

ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED EXECUTIVE OFFICERS

President: Sushil Kumar Pareek
Mob. 09414203722
Vice Presidents: R.Pratap, Ravindra Chhabra, K.P.S.Rai, Anil D.Bhavisskar, V.Suresh Kumar, R.L. Sampath Kumar, Lok Nath Mishra, V.N.Jha, K.A.Sayyed, Surendra Singh
Joint Secretaries: R.K.Solanki, N.C.Pandey, Anand Kishore, V.S.Kamble, P.C.Ajith Kumar, M.Nagaraju, R.K.Sarkar, Anindya Sundar Roy, Jitendra Singh, M.K.Mishra
Office Secretary: C.S.Sharma (**Mob.** 09313885411) **Treasurer:** N.R.Manda (**Mob.** 09871483585)
(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. 156/10

Dt. 20.12.10

To,
Sh. S. Dutt Majumdar,,
Chairman, CBEC,
North Block, New Delhi.

Subject: Minutes of the meeting held on 16.12.10-reg.

Sir,

Kindly refer to the Ref. No. 153/10 Dt. 08.12.10 of the Association and the subsequent meeting held with your goodself on 16.12.10 alongwith Kolkata Unit, Inspectors Association and Ministerial Officers Association.

It is further submitted with due regards that the points No. 1, 4, 8 and 9 only could be discussed on account of some urgent pre as well as post-meeting occupations of your goodself. On account of the paucity of time on that day, you were pleased to ask the Association to have another meeting for rest of the points. On the request for the issuance of the minutes of the meeting, you were pleased to ask the office bearers to send a brief to you on the discussions held. The brief on the discussions on the above mentioned points is, therefore, submitted herewith-

Point No. 1- Harassment to office bearers: You were pleased to direct your PA/PS to remind you to talk to the concerned Chief Commissioner in the afternoon on phone.

Point No. 4- Transfer/posting policy: You were pleased to take note of the point and do the needful accordingly regarding the Chennai Zone where the staff was forced to sit on hunger strike in the recent past due to the irregularities in the matter.

Point No. 8- Cadre restructuring: The point of the promotions on the basis of the base cadre seniority was raised by both the associations, i.e., Central Excise Inspectors and Superintendents Associations. Parity in the promotions with CBDT, CSS etc. was also raised by creating a separate service and promoting the Superintendents directly to a senior group 'A' post instead of junior group 'A' post on the lines of CSS where a substantial number of posts of the Joint Secretary have been kept reserved for the promotee officers. You were pleased to ask whether the same was raised previously. You were informed that the same had very well been raised. You were pleased to take note and do the needful accordingly.

You were also reminded that the portion of the parity at least with CBDT was very well marked by the Hon'ble Finance Minister in the Ref. No. 10/10 Dt. 21.02.10 of the Association in the meeting in person held with his goodself on 21.02.10 and sent to the Board but no heed has been paid to that in the cadre restructuring. It was also submitted that some of the officers

joining the job as an Inspector in 1972 are still waiting to functionally enter group 'A' while some of the officers joining the job as Examiner in 1991 have already entered group 'A'. Even as per the cadre restructuring proposal, the Inspector of 1980-81 only will be able to become Asstt. Commissioner while the Examiner of 2004-05 will be promoted to this post. You were in total agreement of the matter to do the needful for removal of these disparities.

Point No. 9- Filing of the affidavit in the Supreme Court case: The matter of filing the long awaited affidavit in the Hon'ble Supreme Court was also raised. It was requested that it may be filed on the basis of the base cadre seniority taking into account the total length (Inspector+Superintendent) of service. You were pleased to take note of the matter and do the needful accordingly. It is worth to mention that the Directorate of HRD has already sent a proposal to CBEC regarding the counting of combined length of service for the purpose of promotion vide its F. No. 8/B/48/HRD/(HRM)/2010. The Hon'ble Finance Minister was also intimated regarding this proposal vide F. No. A-12018/2/2010 AdII Pt. and F. No. 8/38/HRD/(HRM)/2009 and Hon'ble MOS vide F. No. A/11013/27/2010 AdIV and F. No. 8/B/67/HRD/(HRM)/2010 to reply to Sh. P.T. Thomas, the Hon'ble Member of Parliament. This option was also opined by CBEC as one of the factors in para No. 4 of the counter affidavit to O.A. No. 2793/2009 in Principal Bench of the Hon'ble CAT.

