



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]

✉ sg@aiiceia.com

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Akhil Soni
9450493431

Working President: -
Gopinath NP

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Chandan Kumar Singh(EZ)
Sushant Tyagi(WZ)
Anshu Sharma (CZ)

Secretary General:-
Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com

Asstt. Secretary
General: -Manoj Kumar
Yadav

Liaison Secretary:-
Debayan Dasgupta

Organising Secretary:-
Samiran Goswami

Joint Secretaries:-
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Address for
Correspondence:-

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

F.No. AICEIA/ADMIN/2020-21/45

Date: 29/04/2021

To
Shri M. Ajit Kumar
Chairman
Central Board of Indirect Taxes and Customs
North Block, New Delhi

Respected Sir,

Subject: Proposal for amendment in RRs of various Posts in Central Board of Indirect Taxes for inclusion of Absorption as one of methods of recruitment- reg.

Reference is invited towards Letter F.No. A.12018/01/2021.AD.III.B dated 08.04.2021 issued by the Under Secretary, CBIC, Department of Revenue whereby it has been conveyed that a proposal for amendment in RRs of various posts in Central Board of Indirect Taxes by way of inclusion of Absorption as one of the methods of recruitment, is under consideration in the Board.

2. The Association, for the last two years, is in constant deliberation with the Board to reopen the Inter-Zonal Transfer (Popularly known as Inter Commissionerate Transfer or ICT) in the grade of inspectors and has sent numerous correspondences, including a full-fledged draft ICT policy, in this regard. A consolidated set of correspondences are attached herewith. In this scenario, such a proposal of inclusion of 'Absorption' as one of the methods of recruitment is a good initiative taken by the Board which would mitigate the hardship of different cadres including Inspector (Group-B, Non Gazetted) seeking Inter-Commissionerate Transfer on various compassionate grounds.

3. To recall the historical timelines, the Board vide Circular dated 20.09.2018 has discontinued the Inter-Commissionerate Transfer in the cadre of Inspector which has caused great suffering not only to the inspectors seeking ICT on genuine grounds but also to the Inspectors whose Inter-Commissionerate Transfer were effected post introduction of RRs, 2016 w.e.f. 26.12.2016 and settled in their home state/town with a view to plan future for themselves as well as for their families. The subject circular dated 20.09.2018 has also left the affected staff in different zones in India with no option but to resort to legal remedy from the Hon'ble CATs/High Courts/Supreme Court which is also imposing upon them undue financial hardship.

4. It is worthwhile to mention that prior to introduction of amended RRs in the cadre of Inspectors, the ICT was being made in the light of instructions under letter File No. A.22015/23/2011-Ad.III.A dated 27/10/2011 issued by Board for which the power, so far as the understanding goes, emanates from the special clause specified under erstwhile Rule 4 (now Rule 5) of RRs of inspectors which reads as "unless otherwise directed by the Central Board of

Excise and Customs” against which transfers of inspectors in a difference zone were being made against the vacancies in quota of Direct Recruitment Method as available in RRs as a prescribed method of recruitment along with promotion. A view of treating such transfer of an inspector to different zone/cadre on ICT as to be under RRs against the vacancies under Direct Recruitment Method that too in the absence of recruitment method of ‘Absorption’ in RRs would go against the legal principles of laid down by the Hon’ble Apex Court in the case of Arun Kumar & Others v. Union of India & Others, JT 2007 (5) SC 181) holding that transfer/deputation is different from the direct recruitment which may not be equated. Relevant portion of the said case is as below :-

“.....However, the judgment in the case of K. Madhavan (supra) clearly indicates that this Court examined the Service Rules in which there was a third source of recruitment, namely transfer, and, therefore, in para 21, this Court observed that, there was no much difference between deputation and transfer, and since under the rules transfer was the source of recruitment, O.P.Sharma was entitled to weightage for the service put by him as DSP in Rajasthan State Police Service. Admittedly, in the present case, transfer is not the third source of recruitment. On the contrary, the above judgment equates deputation with transfer. It does not equate deputation with direct appointment as done by the impugned judgment. To this extent, there is infirmity in the impugned judgment.....

.....If there is no such rule providing for third source of recruitment, the Government cannot relax a non-existent rule. Therefore, the High Court had erred in treating deputation as a third source of recruitment. There is a difference between direct appointment as a source of recruitment and deputation/transfer as a source of recruitment. In certain cases, cited before us, weightage has been given to the service put in by the transferee. However, in all those cases, the third source of recruitment was transfer/deputation. In the present case, there is no such rule to that extent. There is an error in the impugned judgment of the High Court”.

