTOM HOUSE, 7TH FLOOR, 15/1, STRAND ROAD, KOLKATA-1
 Ph./Fax: (033)22420693 * e-mail: aicelaywb@gmail.com
 (Affiliated to co-ordination committee of Central Government Employees and workers)

Date: 27.09.2018

REF: AICEIA/KOL/2018

To
 The Chief Commissioner,
 Central GST & C. Ex., Kolkata zone,
 Kolkata.

Respected Sir,

Sub:- Holding of regular meeting of All recognized Staff Association of CBIC for redressal of grievances - Reg.

This association would like to inform you that over the past years this association is pursuing the long pending issues with the concerned authorities of this zone and these were also taken up with the JCM meetings in the past occasions vide Minutes dated 26.05.2017 of JCM wherein resolution was passed. However, nothing has been done till date to resolve the following long pending issues of this zone:

1. To explore legal provisions to conduct DPC for promotion from the post of Inspectors to Superintendent:-

I would like to bring in to your kind notice that promotion to the post of Superintendents, for which the Inspectors are only feeder cadre, was stayed by the Hon'ble CAT, Kolkata Bench vide its interim order Dated 14.09.2017 passed in Original Application No. 604/2017. As the Department was facing difficulty in discharging official work due to shortage of personnel and the officers were being deprived of their All India Seniority, as the promotions to the post Superintendents was only stayed in Kolkata zone, the Department filed a Miscellaneous Application before Hon'ble CAT, Kolkata Bench for modification of the said interim order. Another Miscellaneous application was also filed by some Inspectors, who were soon likely to be promoted. In the Order Dated 15.06.2018, disposing the said miscellaneous applications, Hon'ble CAT was pleased to modify its interim order Dated 14.09.2017 and allowed the promotions to the post of Superintendents, with direction that the promotions granted in the meantime would be subject to the outcome of the impugned Original Application. Accordingly, letters were also issued by Kolkata North Commissionerate asking VC/IC of the Inspectors, who were falling in the consideration Zone. However, the applicants in the original application moved before Hon'ble High Court, Calcutta against the abovementioned order Dated 15.06.2018 of Hon'ble CAT, Kolkata Bench and the Hon'ble High Court vide its order Dated 24.07.2018, quashed the said order dated 15.06.2018 of the Hon'ble CAT, Kolkata Bench and also ordered for stay of operation of Seniority List dated 30.11.2015 till disposal of the original application by Hon'ble CAT, Kolkata Bench.

President:
 Sumit Kumar Acharyya

Working President:
 Ananta Kumar

Vice President (KOL):
 Goutam Dutt

Vice president (North):
 Saji Paul Chowdhury

Vice President (South):
 Manoj Kumar Mondal

GENERAL SECRETARY:

Sumit Kumar

Assistant Gen. Secretary:
 Bishuddi Das

Joint Secretary

Debasmita Dasgupta

Joint Secretary (North):
 Prasenjit Kr. Roy

Joint Secretary (South):
 Nishi Chandra Pathak

Finance Secretary:
 Avay Singh

Organising Secretary:
 Raju Halder

Literature Secretary:
 Welfare Secretary

(Kolkata)

SK. Naushad Rahman

Welfare Secretary (North):
 Kajal Kr. Barman

Welfare Secretary (South):
 R.L. Rao

MEMBERS:

Abhishek Ahmad

Abhishek Karmali

Abhishek Tareki

Abhishek Ghosh

Abhishek Singh

Abhishek Datta

Abhishek Ghosh



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CUSTOM HOUSE, 7TH FLOOR, 15/1, STRAND ROAD, KOLKATA-1

Ph./Fax: (033)22420883 •

e-mail: ajciewest@gmail.com

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3. Denial of MACP benefit to promoter Inspectors after completion of 10 years:

With due respect this association would like to inform you that since the year 2013 a number of DSC meetings have been conducted in CGST Kolkata Zone, however the claim of 7th financial up-gradation under MACP Scheme of the Inspectors who have even after completion of 10 of regular service as on 31.10.2013, by virtue of notional benefit of promotion to the grade of Inspector w.e.f. 31.10.2005, have not been considered for grant of financial up-gradation under MACP Scheme. Although the same issue got positive support from Audit scrutiny which may also be considered as a valid ground of such claim under MACP Scheme.