It is again requested that the minutes of the meeting may kindly be issued and circulated accordingly at an early date. The following officers attended the meeting on behalf of the Association-

(S/Sh.)

1. S.K. PAREEK – President.
2. RAVI MALIK - Secretary General.
3. M.K. MISHRA – Joint Secretary.
4. A.S. ROY – Joint Secretary.
5. C.S. SHARMA – Office Secretary.
6. Kolkata Unit.

Thanking you,

Yours faithfully,

(RAVI MALIK),
Secretary General.

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Ref. No. 157/10

Dt. 20.12.10

To,
Sh. S. Dutt Majumdar,,
Chairman, CBEC,
North Block, New Delhi.

Subject: Appointment in person to discuss the Staff grievances-request reg.

Sir,

Kindly refer to the Ref. No. 153/10 Dt. 08.12.10 of the Association and the subsequent meeting held with your goodself on 16.12.10 alongwith Kolkata Unit, Inspectors Association and Ministerial Officers Association.

It is further submitted with due regards that the four points only could be discussed on account of some urgent pre as well as post-meeting occupations of your goodself. On account of the paucity of time on that day, you were pleased to ask the Association to have another meeting for the rest of the points. Accordingly, the following points are submitted herewith with the request for another appointment at an early date-

1. Arrears of pay: It was decided in the meeting of 06.07.10 to make a **fresh reference** to the Department of Expenditure on this issue as also reflected in the minutes of the meeting issued vide F.No.A.26017/40/2010-Ad.IIA Dt. 31.08.10. It is requested to do the needful at an early date.

2. Departmental Anomaly Committee: It was decided in the meeting of 06.07.10 to forward the submissions made by the Association regarding **pay matter to the Department of Revenue** and regarding **MACPS to DOPT** as also reflected in the minutes Dt. 31.08.10. It is requested that the submissions made by the Association vide its Ref. No. 141/10 Dt. 22.11.10 on pay matter and Ref. No. 125/10 Dt. 20.10.10 on MACPS may kindly be forwarded to the Department of Revenue and DOPT respectively for necessary action at an early date. It is mentionworthy regarding MACPS that the **offsetting of MACP benefit against the time scale** as opined by DOPT to some PAO's is completely unjustified because the both of them are quite different with altogether different procedure to implement and can never be off set for each other.

3. Implementation of MACPS/ACPS: It has been observed that the scheme is not being implemented in its true spirit in the field formations despite of the clear-cut instructions/clarifications from the Board. For example, grade pay of Rs. 5400/- in PB-3 is not being granted to the officers completing 24 years of service before 01.09.08 in **Chennai Zone**. Likewise, the officers are also not being granted the grade pay of Rs. 6600/- there after

completion of 30 years of service. That is the only reason that they are forced to go for legal remedy for the same giving rise to the unnecessary litigation/s. In **Lucknow Zone**, the officers are not being granted the MACPS benefit due to want of CR's despite of clear guidelines of DOPT that the CR/s of the preceding year/s can be seen for the purpose in such cases. It is very interesting that such officers are being given promotions but denied MACP benefit. On the most of the places, the PAO's are not passing the bills of the officers being granted **IInd MACP benefit after time scale**. It is requested that all the irregularities pertaining to MACPS/ACPS may kindly be regularized by issuing the consolidated orders on the issue. It is very clearly mentioned in the **O.M. No. 35034/3/2008-Essstt (D) Dt. 09.09.10 of DOPT** that an officer entering the service in a pre-existing pay-scale of Rs. 5500-9000/- will get a grade pay of Rs. 6600/- on IInd MACP and Rs. 7600/- on IIIrd MACP. It is requested that the benefit of this O.M. may kindly be given to our officers.

4. Parity with the Chief Enforcement Officer as per report of 6th CPC: It was decided in the meeting of 06.07.10 that the matter would be taken-up with the **Department of Expenditure**. It is requested to do the needful at an early date.

5. Promotion against existing vacancies: It is requested that the immediate steps may kindly be taken to fill up the existing vacancies of the Asstt. Commissioner as a good number of our officers are retiring every month. A sufficient number of vacancies are understood to be unfilled on account of the recent promotions of the Asstt./Deputy Commissioners to the post of Deputy/Joint Commissioner very recently.

6. Implementation of and the action taken on the minutes of the last meetings: It is requested that the decisions taken in the last meetings may kindly be implemented immediately to give the actual benefit of the decisions to the cadre and the Association may be allowed to know about the actions taken on these **till date**.