5. Further, the Hon’ble Supreme Court in its judgment dated 10.07.2017 in the case of Mrigank Johri & Ors. Versus Union of India & Ors. (CIVIL APPEAL NOS. 9316-9320 OF 2013) has laid down that no recruitment can be considered under Recruitment Rules unless Mode of Recruitment is prescribed therein. Relevant para is hereunder:-

“35. The High Court, in our view, rightly interpreted the Rules extracted aforesaid. The method of recruitment as per Rule 3, has to be specified in Column 5 to 15 of the Schedule, while Rule 5 provides for power of relaxation. Column 11 provides for the method of recruitment - whether by direct recruitment, or by promotion, or by deputation or transfer, and the percentage of the vacancies to be filled by various methods. This may vary from post to post. For the Junior Engineer (Electrical) post, the ratio is mentioned as 83.33% by direct recruitment and 16.66% by promotion through a departmental competitive examination. The office note regarding the absorption dated 2.11.1998 also refers to the open competitive examination not being held and the consequences thereof, with absorption of persons like the appellants being envisaged to deal with the given situation, but subject to the terms and conditions which were then set out in OM dated 9.11.1999.

36. It was further rightly pointed out that whenever the post could be filled by deputation as a method of recruitment it was so specifically provided, illustratively in the case of a senior draughtsman (electrical). Column 12 deals with the scenario where the recruitment method provides for appointment by promotion, on deputation or transfer. Thus Column 12 would apply only if the mode of recruitment was prescribed as per Column 11 which is not applicable in this case.”

In the light of the above legal principles laid down by the Hon’ble Apex Court, it is very likely that circular dated 20.09.2018 imposing ban on ICT with a view that transfer/absorption through

ICT were governed by RRs may, in the absence of statutory provisions i.e. 'Absorption' as a method of recruitment, give rise to further litigation and bring the ICTs effected in case of inspectors even prior to introduction of RRs, 2016 as well as ICT in other cadres under judicial scrutiny.

6. In view of the above facts, **such proposal of inclusion of statutory provisions i.e. 'Absorption' as a method of recruitment in RRs is a welcome move of the Board which would not only redress the hardship being faced in different cadres due to ban of ICT but also bring the litigation arising of this to an end.**

7. Further, attention is invited to this association's letter vide F.No. AICEIA/ADMIN/2020-21/35 dated 07/01/2021 (copy enclosed) wherein we tried to convey to your office the pathetic condition of a number of Inspectors calling them the most suffered candidates in our cadre in respect of ICT and proposed **a scheme for providing special relief/one time relaxation for such candidates on priority basis.** However, so far we have not received any circular considering such propositions for One Time Relaxation which has become a dire need now.

8. **Therefore, it is suggested to enact the proposed amendments in the RRs at the earliest and consider granting one time relaxation to the Inspectors as referred in our letter dated 07/01/2021 in order to reduce various litigations over the issue of ICT. This is important to mention that several years have already passed in order to resolve this issue and the psychological condition of many officers have collapsed due to the mental agony. Therefore, given the fact that the board has declared this year as the year of welfare, a speedy implementation of the aforementioned policies, which have already been agreed by the board, is utmost important.**

Thank you.

Yours faithfully,



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Enclosed: As Above

Copy to:

1. The Joint Secretary (Admin), Central Board of Indirect Taxes and Customs, North Block, New Delhi.



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✉ sg@aliceia.com 🌐 aliceia.com 📌 /sg.aliceia 🐦 /sgaliceia

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Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com

**Asstt. Secretary
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Manoj Yadav

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**Address for
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Burnpur, Dist- Burdwan
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F.No. AICEIA/ADMIN/2020-21/35

Date: 07/01/2021

To
Smt. Himabindu Mudumbai
Joint Secretary (Admin)
Central Board of Indirect Taxes and Customs
North Block, New Delhi

Respected Madam,

Subject: Request for re-opening of Inter Zonal Transfer (or ICT) in the grade of Inspector and granting of special relief- reg.

Hope you are in sound health. We wish you and your members of family a very happy and prosperous new year ahead. As a new year begins, the expectations get a new colour in every facets of life.

