

**“OUR UNITY ZINDABAD”
“LONG LIVE OUR ASSOCIATION”**

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

**REPORT
OF THE SECRETARY GENERAL
FOR THE AEC MEETING HELD AT
CHENNAI ON 23.09.10 TO 24.09.10**

**PRESIDENT:
SUSHIL KUMAR PAREEK**

**SECRETARY GENERAL:
RAVI MALIK**

**“OUR UNITY ZINDABAD”
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**ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED
EXECUTIVE OFFICERS**

**Report in regard to the AEC Meeting being held at Chennai on 23rd and 24th
September,2010.**

Dear friends,

First of all, I thank our Chennai Unit on behalf of the All India Association of Central Excise Gazetted Executive Officers for holding the AEC Meeting. I also welcome all of the delegates come from all over the country to attend the meeting. Very hopefully, this meeting would further strengthen our solidarity and unity giving all of us one more opportunity to interact with each other in the common interest of the cadre.

Despite of the fact that the everything and every action of the Association have already been communicated through the Circulars and also by electronic mails, I have the privilege to submit this brief report on behalf of the All India Association of Central Excise Gazetted Executive Officers in the forthcoming paras for the actions taken by it. This Secretary General's Report is nothing but a report on behalf of the Committee and all members of the Association. An Association can never function properly, if there is not a proper rapport and tuning between all the office bearers including President and Secretary General. All of them gave their full support to the Association and cooperated in each and every matter.

1) The Board initiated a proposal for the creation of the intermediary post of the **Deputy Asstt. Commissioner** in between the post of the Superintendent and Asstt. Commissioner with the intent to promote us to a lower post. It would have been appreciated if they had mooted out a proposal to promote us to a senior group ‘A’ post like the most of the other departments of Central as well as State Governments. The said proposal to create an intermediary post has already been dropped by the Board as a result of the efforts made by the Association.

2) The concerned authorities are already being pursued for the proper implementation of the **MACPS** for giving actual benefit to the employees. The clarifications issued by the DOPT have made it a total mess. The guidelines and clarifications for it have been prepared without application of mind. The issue was taken up with the different authorities including the MOS of DOPT but the required and justified result is still awaited. The meeting with the MOS of DOPT was arranged with the help of our Pune Unit. The Association appreciates whole heartedly the efforts of our Pune Unit and pays its thanks to all the office bearers and members of our unit of Pune. The ACP benefit of the grade pay of Rs. 6,600/- after 20 years and Rs. 7,600/- after 30 years is already being pursued. It is, however, being learnt that they are going to undo the para 8.1 of the MACPS instructions. If we are not successful to get administrative remedy in the matter, we will have to adopt the agitational measures or/and legal remedies with the approval of the august house.

3) The matter of the **arrears of pay** is also being taken up with the different authorities including the MOS and Joint Secretary (Personnel) of the Expenditure Department. The Association already has had two meetings with the Minister on the issue. The meeting with the Joint Secretary (Personnel) of the Expenditure Department was arranged with the help of our Hyderabad Unit. The Association appreciates whole heartedly the efforts of our Hyderabad Unit

and pays its thanks to all the office bearers and members of our unit of Hyderabad. The Association also appreciates whole heartedly the efforts of our Bhubneshwar Unit for getting positive orders from the Cuttack CAT in the matter and pays its thanks to all the office bearers and members of our unit of Bhubneshwar. If we are not successful to get administrative remedy in the matter, we will have to adopt the agitational measures or/and legal remedies with the approval of the august house.

4) The matter of the fixation of the pay in **PB3 for IInd ACP holders prior to 31.08.08** was also taken up with the concerned authorities, the orders for the same have already been issued.

5) A few authorities also gave birth to the thought of the creation of the **separate Customs cadre** where Customs work is under the Central Excise Commissionerates and manned by the Central Excise personnel. This was opposed by the Association and has already been dropped.