7. Fire Arms on sale basis: w.r.t. Ref. No. 68/10 Dt. 30.07.10 of the Association, it is submitted that the fire Arms were being given to the departmental officers on **sale basis** initially in the past. But presently, the fire arms are being issued on loan basis selectively which are required to be deposited with the organisation on superannuation while the fact is that the life threat is increased after the retirement due to the lack of the official shield and security of the government on account of the dealing with the hardcore revenue criminals and organized smugglers in the service time. It is, therefore, requested that the fire arms may kindly be allotted to the officers on permanent basis after collecting the **required price** from them like in the past.

8. Centralised GPF account: w.r.t. Ref. No. 72/10 Dt. 30.07.10 of the Association, it is further submitted that the GPF account number is always changed with the change of the Commissionerate placing a lot of difficulties before the transferred officers. Their hard earned money is never transferred timely to the new account. Very frequently, it is found missing posing great problems. The officers have to run here and there to get it streamlined. It takes years on many occasions without any fault of the concerned officer. It is, therefore, requested that the necessary steps may kindly be taken by making the GPF centralised for the safety and security of the hard earned money of the officers. The issuance of the **pass book** on the lines of PPF is one of the safest options for it.

9. Time scale to the Superintendents: w.r.t Ref. No. 116/10 Dt. 21.09.10 of the Association, it is submitted that the promotions in the grade of the Superintendent of Central Excise are being made purely on adhoc basis on the most of the places. As a result, the Superintendents completing 4 years of service are not being granted the non-functional Grade Pay of Rs. 5,400/-. It is requested that all the Superintendents of Central Excise completing 4 years of

service may kindly be granted the non-functional Grade Pay of Rs. 5,400/- based on the **precedent that all the ad hoc Asstt. Commissioners have been given the grade of Deputy Commissioner** after the completion of 4 years of service very recently.

10. Wearing of uniform: w.r.t. Ref. No. 126/10 Dt. 20.10.10 of the Association, your kind attention is invited to the CIC order F. No. CIC/AT/A/2009/000832 Dt. 29.01.10 saying that there exist no statutory provisions in CBEC to wear the uniform and it is being worn only as convention. It gives the only impression that we are wearing the uniform without any purpose. Perhaps this convention was started in the past for the pleasure of English authorities. It is, therefore, requested that no officer should be harassed in the name of wearing of the uniform. The wearing of the uniform may be undone at the seats where it is not required et al and **statutory provisions** may kindly be created to wear the uniform from bottom to top level. It will certainly increase and maintain the respect of the uniform bearing National Symbol.

11. Endorsement of the relevant orders to the Association: It is requested that the relevant orders may kindly be endorsed and sent to the Association to apprise it regarding the different issues of the **interest of the cadre**.

12. Communication of the decisions/action taken to the Association: It is requested that the decisions/action taken on various correspondences of the Association may kindly be communicated to it. The Association is always **unaware of the fate** of its correspondence made to the Board on various issues despite of the reminders.

13. Any other point/s: Any other additional point/s would be submitted at the time of the discussions with the due permission of the chair.

It is also requested that the minutes of the meeting may kindly be issued and duly circulated to all the formations at an early date. If possible, the appointment may kindly be given **prior to 24.12.10 or after 03.01.10** as the undersigned intend to go on LTC for the period of 24.12.10 to 03.12.10.

Thanking you and waiting for your kind response,

Yours faithfully,

(RAVI MALIK),
Secretary General.

SOS

I, _____, joined Central Excise Office in the year _____ as Inspector of Central Excise. After _____ years of service, I was promoted as Superintendent of Central Excise in the year _____ and continue to work in the same cadre for the past _____ years. Thus, during _____ years of service, I have got only one promotion.