Therefore, with a new suppositions, I would like to bring your kind notice to this association's letters vide F.No. AICEIA/ADMIN/2020-21/3 dated 08.05.2020, vide letter of even number 06 dated 08.06.2020, 12 dated 25.06.2020 and 16 dated 16.07.2020 (copy enclosed) wherein we have come together after repeated discussions and deliberations with your office and proposed a detailed solution oriented approach and a transparent mechanism therein to be followed for smooth and unbiased opening of ICT for every willing aspirant Inspectors.

However, so far we have not received any pledge indicating re-opening of Inter Zonal Transfer. This definitely crushes morale, attitude and commitment of an Inspector towards work and social responsibilities as the Board has taken away a welfare measure attained by our ancestors after a long hardships. Hence, we again pray before your office to kindly look into it and open ICT for all as early as possible in the modus laid down in the above referred letters.

Further, this association want to draw your kind attention to the fact that a number of Inspectors have been suffering a lot due to the draconian circular issued vide F.No. A-22015/117/2016-Ad.IIIA dated 20th September, 2018. This left many Inspectors and their members of family in distress as they were eagerly waiting for their turn to go to their respective Home States after submitting their request for transfer as per Board's policy issued vide F.No. 22105/23/2011-Ad. III- A dated 27.10.2011. Also there are several Inspectors who have completed almost 4 to 7 years and forgone their promotion to the next grade many times for the sake of ICT only. Many of them are on the verge of facing regular departmental actions for repeated refusal of their promotion. We call them the most suffered candidates in our cadre in respect of ICT. On receipt of several representations from such members of our cadre and after a detailed discussions, we have come to a conclusion that these very Inspectors are in dire need of a special relief and consideration.

Therefore, we hereby propose the following scheme for providing special relief/one time relaxation for such applications submitted by these candidates on priority basis:-

- (i) That the officers who are being treated on deemed loan basis according to the Board's instruction/circular vide F.No. A-22015/117/2016-Ad.IIIA dated 20th September, 2018 may please be treated as deemed absorbed in the respective zones.

- (ii) That all the candidates whose applications have already been processed and NOCs have been received from the Recipient Zone to the Parent Zone, may please be relieved at once after receiving filled up consent form from the candidate. A pro-forma for expressing willingness is annexed herewith this letter (Annexure-I (Part-2)). The transferee officer shall join at the recipient Zone by 31st day of March, 2021 in any case.
- (iii) That the Inter Commissionerate Transfer orders declared as non-Est by the instruction/circular dated 20th September, 2018 will be treated as valid provided that an additional declaration of willingness may be sought by the accepting CCAs(recipient Zones) from the parent CCAs(Parent Zones) for any revision in those orders. The above exercise may please be completed by 31st day of March, 2021. The transferee officer shall join at the recipient Zone by 30th day of June, 2021 in any case.
- (iv) That the applications requesting Inter Commissionerate Transfer submitted on or before 20th day of September, 2018 and pending at various official stages may please be considered and processed by the Zonal Chief Commissioner (Parent Zone). No fresh application shall be required to submit in this regard. A form of consent/undertaking shall be submitted afresh by the candidate, if he/she still requires ICT. Processing of applications may please be completed by 31st day of March, 2021. The transferee officer shall join at the recipient Zone by 30th day of June, 2021 in any case.
- (v) That the candidates who are eligible to submit request for transfer on completion of two years of regular service as on the date of issuance of a fresh instruction allowing One Time Relaxation (OTR) but could not submit their applications due to issuance and enforcement of the circular dated 20th day of September, 2018 or due to some other unavoidable circumstances, may submit their request afresh.
- (vi) Other candidates apart from those mentioned in point number (i) to (v) above who are available in the cadre and serving in the capacity of Inspector as on the date of issuance of a fresh instruction/circular allowing OTR may please be included in the OTR category and their applications may please be considered on being eligible to apply for ICT.

The office of the Zonal Chief Commissioners should avoid administrative delay in consideration/processing of such applications pending.

All such cases referred in point number (i) to (vi) may be considered in light of Board's Letter issued vide F. No. A. 22015/23/2011-Ad.III.A dated 27.10.2011 and all such conditions incorporated therein.

Again, it is requested that kindly arrange and prioritize such special relief/OTR and help our cadre to lead a peaceful social life with a sound mental health.

Thanking you,

Yours faithfully,



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Encl.:-As above.