6) The issue of the stagnation was taken up at the various levels including HRD, The Member and Chairman of the Board, MOS of DOPT and the Minister of Finance. The Association saw the **Hon'ble Finance Minister first on 21.02.10** on the issue of the stagnation and pay matters with the help of our Chandigarh unit. The Association appreciates whole heartedly the efforts of our Chandigarh Unit and pays its thanks to all the office bearers and members of our unit of Chandigarh. The last meeting was held with the FM on 27.07.10 on the issue of the stagnation and cadre restructuring. The meeting with the MOS of DOPT was arranged with the help of our Pune Unit. The Association appreciates whole heartedly the efforts of our Pune Unit and pays its thanks to all the office bearers and members of our unit of Pune.

7) The matter of the change of the **promotional posts ratio** is already in the Hon'ble Supreme Court. Our Pune, Kanpur, Bhubneshwar, Chandigarh etc. units alongwith some of our individual officers are pursuing the case. The Association is also taking up the matter with the concerned authorities. A positive result in the matter is very much expected.

8) The matter of the **higher pay scale** is also being taken up with the different authorities including the MOS and Joint Secretary (Personnel) of the Expenditure Department. The Association already has had two meetings with the Minister on the issue. The meeting with the Joint Secretary (Personnel) of the Expenditure Department was arranged with the help of our Hyderabad Unit. The Association appreciates whole heartedly the efforts of our Hyderabad Unit and pays its thanks to all the office bearers and members of our unit of Hyderabad. The Association also appreciates whole heartedly the efforts of our Bhubneshwar Unit for getting orders from the Cuttack CAT in the matter and pays its thanks to all the office bearers and members of our unit of Bhubneshwar. If we are not successful to get administrative remedy in the matter, we will have to adopt the agitational measures or/and legal remedies with the approval of the august house. It is worth to mention that the gap between the initial pay of the Superintendent and Inspector from 2nd to 6th CPCs was Rs. 140/-, Rs. 225, Rs. 360/-, Rs. 1,000/- and Rs. 50/- respectively. It is very well evident that this gap between the pay of the supervisory post of the Superintendent and the supervised post of the Inspector has become merely of Rs. 50/- now just after the 6th CPC. This has fallen steeply from Rs. 1,000/- to Rs. 50/- instead of any increase while it has been increased sufficiently for all the higher as well as lower posts/cadres of the government.

9) The application for the **renewal of the recognition** of the Association has been filed with the help of the available DDO certificates and the matter is being pursued with the concerned authorities. It is, however, worth to mention that they neither served any notice to us nor issued any letter to derecognize our Association before or after our application for renewal.

10) The matter of the **promotions against the existing vacancies** was also pursued with the concerned authorities, the process for which has already been initiated.

11) The matter of the inclusion of our name in the **Departmental Anomaly Committee for pay** is being pursued at various levels. The Member (P&V) has ensured in the meeting held with him on 06.07.10 to forward our name to the Revenue Headquarters for the inclusion in the committee. You all are requested to mail electronically the points and suggestions for the same on immediate basis. The Revenue Hqrs has intimated that we couldn't become the member of the committee because only the government employees drawing a grade pay less than Rs. 4,600/- can become its member. We may, however, send our grievances to the Department of Expenditure through CBEC. We may also see the Additional and Joint Secretary in Revenue with any grievance.

12) The matter of the issuance of the **laptop & mobile phone** to our officers is also being taken up with the concerned authorities and presently the matter is with the Directorate of Logistics.

13) The **rebate case of Surat Commissionerate** was taken up at each & every level and the concerned officers were advised about the future course of the action to be taken accordingly. Actually, the case reached a very high level and a committee constituted by the CVC took the final decision on it. Our authorities were unable to go against this decision due to their own limitations despite of the best efforts at their level.