With reference to CGST Howrah Commr's letter vide Board's letter under F.No.A-2017/1202017-AL/EA dated 13th Dec, 2017 issued to all Cadre Controlling Authority under CBEC on applicability of 7th financial up-gradation under MACP Scheme. However, no clarification on the issue has been received from the Board. Hence, reminder letter may be sent to the Board for early clarification on applicability of 7th MACP to these Inspectors.

Your kind intervention in the matter will be highly appreciated.

Yours sincerely,

Santosh Kumar 27/09/18

(Santosh Kumar)

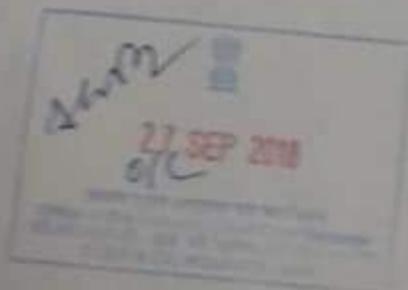
General Secretary

ACEIA, W.B., Sikkim and A&N

Mob. 908536863

Copy to:-

The Commissioner, CGST & CX, Howrah Commissionerate, for your kind information and necessary action at your end please.



Santosh Kumar 27/09/18

(Santosh Kumar)

General Secretary

ACEIA, W.B., Sikkim and A&N

Mob. 908536863



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We would like to point out that the Inspectors of this zone are one of the most stagnated, as far as the promotion to the post of Superintendent is concerned. This stay on promotion has made the situation worse. We appreciate the efforts taken by the Department for filing the Miscellaneous Application before Hon'ble CAT, Kolkata Bench for modification of stay order dated 14.09.2017 and get the same modified. However due to the order Dated 24.07.2018, passed by Hon'ble High Court, the position is back to square one. In view of above, we request your good self to intervene in the matter and issue proper direction to the Howrah Commissionerate, the cadre controlling authority of Inspector Cadre, to take necessary action for filing an application before Hon'ble High Court for modification of its order Dated 24.07.2018 or take any other action that may be required, so that promotion to the post of Superintendent, to approximately 120-130 posts, which have fallen vacant in the meantime, may be done at the earliest.

2. Ad-hoc promotions to the grade of Inspector since 2013 (total 317 Ad-hoc Inspectors):

In this regard, it may be informed that, with the kind approval of the then Principal Chief Commissioner of CGST & CE, Kolkata Zone, regularisation process was initiated and accordingly VC&IC of all 317 officers was sought from the respective Commissionerates vide letter dated 23.11.2017 of Jt. Commissioner, CGST Howrah Comm'te. On active persuasion of this association regularisation DPC date was fixed on 24.04.2018. However, due to unknown reasons that date was deferred to 04.05.2018 and finally the regularisation DPC has been postponed for an indefinite time. As a result all Ad-hoc Inspectors have become demoralised and lost their faith to the administration.

It is learnt that one legal stay was granted by Hon'ble CAT, Kolkata Bench, as an interim order for not holding regularisation DPC from 24.04.2018 to 26.04.2018 in O.A. No.350/00868 of 2017 in the case of Pradip Kumar Prasad & Ors. Vs. UOI & Ors.. However, it has come to our knowledge that the Hon'ble CAT, Kolkata in O.A. No.350/00868, in it's further order dated 04.05.2018, it did not continue that stay beyond 26.04.2018. Hence, from the Hon'ble CAT, Kolkata bench's order dated 04.05.2018, it is evident that there was no legal binding on 04.05.2018 to hold the scheduled regularisation DPC, but the same was postponed without any justifiable reasons.

It is also worthwhile to mention that vide Hon'ble CAT, Kolkata bench's order dated 04.05.2018 wherein at para-6 it is found that as per submission made by the department that department is not going to place the matter of three Ad-hoc Inspectors in question before the DPC, hence there is no question of considering by the DPC. Therefore, on the basis of submission made by the department before the Hon'ble CAT, Kolkata in its order dated 04.05.2018, it is very clear that Regularization DPC can be held for all except these three Ad-hoc Inspectors, since department itself has declared through their submission before the Court.

As per above, presently, there is no legal binding to hold DPC for regularisation except these 03 Ad-hoc Inspectors, but till date no further DPC date has been fixed. It is requested to direct the concerned authority to hold the regularisation DPC immediately.