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🐦 /sgaiiceia

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Alok Shukla
Treasurer
Pankaj Kumar

Address for
Correspondence:-

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

F.No. AICEIA/ADMIN/2020-21/16

Date: 16/07/2020

To
Smt. Himabindu Mudumbai
Joint Secretary (Admin)
Central Board of Indirect Taxes and Customs
North Block, New Delhi

Respected Madam,

Subject: Fast-Track Implementation of Inter Zonal Transfer – reg.

Kindly refer to the telephonic conversation yesterday regarding Inter Zonal Transfer (Popularly known as Inter Commissionerate Transfer or ICT) in the grade of Inspectors. We appreciate that you have taken a positive view about the matter. As you already know, stoppage of the ICT has created a disastrous effect among our cadre. As their only hope to return to their home and be with their families have been lost, the amount of mental degradation is unimaginable, especially in this lockdown situation.

2. This letter is aimed to make you aware of the development of this issue in a brief manner. We will try to take you through all the aspects as lucidly as possible. For the details about these developments, we have enclosed the previous communications/documents as annexures and quoted them in the consequent paras.

3. ICT was stopped in September, 2018 by the Board by issuing an instruction dated 20.09.2018 (Annexure-A) which mentioned that the Recruitment Rule 2016 for Inspectors does not have the provision to absorb inspectors from another Commissionerates (Such provision, clause 4(ii), was there in the earlier RR). Before the issuance of this circular, ICT was open for all Group B and C officers vide its letter date 27.10.2011 (Annexure B) and still it is open for all officer except in our cadre.

4. The matter was broadly discussed in a meeting between the board and the association dated 15.01.2019 and it was reiterated by the Board that the absence of the absorption clause in the RR is the main deterrent and the association may come up with suitable suggestion for changes in the RR that can be examined by the Board (Annexure C).

5. Although the matter of RR is the officially declared as the barrier for ICT, it is pertinent to mention that there were several other issues which were creating problem with Inspectors seeking/getting ICT. One of them was the promotional aspects of the transferee inspectors. It is pointed out by several zonal CCAs that some of the transferee inspectors are getting necessary seniority and eligibility and getting promoted by overtaking the direct recruit inspectors. Although this activity was well within the legal ambit, it is true that the career aspects of some inspectors were getting hampered. But the Board has already taken steps which will prevent this from happening in the future. Firstly, the new Recruitment Rule in the grade of Superintendents

has reduced the eligibility of Inspectors to two years. This will make the claim of transferee Inspectors for eligibility to be promoted redundant, the eligibility period being same as the probation period. Also the clarification released by the board vide dated 31.12.2019 (Annexure D) 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.

6. Further, The Association in its letter dated 30.12.2019 (Annexure E) submitted its proposition for the necessary amendments in the recruitment rules by reinserting the 4(2) clause as proposed below:

“(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 Commissionerates while not hampering anyone's career in respect of promotion. The suggested clause 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 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.

7. Another issue was highlighted, when ICT was open, was the handling of staff shortage as pointed out by several zones. The board had also cleared this problem in its letter dated 02.01.2017 (Annexure F), i.e. well before the stoppage of ICT, by approving a policy for handling ICT.

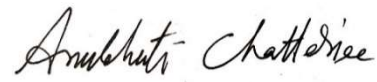
8. So, it is evident from the above that all the necessary blockades for ICT has already been sorted out by the Board. The association in its letter dated 08.05.2020 (Annexure G) elaborately discussed this matter and requested a fast track initiative to reopen ICT as the mental condition of the Inspectors longing for ICT are on the verge of collapse. After discussion with the then Joint Secretary (Admin) and after getting knowledge of formation of a study group for implementation of ICT, the Association, in concurrence with the then Joint Secretary (Admin), proposed a working paper for smooth implementation of ICT in its letter dated 08.06.2020 (Annexure H) which included all the propositions made by the Association as well as the CCAs as well as the Boards. Later, the association had also requested the Chairman, CBIC, vide its letter dated 22.06.2020 (Annexure I), and to you vide its letter dated 25.06.2020 (Annexure J), for a discussion regarding the fast-track implementation of ICT in the cadre of Inspectors.

9. The association likes to reiterate that there has already been much deliberation on ICT. The board has received numerous inputs from time to time from the staff side as well as from

the CCAs. Everybody has agreed that stopping a welfare measure like the ICT can never be the solution. Some may have pointed out rise of litigation due to ICT. But it is a reality that the root causes of these litigation have already been resolved. Further, restricting such a welfare measure will give rise to more litigations. Most importantly, the deteriorating mental conditions of the inspectors due to the stoppage of ICT not only affects them or their family, but also dampens their efficiency, thereby affecting the revenue augmentation.