14) The proposal of the promotion of our officers **directly to the post of the Deputy Commissioner** like the most of the other group 'B' gazette cadres of the Central as well as State Governments, where the group 'B' gazette officers are directly promoted to a senior group 'A' post, is already under consideration.

15) In the **Cadre-Restructuring**, the Association has already had various meetings at different levels in the Board including the Chairman, Member (P&V) and ADG, HRM. The ADG, HRM (part of the HRD and previously known as DOPM) is doing the key work for this process. The Association has already met him at least at three occasions clearing our stand that we need the maximum number of the promotional vacancies and the promotions upto the highest level. The Association also had the meeting with the FM and Revenue Secretary on the issue. It is being learnt that the cadre restructuring proposal has been cleared by the Revenue Secretary and we are going to get more than 4000 posts of Asstt./Dy. Commissioner. This figure also includes the cascading vacancies against promotions. The news was that the file was sent to the Secretary Expenditure by the Revenue Secretary, from where it was sent to FA. Now, it is being learnt that the FA has also cleared it. The future planning is to get the maximum/all posts for our Central Excise cadre on the basis of the length of the service. However, the verdict to be given in the revision of promotional ratio case by the Hon'ble Supreme Court will give it the actual finality. Let's hope it to come timely. Further planning would be to get the post based (instead of vacancy based) distribution of the posts being vacant on account of the future retirements to give the maximum benefit to the promotee officers of our cadre.

16) The efforts for creating a **separate service** on the lines of CSS for our cadre are also under process to give actual benefit to the cadre. That is the only measure to get the post based benefit.

17) The issue of the **harassment** to the members as well as office bearers of the units was also taken up with the administration. They asked the specific instances in the matter. All are requested to send the details of specific instances in the matter to the Association.

18) The issue of the irregularities in **transfer & postings** in various Commissionerates including Mumbai, Chennai, Chandigarh, Bhopal, Raipur, Patna-Jamshedpur-Ranchi etc. was also taken up with the different authorities at various levels. The necessary action in the matter is being taken up by the administration.

19) The issues like the **additional monetary incentive** and **Border Area Allowance** to our officers serving in the North-East regions have also been raised before the Department of Personnel and training and are being pursued.

20) The issue of the enhancement of the **Uniform Allowance** was also taken up which is expected to be doubled in near future. It is, however, mentionworthy that there exist no statutory provisions to wear the uniform as intimated by the Board in a RTI reply as a result of the efforts of our Bangalore Unit. This has been applicable to us only as a matter of practice. The sincerity of our Bangalore Unit in the matter is appreciable. We all may decide the issue of wearing or not wearing the uniform in this meeting accordingly but we have to do it with complete maturity without being emotional. We have to discuss all the pros and cons regarding it before reaching a final decision. However, it is still in the practice to be wore for which we should get the enhanced rates.

21) A meeting with the members was also held at **Chennai on 16.07.20** on the invitation of our Chennai Unit. S/Sh. Sushil Kumar Pareek, C. S. Sharma and I attended the meeting giving replies to the queries made by the members on the issues of the common interest. The Association is very thankful for the hospitality and love shown by the office bearers and members of our Chennai Unit on the occasion.

22) A meeting was held with the Member (P&V) alongwith Joint Secretary (Admn) as well as Deputy Secretary, Ad-II A & B **on 06.07.10** on the various issues like harassment to the cadre members as well as the office bearers of the Units, the implementation of the MACPS, undoing of the vigilance angle in the time-scale, the pay band of PB-3 for IInd ACP holders prior to 31.08.08 as well as afterwards, the arrears of the pay since 1986, the inclusion of the name of the Association in the Departmental Anomaly Committees on pay and MACPS, the transfer/posting policy, promotions against existing vacancies, grade pay of Rs. 6,600/- & 7,600/- under MACPS, parity with the Chief Enforcement Officer as per the report of 6th CPC, the required improvement in working conditions in r/o prescribed sitting space/office as well as entitled basic amenities and other facilities like stationery, telephone, chair, table etc. etc., the cadre restructuring asking parity with our counterparts in CBDT and other departments etc. The minutes of the meeting have been issued by the CBEC and already been circulated by the Association through the electronic mails for feedback.

