

Dear Comrades,

Kindly see the mail forwarded. As the meeting was held at a very critical moment and the issues covered were on promotion and allocation of Commissionerates, the Chennai unit decided to contribute its best which was attempted in a very sincere manner as could be seen from the minutes issued by the person representing the unit/zone. Please give your feedback.

Regards,  
R.Chandramouli,  
General Secretary,  
AIACEGEO,  
Chennai unit

Dear friends,

As you are all aware Shri.Chandrasekhar, Joint Secretary [South Zone], due to some unforeseen circumstances, could not attend the Associate Committee Meeting in Hyderabad. Therefore, on his behalf the onerous task of representing the South Zone fell on me.

The Chennai Unit suggested the following points be taken up for discussion.

- 1. Stepping up of pay [which we have been regularly taking up in the light of favourable orders in respect of other departments of Central Government]*
- 2. Non grant of GP of 6600 to those who have been given II ACP under the old scheme of 1999 on completion of 30 years[3rd under MACP][Cases of Officers between 1st Jan 2006 and 31st August 2008]*
- 3. Status of case filed in Principal CAT on abrogation of Para 8.1 of MACP scheme as also scrapping of setting off against 4 years up gradation & other anomalies in MACP.*
- 4. Promotion of DC's to JC's issued vide order dated 31/12/13 wherein 130 Appraisers have been elevated despite their status being Ad Hoc and the sanctity of Recruitment Rule [governing such promotions] published during September 2012. Without prejudice to our stand, the fact that the order issued late in the evening also ensured that three officers retire as Joint Commissioners. This may be seen in the context of DPC for promotions to the grade of Assistant Commissioner held on 21st June 2012 and the orders issued belatedly forcing 5 officers retiring in June to go home with a single promotion. Adding insult to injury, one officer who emerged victorious in CAT, Chennai on award of promotion notionally, also had to face the prospect of his order appealed against. This issue may specifically be highlighted*

*and requested to be taken up with CBEC for getting at least notional promotions to the five officers.*

*5. If the 2118 posts are treated as temporary, then RR cannot be applied and this situation may be taken advantage of by asking for promotions to all the posts on stagnation basis. In other words we may specifically ask CBEC to exclude Appraisers from this quota.*

*6. Promotions in one go for all the posts and at the earliest to be ordered may be pressed hard.*

*7. Proposals for pay commission may also be discussed.*

*8. Possibility of a pre-convention of the AIB being held.*

*9. Any other matter which the office bearers feel fit to interject in the light of the discussions being held.*

*10. Ensuring correct RR's in the light of Intra as well as Inter Departmental disputes in promotions to Group A.*

*11. Reorganization of Commissionerates based on workload criteria and not merely on revenue collection norm.*

All the above points were placed before the Committee through Shri. Ravinder Singh, Vice-President [South Zone] for discussion. While all the points were discussed and deliberated I put additional thrust on points 2,4,5 and 11 above.

After elaborately explaining the present situation on Administration's refusal to grant GP of Rs.6600/-, AIB was fervently urged to do the needful to resolve this issue. The Secretary General stated that in some Zones the CC's are inclined to grant if the NFG granted earlier on completion of 4 years to the concerned officers is surrendered and allowed to be recovered. However, the broad opinion was to fight and get both the benefits. Already the issue is being pursued legally to get this issue resolved.

On the 4th point, the CBEC's differential and discriminatory treatment of some Central Excise Superintendent's being asked to wait on the eve of their retirement and then allowed to retire without releasing the promotion order, while when it came to the promotion of Appraiser promotees from DC to JC the Board's inexplicable and obscene haste to issue the order, dated 31-12-13, so as to enable some officers to take their promotions before retirement was stoutly denounced with all the force at my command. The AIB was requested to intervene in the matter in order to at least give notional promotions to those humiliated Superintendents and retrieve some dignity for them.

As regards the cadre restructuring the AIB was exhorted to ensure that the all the 2118 temporary posts be given exclusively to Superintendents of

Central Excise until a parity with Appraiser promotees is achieved to obtain the "just and fair representation" of all the three feeder cadres in the Group-A cadre as ruled by the Supreme Court in Dudeja case. The AIB promised to accomplish this objective. It was also brought to AIB's notice that regardless the loss of contempt petition the Apex Court's order dated 3-8-2011, still holds the field and so the essential thrust of this judgment to **"to ensure just and fair representation of officers of all 3 feeder categories in promotions to Gr-A"** must be pursued until all the Superintendent's promoted up to the year 2002 are elevated as Assistant Commissioners. Till then no Appraiser should be considered for promotion. On this there is complete unanimity in the AIB.

Finally, with reference to Secretary General's letter, dated 30-1-2014, addressed to **Shri. Najib Shah, Chairperson {Committee on Operational Issues}** on the issue of creating new Commissionerates it was pointed that his request not to reduce any Commissionerates made in the original proposal was flawed. The original proposals were made prior to amendment of Finance Act 1994, bringing in concept of "Negative List" in the new section 66B, which is the levy provision. But now the Service Tax assessee base had increased manifold. Therefore, it was vehemently contested that the entire criteria for creating Commissionerates was flawed and needs a fresh look with reference to the increase in assessee base. Besides, it was also pointed that the transfer of EOUs to Central Excise Commissionerates from Customs and the OSPCA work entrusted to the Central Excise Officers was not factored into these proposals. The SG has asked us to send a detailed proposal in this regard duly endorsed by the Chief Commissioner in order to enable him to pursue the matter in the Board. Shri. Chandramouli had already written a letter to the Board and also to FM. Follow the link below to read this letter.

<http://www.cengochennai.com/2014/Cadre%20Restructuring%20-%20Letter%20to%20Chairperson%20and%20Others.PDF>

Finally, Shri. Loknath Mishra, President to a pointed query from an officer from Hyderabad if the Cadre Restructuring would be delayed due to the upcoming General Elections, he replied that model code of conduct may not be an obstacle for implementation of Cadre Restructuring as it was approved prior to the notification of elections. It was told that the relevant sub-committees are working hard for implementation of Cadre Restructuring at the earliest. However, let us take this optimism with some scepticism.

Regards

B.A.Chakravarthi  
Adviser,  
Chennai Unit