10. Thus we will be highly obliged if you would kindly see the whole matter sympathetically and do the needful for fast reopening of ICT. The association will always extend any help and will be available via any mode of communication to ensure a fast track process. We have also attached a footnote to show a summary of how all the issues related to ICT has been sorted out. We again thank you for your kind gesture.

Yours faithfully,



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Enclosed: Footnote, Annexure A to Annexure J

Sl.No	Issue	Solution Proposed By this Association vis-à-vis by the Board
1	Non availability of Absorption in Recruitment Rule 2016	ICT is governed by Board's Letter F.No. 22105/23/2011-Ad. III- A dated 27.10.2011. However, Board vide its minutes of meeting dated 15.01.2019 invited proposal for amendment of Recruitment Rule, 2016. Accordingly, going with the spirit of the Circular dated 20.09.2018, this association vide its letter dated 30.01.2020 proposed for inclusion of "Special provision 4(ii)" with a slight modification.
2	Seniority issue	This association has proposed measures to contain such issues vide its letter dated 08.05.2020 in which it is reiterated that as per Boards's Letter F.No. 22105/23/2011-Ad. III- A dated 27.10.2011 an ICT applicant has to forgo his seniority as per DoPT Circular of 1986(para 3.5). Problem was with the word "Public Interest". That is why a slight modification of the "Special provision 4(ii)" was proposed and the word "own request" was sought to be inserted as "public interest/own request". Thereby, barring a candidate from taking the plea that his transfer is done in "public interest" and seeking the protection of seniority.
3	Issue of eligibility	This issue has already been mitigated as the eligibility condition for promotion to the next grade (i.e. Superintendent) is now 2 years. It is also a fact that as per the previous ICT policy and the proposed one, a candidate is allowed to apply for ICT after serving his/her parent zone till the completion of his/her probation period i.e. least 2 years.
4	Handling of applications	As per the Draft Policy Circular, an Online Module Similar to the AGT module of IRS cadre is proposed for handling of ICT applications in an easy and transparent manner. It is to note that the number of ICT applications won't be voluminous as the eligibility for promotion got reduced to 2 years. Hence, one will naturally opt for ICT when it is extremely necessary for him/her.
5	Shortage of Staff	Minimum 65% of working strength is proposed for ICT the applications to be sent from the Parent zone. This was kept at par with the Board's proposal dated 02.01.2017 to the Kerala zone.
6	Accommodation of Special grounds	DoPT has issued various Office Memorandums to accommodate its staff to maintain social balance and harmony within a family. The instant Draft Policy Circular also pointed out such OMs and prioritized such ICT applications. This will also reduce the number of litigations pending in the Judicial forums.
7	Issue faced by Inspectors already transferred after the stoppage of ICT	The same has been proposed to be solved in light of the Draft Policy Circular by deemed approval of these transfers. This will save a lot of government money and time in the current pandemic situation. The candidates will also get relief from the mental trauma they are facing right now.

F. No. A-22015/117/2016-Ad.IIIA
 Government of India,
 Ministry of Finance
 Department of Revenue
 Central Board of Indirect Taxes and Customs

North Block, New Delhi

Dated, the 20th of September, 2018

CIRCULAR

Subject: Instructions in respect of Inter Commissionerate Transfer (ICT) in the light of new Recruitment Rules, 2016-regarding.

These instructions are being issued in terms of “**Central Excise and Customs Commissionerate Inspector (Central Excise, Preventive Officer and Examiner) Group B Posts Recruitment Rules, 2016**”

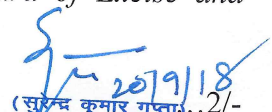
2. Any executive instruction in contravention of the Recruitment Rules will be void in accordance with the ratio of the judgment of the Hon’ble Supreme Court of India in the case of UOI & others Vs. Somasundram Viswanath & Ors. dated 22.09.1988 [1990 SC 166 (10) which held as follows: -

