



ALL INDIA CENTRAL EXCISE INSPECTORS' ASSOCIATION

Mandir Road, Puranhat, PO- Burnpur Dist- Burdwan (West), West Bengal - 713325

(Affiliated to the Confederation of Central Government Employees & Workers)

Recognized by the Ministry of Finance, Govt. of India

[vide F.No.B.12017/01/2017-Ad.IV A dated 25.01.2017]

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F.No. AICEIA/ADMIN/2020-21/3

Date: 08.05.2020

To
The Chairman
Central Board of Indirect Taxes and Customs
North Block, New delhi

Respected Sir,

Subject: Inter Zonal Transfer - Necessity, Clearing Legal Complications and Smooth Implementation - effect of Reverse Migration in the post COVID 19 era – reg.

Hope you and your family are well amidst this worldwide crisis surrounding COVID-19 pandemic. We all have undergone a few moments of crisis in our life but surely this must be the largest socioeconomic crisis we have ever faced. So all we can hope is that all of us stay healthy and strong to overcome this dark time. However, we are writing to seek your attention in a particular matter which has created much controversy in the past and has now reached a tipping point in this moment of crisis.

2. It has been eighteen months since the Inter Zonal Transfer, popularly known as Inter Commissionerate Transfer or ICT was stopped by the board. On the front, the absence of certain clause in Recruitment Rule 2016 was cited as the main reason for this decision. Since then the Association has made several communications and deliberation with the board to resolve this issue and restart the ICT. Although there were several progressive steps, unfortunately till now there is no indication towards the reopening of ICT. This has resulted in a severe degradation of mental health amongst the cadre. And due to obvious reasons, the severity has increased manifold during the ongoing crisis related to COVID-19. Thus, with much desperation, we would like to discuss every aspect of ICT; its importance in our cadre, clearance of the legal and technical roadblocks and a way to smoothly implement ICT so that we can put an end to this unwanted situation.

3. The Necessity:

3.1. A system of ICT has always been an important welfare measure provided by any employer. A person always wants to be in his/her own socio-cultural environment. Working in one's own society, one remains mentally healthy and less stressful and consequently can be more productive and effective in discharging their duties. India is a vast country where the culture changes in every fifty kilometers. It is also a country with the largest number of internal migrants. There are migrants in every sectors. While the private sector professionals, the labourers and worker from the unorganized sector moves out seeking career growth or more income, employees of Central Government are forced to migrate due to unavailability of vacancies. So most departments or cadres have a suitable mechanism is in place so that these migrated Government Servants can return to their home. ICT is that mechanism for our cadre. It is ICT which hundreds of Inspectors consider as their ray of hope every year. They survive in an alien environment and keep discharging their duties faithfully, waiting for the coveted moment when their ICT applications get forwarded and accepted, when they can

finally be reunited with their own culture. But when that hope is taken away, their morale automatically gets diminished.

3.2. It is true that this aspect is not absolute in respect of every Indian Community. There are certain communities in India who prefer to migrate, assimilate culture from other communities into theirs, and eventually blends in. But most communities are the opposite. They can neither blend in with others, nor allow others to blend in their society. This is not a crime, but is a psychological characteristic of a community. If blending in was really possible, Pt. Jawaharlal Nehru would not need Fazal Ali Commission after the previous Dhar Commission which rejected states based on Language and culture. The region C states, as defined by the Official Languages Rules, 1976, are the most affected in this situation. That is why members of our cadres, like almost all other migrated Indians, hope to return home. That is why their desperation increases day by day. Many officers have already tendered their resignation since ICT was stopped. Some of them joined another department which allows them to move to their home state, some even joined a lower category of post to stay near home. This has increased the brain-drain in this department, thereby decreasing its efficiency and affecting the revenue collection figures.

3.3. The crisis due to COVID-19 has further intensified this desperation among the officers. With lakhs of migrant workers stuck in several parts of the Country and abroad, our cadre is no different. Thousands of Inspectors have been unable to meet with their families for months. Although they are in a far better position than the poor migrant workers and labourers from the unorganized sector, the mental degradation and agony should not be ignored. With the nation struggling to open up its economy, it is still uncertain when and if transport systems can return to the pre-COVID normal. Rather there are talks among the experts on the definition of a new normal in the post COVID era. Researchers are talking about a rise in reverse migration predominantly attributed to the psychological effect of these lockdown measures. There are news coming up from different parts of the country where people across all segments and sectors, are talking about their disturbed state of mind. It can be easily imagined that what will be the state of mind of an inspector, who has no indication when he/she can return home permanently, even after withdrawal of the lockdown measures. Thus the more time we are spending behind the technical nitty-gritties of ICT, the more we are forgetting the necessity of this welfare measure and we are putting more psychological burden on those desperate officers.