23) The issue of the allotment of **the fire arms on sale basis** has also been taken up and being pursued.

24) The issue of the issuance of the **Seniority List** has also been taken up and being pursued. It is almost at final stage covering the officers promoted upto the year 2006.

25) The issue of the allotment of the **centralised GPF account** has also been taken up and being pursued.

26) The issue of the counting of the **regular service** as per the letter F No. A-32011/52/2006-Ad.III-A Dt. 22/06/2007 of the Department of Revenue saying that the counting of the regular service of the officers should be from 1st July of the year following the year of the Examination

in respect of direct recruits and from 1st July of the select year in respect of the promotee officers is also being taken up and pursued.

27) The issue of the enhancement of the **diet allowance at airports** was also taken up which is expected to be doubled in the near future.

28) It is being learnt that they are going to give the benefit of one increment to the officers whose date of the increment was falling in the month of **January to June** before the implementation of the report of the 6th CPC because these officers were at a loss of one increment on the implementation of the report.

29) The matter of the inclusion of our name in **Departmental Anomaly Committee for MACPS** was taken up with the Board. The Member (P&V) has ensured in the meeting held with him on 06.07.10 to forward our name to the Revenue Headquarters for the inclusion in the committee. You all are requested to mail electronically the points and suggestions for the same on immediate basis.

30) The proposal to promote all the Superintendents **completing 1.5 (one & half) times of qualifying service** required for the promotion on the lines of CSS is under consideration independent of the cadre restructuring as a result of the efforts of the Association.

31) The Association also intends to form a **Joint Action Committee** with the other staff associations in CBEC to pursue the matters of the common interests, if approved by the august house.

32) The proposal to **decrease the direct recruit quota** to 25% is under consideration independent of the cadre restructuring as a result of the efforts of the Association. This proposal has already been sent to the DOPT by the CBEC. 25% seats against this decreased quota are proposed to be filled on merit from the officers of the feeder cadres/posts.

33) The Chairman and Member (P&V) raised the issue of our demand of asking for **IAS Chairman and Members** in one of the meetings. They were replied by the Association very firmly that the cadre has sufficient reasons to make this demand amongst others. They were having no reply.

34) The Chairman and Member (P&V) also asked the Association to **cooperate with them** in getting the GST in one of the meetings. They were replied again very firmly that the Association would cooperate with them provided they looked after the interests of the cadre in each and every matter including promotions, pay scale, arrears of pay, working conditions etc.

35) The matter of the improvement in the **working conditions** including the prescribed sitting space, proper office, entitled basic amenities and other facilities like stationery, telephone, chair, table etc. etc. is also being taken up with the administration.

36) All the units are also requested to clear the **subscription dues** and also **donate the maximum funds** to the Association to be used for the various purposes. We should not forget that the funds play a very important and vital role to get the desired results. Our Delhi and Meerut Units have already donated Rs. 1,00,000/- and Rs. 33,000/- respectively to use the same for the miscellaneous purposes. The Association appreciates whole heartedly the efforts of both of these units of ours and pays its thanks to all the office bearers and members of these of our units.

37) All the **Regional/Zonal Committees** are also requested to have their meetings at the convenient dates as per the constitution at an early date to make the members more interactive and united.

38) All the units as well as zonal office bearers are again requested to kindly forward the Association their **postal addresses, mail Id's and telephone numbers (mobile as well as landline)** for proper communication as the details of the same available with the All India Body are not exhaustive. If anybody doesn't have a mail Id, kindly create it as it is an urgent need of the present time of the electronic friendly communications.