Whereas the some of the Examiners of Customs (Equivalent to Inspectors of Central Excise) recruited in the same organisation of CBEC through the very same examination conducted by the Staff Selection Commission and joined in the year 1991 have been promoted to the grade of Assistant Commissioner while some of the officers joining even in 1972 as Inspector are still waiting to be promoted to the post of Asst. Commissioner despite of the same nature of job and same administrative hierarchy. As per the cadre restructuring proposal, the Examiner recruited in the year 2004-05 will also become Asstt. Commissioner while the Inspector of Central Excise of the year 1980-81 only is expected to touch this post. Thus as per cadre restructuring proposal, the Examiners are able to get at least two promotions within 6 years of service while the Inspector with 19/20 years of service would be able to touch it. In fine, an Inspector of Excise joining way back in the year 1972 and after serving 38/39 years is pathetically languishing with only one promotion so for whereas the Examiners of Customs joining in the year 1991 has also got two promotions. Further, these extreme junior Examiners of Customs are posted to Central Excise formations as Assistant Commissioner after serving only on Seaports and Airports to supervise the functions of extreme seniors of Central Excise working in all the three streams of Excise, Service Tax and Customs. The prevailing situation highly demoralizes, de-motivates and insults the Central Excise Cadre and in fact, this also affects the efficient functioning of the cadre at the crucial stages. The Central Excise Cadre, which handles the monitoring and collection of major chunk of revenue (Service Tax and Excise duty as well as Customs duty), should not be allowed to be demotivated and their aspects of promotion and career progression should definitely be handled in a better manner. The prevailing precarious situation and gross injustice meted out to them had happened only due to the wrong, faulty, biased, discriminatory scheme of promotions being imposed by the Central Board of Excise and Customs placing them at a huge loss even in pensionary and other retirement benefits.

The Central Board of Excise and Customs is contemplating the restructuring of the organisation [Central Excise & Customs] with stated objective of reducing the acute stagnation especially in the cadres of Inspector and Superintendent of Central Excise. But very disappointingly, the Scheme paradoxically seeks to apply altogether different yardsticks for Customs and Excise, i.e., workload for Customs and revenue for Central Excise/Service Tax. Universally it is well known that if the work load is upto the acceptable standards only, the efficiency of the person doing the task can be brought out to the optimum and thus, compliance of Law (Central Excise & Service Tax) can be ensured. If the compliance cannot be ensured, definitely this will result in loss of revenue compromising the economic security of the Nation. Therefore, the work load of the Central Excise/Service tax shall be arrived at by taking into consideration of the number of statutory returns being filed by the units, number of invoices issued, number of documents on which CENVAT credit being taken, export documents, export related works, show cause notices, processing of adjudication files like drafting of orders, reviewing the orders, filing of appeals, compilation of statistical data etc. etc. Further, the existing flawed scheme of promotions does not take into account of actual strength in the cadres of Inspector of Central Excise, Examiners of Customs and Preventive Officers, rather adopted irrational ratio to promote the Examiners of Customs. If the present restructuring proposal/scheme contemplated by the CBEC is allowed to be implemented or imposed, the pathetic situation of Central Excise Cadre will be further aggravated and the disparity between

the Inspectors of Central Excise and the Examiners of Customs will widen. For example as stated above, the Examiners of Customs joining in the year 2004-05 will be supervising the functions of Inspectors of Central Excise joining in the year 1980-81. Definitely, the uncertain situation do not augur well for the officers of Central Excise and whatever the motivation kept till now will evaporate and the affront caused by the CBEC will totally demoralize the entire Central Excise Cadre. The scheme of promotions and proposed restructuring is good for everyone except the Central Excise cadre of Inspector and Superintendent. It is a tragedy that the CBEC had not acted diligently on many representations forwarded by the Associations detailing all these aspects and suggesting remedial measures and it would not be exaggerating to point out that the CBEC had acted stubbornly to promote the Examiners and Appraisers of Customs in an deliberate, unjustified and illegal manner protecting the interest of about 400 Appraisers at the cost of more than 11000 Superintendent of Central Excise.

Therefore, as a last resort, I am humbly drawing your kind attention to the above facts and solicit your intervention so that the present proposal be suitably modified before implementation to:

1. Restore the parity among the Inspectors/Superintendents of Central Excise and Examiners/Appraisers of Customs by properly taking into account of the actual strength of these cadres and proportionately distributing the available posts to enter in group 'A' on the basis of base cadre seniority by making necessary amendments in the rules.
2. To ensure that those who joined as Inspector of Central Excise are promoted at par with Examiners of relevant year without loss of seniority as per their place in All India merit/select list.

KINDLY SAVE OUR SOUL AND SAVE THE DEPARTMENT

Signature: Name: Designation: Formation: Year of joining as Inspector.	Yours Faithfully,
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To,
The President of India
The prime Minister of India
The Finance Minister of India
The Secretary, DOPT
The Finance Secretary
The Revenue Secretary
The Chairman, CBEC