4. The Technicalities:

4.1. We repeatedly want to emphasize on the necessities of reopening ICT as a welfare measure. Still let us revisit the technical hurdles that have caused the stoppage of ICT. The official reason shown by the board according to its circular vide F.No. 22015/117/2016-Ad.IIIA dated 20.09.2018 was the absence of the clause regarding absorption of inspectors in the Recruitment Rule 2016. Later the board, after repeated discussion with the Association, accepted its request to reintroduce the said clause in a meeting on 15.01.2019 and invited representation on the matter. Subsequently the association represented to the Commissioner (Co-ordination) vide its letter dated 30.01.2020 with a request to include the following clause in the RR 2016:

“(2) Notwithstanding anything contained in sub-rule (1), the jurisdictional Chief Commissioner of Central Excise may, if he considers to be necessary or expedient in the public interest/on request so to do and subject to such conditions as he may determine having regard to the circumstances of the case and for reasons to be recorded in writing, order any post in the Commissionerate of

Central Excise to be filled by absorption of persons holding the same or comparable posts but belonging to the cadre of another Commissionerate of Directorate under the Central Board of Excise and Customs.”

Inclusion of the clause would clear the statutory blockade for ICT as it re-empowers the Chief Commissioners to absorb inspectors from other Commissionerate. Thus an expeditious step towards this amendment is much needed at this moment.

4.2. We both have to accept that this technical problem relating to the Recruitment Rule was not the only reason to stop ICT. The more prudent reason was the complication arisen by the fixation of seniority and the sheer number of court cases surrounding it. We are glad that the Board has already taken several steps to reduce those complications. The latest among those steps was the clarification released by the board vide F.No. 18012/19/2012- Ad.IIB dated 31.12.2019 which clarified the applicability of the CAT, Chandigarh Bench order dated 03.08.2012 in respect of the OA filed by Shri Balwinder Singh Matharoo and others. The said CAT order was the prime pillar of the several court cases disputing the fixation of seniority in respect of the Inspectors transferred on ICT. Apart from that, the reduction of eligibility for promotion in the grade of Superintendent from eight years to two years in the new recruitment rule also reduced many such seniority disputes throughout the country as large number of Inspectors got promoted.

4.3. Further, we would like to point out that the Association, in its representation dated 30.01.2020 on the amendment of Recruitment Rules 2016, proposed absorption of Inspectors on request along with the existing provision of absorption on public interest. The Instruction and Guideline on Seniority, released by the DOPT vide its O.M. No. 20011/1/2008-Estt.(D) Dated 11.11.2010 provides for fixing seniority of a transferee officer by counting his/her previous service in the parent cadre only in the case of transfers/absorptions in public interest. Thus those provisions will not apply in case where a transfer is not in public interest and instead effected on request request of the officer concerned. So it is evident that the previous rule of placing a transferee officer at the bottom position in the seniority list can prevail when ICT will be done on request.

5. The Implementation:

5.1. It is evident from the above that it is possible to remove every technical roadblock for the implementation of ICT and many of them have already been removed. So while we can put our faith in you to remove all the remaining barriers, it is also important that a smooth and strong implementation of ICT takes place as it will be crucial in preventing any future complications. For that, the Association proposes the following:

5.1.1. A clear and consolidated guideline for the implementation of ICT should be in place. The guideline should also include the pro forma for applying for ICT and for the necessary declarations.

5.1.2. A formula to prioritize the ICT applications may be introduced. The ICT applications can be prioritized by weighing various compassionate grounds and service rendered in the department.

5.1.3. To handle huge number of applications, to prevent staff shortage in certain zones and to ensure a smooth and transparent flow of the ICT process, an online module may be created. The module may be similar to the already existing AGT module for the IRS officers, hosted in the DGHRD website.

The Association will be more than happy to extend its help in implementing any of the above proposals.

6. We also want to extend our gratitude in knowing that the Board, in the month of February, has completed taking feedbacks from the Cadre controlling Authorities regarding ICT. As per our knowledge, most CCAs have agreed on the fact that ICT not only impacts a person's mental health positively and makes him/her efficient, but also helps in revenue augmentation, especially in non-Hindi speaking states. We have already discussed this earlier in this letter. We want to reiterate this to emphasize that the mental health of the members of this cadres is degrading every moment and it can soon be catastrophic.

7. These are tough times. We are aware that we are almost ninety percent short than our regular revenue collection figures. Like every others, our members are also working tirelessly to increase revenue collection amidst the largest socio-economic crisis in our lifetime. Also the Government has been looking into ways to cut costs by taking drastic measures like freezing the D.A. and D.R. In this scenario, restarting the ICT along with stopping the repatriation of previous transferee officers will result in crores of savings to the exchequer by means of Transfer Travelling Allowance.

8. We know that this is the time to stay put. And we are doing that. But we also have a responsibility towards our members to know their problems and also towards you to communicate those problems. As the situation is getting worse, we feel now is the time to make you aware of the situation. We also feel this issue is not something which needs a mammoth time and energy. As we have already discussed, most of the complication has already been sorted out. It could have been better if we could meet you in person and explain the situation more properly, but we have no choice right now. So this is our humble request to look at the desperate state of our officers who are on the verge of mental collapse. We are sure that you will understand the situation and take swift action so that ICT can be opened again before anyone can imagine.

9. We will be waiting for your response.

Thank you.

Yours faithfully,



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Copy forwarded for information:

1. The Member (Admin), CBIC
2. The Commissioner (Coordination), CBIC



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association