

REPRESENTATION FOR IMMEDIATE DPC & SUBMISSION OF DRAFT RRs FOR  
CONSIDERATIONS

**ALL INDIA ASSOCIATION OF CENTRAL EXCISE  
GAZETTED EXECUTIVE OFFICERS**

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(Recognised by G.O.I., Min. of Fin. vide letter F.No. B. 12017/10/2006-Ad.IV A Dt.21.01.08)  
Ref. No. 310/P/13 Dt. 30.12.13

**IMMEDIATE**

To,  
Sh. P. Chidambaram,  
The Hon'ble Minister of Finance, Govt. of India,  
North Block, New Delhi.

**Sub: Promotions against the existing vacancies of Asstt. Commissioner in CBEC.**

Sir,

It is submitted with due regards that the current process of the DPC against the existing vacancies of Asstt. Commissioner in CBEC was initiated in July, 2013. It is also very pertinent to submit that the expected promotion for Central Excise Superintendents is to come their way after completion of more than 20 years of service instead of qualifying service of 2 years. It is very unfortunate that only 1% of our Central Excise officers are able to get the much awaited rare of rarest IInd promotion to JTS level at the fag end of the career but they are being deprived from it also and are forced to retire on regular basis without promotion. Even more unfortunate is that the last DPC for the said post was held in June, 2012, i.e., around one & half years ago and no DPC has been held after that. Now, the matter is pending with the UPSC for many months.

2. It is being learnt that the proposal of the CBEC has been turned down twice by the UPSC on the grounds that it is not fulfilling the directives given by some legal Court regarding some reservation issue. The future of our officers has, thus, been blocked by repeated objections of UPSC.

3. In terms of consolidated RR guidelines issued vide DOPT OM No. AB 14017/48/2010- Estt (RR) Dt. 31.12.10, the UPSC needs not be associated in r/o the posts where the promotion is based on non-selection method (Para 3.13.4), i.e., as per the seniority with reference to the benchmark 'not below good' {DOPT OM No. 35034/7/97-Estt(D) Dt. 08.02.02}. The said OM dated 08.02.02 also makes it clear that promotion by selection method is to be made with reference to the benchmark 'good' and a person is not to be superseded unless found unfit by virtue of 'below good' benchmark. Thus, the distinction between selection

and non-selection method for promotion has been done away as both seek promotion based on benchmark of 'good'.

4. Apart from aforesaid DOPT guidelines dt. 31.12.10 providing exemption from consultation with UPSC, the UPSC (Exemption from Consultation) Regulations, 1958 as amended seek to provide exemption from UPSC association for promotion/recruitment to various posts & services (all group A promotions within group A, all group B & C posts among others) including group B officers of CSS for promotion to group A posts by selection method (no distinction between the two methods as above).

5. In CBEC (Department of Revenue), 50% posts in group A (JTS) or as fixed under recruitment rules are to be filled by promotion from group B (Gazetted) officers (Superintendent of Central Excise etc.) by the selection method, i.e., based on 'good' benchmark. The association of UPSC has been made mandatory by CBEC for DPC for promotion from group B to group A (JTS) as per the recruitment rules despite of the fact that there exists no difference between selection and non-selection criteria of promotion and that the counterparts of CSS have been exempted from UPSC association vide DOPT OM dt. 30.07.08 (GSR dt. 07.10.09). It takes months to get the dates from UPSC for DPC and the Central Excise Superintendents retire before getting rare of rarest IInd promotion in the life.

6. Moreover, it is also worth to mention that the said DPC is going to be held for ad hoc promotions and, as per the DOPT guidelines, the UPSC has no role to play in the DPC for ad hoc promotions. The DOPT has recently accorded promotion to the Section Officers of Central Secretariat Service (CSS) to the Grade of Under Secretary on ad-hoc basis vide its order No. 5/8/2013-CS.I (U) dated 24.12.13 whereas repeated objections are being raised in our case by the UPSC. It is also submitted that CBEC has been giving promotions to the officers even during pendency of Court cases subject to outcome of the court verdict. The same may be followed in this case too.

7. It is, therefore, requested that the DPC for promotion from group B to group A may kindly be exempted from consultation with UPSC as granted to CSS & others and the current DPC may be conducted in expeditious manner by CBEC itself. It is worth to mention that 50% of the officers from the list of the Central Excise Superintendents to be considered for the current DPC have already retired and some more will retire in the end of this month without promotion.

Thanking you,

Yours faithfully,

(RAVI MALIK),  
Secretary General.

Copy with the request for necessary action to:

- 1) The Hon'ble MOS (R), Department of Revenue, North Block, New Delhi.
- 2) The Revenue Secretary, Department of Revenue, North Block, New Delhi.
- 3) The Chairperson, CBEC, North Block, New Delhi: w.r.t. the Ref. No. 300/P/13 Dt. 22.11.13 of the Association.