39) All are also requested to be in **regular touch** to interact with the Association alongwith the suggestions, views, thoughts, guidance, ideas, points etc. on every issue in the common interest of the cadre.

40) If we don't get the administrative remedies for our grievances, the only option will be the **protests and agitational programmes or/and legal remedies** to redress the grievances with the approval of the august house.

41) The group 'B' gazetted status has been converted into **Group 'A'** in many departments. We are also trying our best to get the same on the lines of our counterparts in CBI, IB and Enforcement Directorate etc. The 6th CPC has already recommended our established parity with the Chief Enforcement Officer to be maintained in future too under the para 7.15.24 of its report.

42) The issues like **not promoting the Appraisers before the final verdict** in the ratio case, **Central Excise control** on EOU's, **time scale to the Superintendents of Central Excise after completion of 4 years** of continuous service etc. are also being taken up with the concerned authorities.

In the last, I extend all of my thanks on behalf of the All India Association of Central Excise Gazetted Executive Officers to all of you attending the meeting after coming from every corner of the country. It is also worth to mention that all the actions and activities of the Association became possible only by the support of you all, all the units, all the office bearers including regional/zonal ones and each and every member of the Association throughout the country.

With all of my loves & regards,

Chennai
23rd September, 2010

(RAVI MALIK)
Secretary General

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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. 114/10

Dt. 20.09.10
IMMEDIATE PL.
REMINDER

To,
Sh. V. Sridhar,
The Chairman,
CBEC, North Block,
New Delhi.

Sub: Promotion of the Appraisers against the existing vacancies.

Sir,

Kindly refer to-

- i) The Ref. No. 98/10 Dt. 30.08.10 of the Association,
- ii) R. S. Potdar & ors vs. Union of India & ors case filed in the Hon'ble Supreme Court where many of our officers belonging to the cadre of the Superintendent of Central Excise have filed a case to be impleaded regarding the ratio of the promotional posts.
- iii) The written rejoinder filed by the CBEC in the Principle Bench of the Hon'ble CAT in the OA No. 2793/2009 on 23rd March, 2010.
- iv) The oral depositions of the government advocate on 30.03.2010 & the directions issued by the Hon'ble Supreme Court on the basis of the depositions in the Civil Application No. 1198/2005.

It is further submitted with due regards that-

- 1) The Associate Units of Pune, Kanpur and Chandigarh of the Association with some individual officer/s of Delhi filed the writ petition No. 105/2009 in the Hon'ble Supreme Court in January, 2009. The same was decided on 20.03.2009 asking the petitioners to file an OA in the Principle Bench of the Ho'ble CAT for redressal of their grievances.
- 2) Then an OA No. 2793/2009 was filed in the Principle Bench of the Ho'ble CAT at New Delhi in September/October, 2009.
- 3) The CBEC filed the rejoinder in the affidavit of the above said OA on 23rd March, 2010 admitting that the Central Board of Excise & Customs has, in principle, agreed that the existing ratio of 6:1:2 amongst the feeder cadres for the promotion to Group 'A' fixed long back needs revision and the Department is willing to initiate this exercise taking into account all the relevant factors like the length of service in Groups 'C' and 'B' put together, length of service in Group 'B', total number of posts in each cadre etc.

4) In the meantime, the Civil Appeal No.1198/2005 in the Supreme Court was put on active hearing and the case appeared on Board on 10.03.2010. The All India Association of Central Excise Gazetted Executive Officers, Bhubaneswar Unit filed an intervention application in the said proceedings. The Government asked for the time of a fortnight on the said date. On 30.03.2010, the government advocate was asked by the Supreme Court Bench in Court no. 7 to start his pleadings. He said that the CBEC was ready to consider the change in the ratio of the promotional vacancies and would be working to settle the grievances amongst the various cadres. He mentioned that a similar reply was filed in the Principle Bench of CAT and in fact read out the para 4 of the said reply filed by the CBEC there. The Bench asked as to how much time was required to conduct the review. The advocate replied that about 4 to 6 weeks time would be required. The Bench then granted the 6 weeks time for the said work in which all the grievances of all the parties to the petition including the interveners be fully settled and none of the parties should come to the Court. They further said that the more time would be available to the Government as it would be vacation after six weeks and hence gave the next date of hearing as 20.07.2010 for the report to be tabled before the Court. However, the case is put up on the agenda of the Court but the board has not reached upto the said case since 20.07.2010.

5) In the meantime, the seniority list of the Appraisers has been finally formulated and published and the CBEC has initiated the process to conduct the DPC to promote the officers belonging to the Appraiser cadre to the post of the Assistant Commissioner in respect of the existing vacancies.

6) A considerable time has lapsed since the CBEC has expressed its willingness to bring in the change of the ratio in the matter of the promotion. The change of the ratio effectively amounts to proposing the change of the Recruitment Rules as the ratio is an integral part of these. The matter of the change of the Recruitment Rules is sub-judice by virtue of the proposal made in writing by the CBEC in the OA No.2793/2009 in the Principle Bench of CAT on 23.03.2010 and again re-iterated the same before the Hon'ble Supreme Court on 30.03.2010. The time given by the Supreme Court has also lapsed.

In view of the above, it is requested to desist from making any promotions of the Appraiser cadre before the proposal of the change in ratio is finalised in the Hon'ble Supreme Court or by the CBEC itself.

Thanking you,

Yours faithfully,

(RAVI MALIK),
Secretary General.

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Ref. No. 115/10

Dt. 21.09.10

To,
Sh. V. Sridhar,
The Chairman,
CBEC, North Block,
New Delhi.

Sub: The control over EOU's.

Sir,

Kindly refer to-

- i) The letter F. No. DGEP/EOU/120/2007 dated 18.05.2010 of the Directorate General of Export Promotion.
- ii) The letter No. C. No. IV /26/10/2010 – Systems (S) dated 15.07.2010 of the DG, Systems.

It is submitted with due regards that the control over EOU's is now ordered to be fully with Central Excise. The control over EOU's earlier with Customs in the port cities has now been ordered to be with the Excise Commissionerate of the respective area. This has been made effective from 31st July, 2010 and all the records were to be transferred to Central Excise.

In view of the above, all the posts created (including cost recovery posts) for handling these EOU's should also be transferred to Central Excise alongwith the immediate transfer of the units for total administrative control and proper governance. Now, there is one letter on the introduction of 24X7 operations at identified ports for the reasons of the strengthening of the formation and increasing efficiency. This all seems impractical without the transfer of the posts created for the handling of these EOU's.

Further, ICD's are to be administered by the jurisdictional Central Excise Commissionerate. However, the ICD's falling in the jurisdiction of Central Excise are still manned by the Customs personnel.

It is, therefore, requested that the matter may kindly be expedited for transferring the jurisdictional EOU's alongwith the posts to the Central Excise and all the jurisdictional ICD's may also be manned only by the Central Excise personnel by displacing all the Customs personnel from these.

Thanking you,

Yours faithfully,

(RAVI MALIK),
Secretary General.

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Ref. No. 116/10

Dt. 21.09.10

To,
Sh. V. Sridhar,
The Chairman,
CBEC, North Block,
New Delhi.

Sub: Time scale to the Superintendents of Central Excise.

Sir,

It is submitted with due regards 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 continuous service are not being granted the non-functional Grade Pay of Rs. 5,400/- in accordance with the resolution passed by the government saying that the continuous service for the purpose should be regular instead of ad hoc. It is, however, mentionworthy 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.

It is, therefore, requested that all the Superintendents of Central Excise completing 4 years of continuous service may also kindly be granted the non-functional Grade Pay of Rs. 5,400/- at an early date based on the above submissions.

Thanking you,

Yours faithfully,

(RAVI MALIK),
Secretary General.