(1) *“It is well settled that the norms regarding recruitment and promotion of officers belonging to the Civil Services can be laid down either by a law made by appropriate Legislature or by rules made under the proviso to Article 309 of the Constitution of India or by means of executive instructions issued under article 73 of the Constitution of India in the case of Civil Services under the Union of India and under Article 162 of the constitution of India in the case of Civil Services under the State Governments. If there is a conflict between the executive instructions and the rules made under the proviso to Article 309 of the Constitution of India, the rules made under proviso to Article 309 of the Constitution of India prevail.”* Thus, the Recruitment Rules formulated under Article 309 will prevail over any executive instruction that may be contradictory to it”

3. It has come to the notice of this office that various CCAs (Cadre Control Authorities) are taking divergent stands on the issue of Inter Commissionerate Transfers (ICT) of officers in the cadre of Inspector on the basis of guidelines issued vide F.No. A 22015/23/2011-AD IIIA dated 27.10.2011. The issue of Inter Commissionerate Transfer under “**Central Excise and Customs Commissionerate Inspector (Central Excise, Preventive Officer and Examiner) Group B Posts Recruitment Rules, 2016**” has been examined by the Board and following has been observed.

4. The ICT applications were being considered under Rule 4 of erstwhile Central Excise and Land Customs Department Inspector (Group ‘C’ Posts) Recruitment Rules, 2002 which stated that:

“Rule 4: Special Provision. - (i) Each Cadre Controlling Authority (CCA) shall have its own separate cadre unless otherwise directed by the Central Board of Excise and Customs.


 (सुरेंद्र कुमार गुप्ता), 2/-
 Surendra Kumar Gupta
 उप सचिव / Deputy Secretary
 वित्त मंत्रालय (राजस्व विभाग)
 Ministry of Finance (Deptt. of Rev.)
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

(ii) Notwithstanding anything contained in sub-rule (i), the jurisdictional Chief Commissioner of Central Excise may, if he considers to be necessary or expedient in the public interest so to do and subject to such conditions as he may determine having regard to the circumstance 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 or Directorate under the Central Board of Excise and Customs.

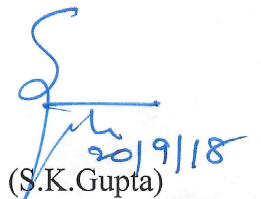
However, under Recruitment Rules, 2016 the corresponding provision containing the special provision under Rule 5 provides that "Each Cadre Controlling Authority (CCA) shall have its own separate cadre unless otherwise directed by the Central Board of Excise and Customs."

5. From the above, it is clear that Recruitment Rules, 2016 do not have any provision for recruitment by absorption and accordingly, no ICT application can be considered after coming into force of the Recruitment Rules, 2016.

6. In exceptional circumstances depending upon the merit of each case such as extreme compassionate grounds, such transfers may be allowed on case to case on loan basis alone keeping in view the administrative requirements of transferee and transferred Cadre Controlling Authority. However, maximum tenure of such transfer will be three years and can be extended with the specific approval of the Board for a further period of two years depending upon the administrative requirement. It is further reiterated that the officials transferred on the loan basis shall not be considered for promotion unless they re-join their parent cadre.

7. Now, therefore, it is hereby clarified that an office order for Inter Commissionerate Transfer in the Grade of Inspectors issued on or after 26.12.2016 (i.e. from the date of enactment of RR, 2016) will be non-est and accordingly any officer who has joined another zone in pursuance of such order shall be treated as a **deemed case on loan basis w.e.f. 26.12.2016**. These officers shall be on deemed loan till 31.03.2019, on which date the officers shall stand relieved and be reverted to their parent Zones.

All CCA are directed to take necessary steps in this regard immediately.


20/9/18

(S.K. Gupta)
Deputy Secretary to Govt. of India

(सुरेन्द्र कुमार गुप्ता)
Pl. 011-26162675

(Surenra Kumar Gupta)
E-mail - sk.gupta61@nic.in

Deputy Secretary
Ministry of Finance (Deptt. of Rev.)
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

To

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners of Central Tax & Central Excise (All)

Copy to

Web-master, CBEC

(ii) Notwithstanding anything contained in sub-rule (i), the jurisdictional Chief Commissioner of Central Excise may, if he considers to be necessary or expedient in the public interest so to do and subject to such conditions as he may determine having regard to the circumstance 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 or Directorate under the Central Board of Excise and Customs.

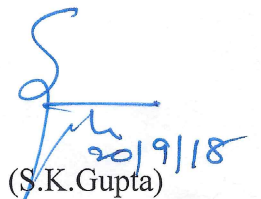
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All CCA are directed to take necessary steps in this regard immediately.


20/9/18

(S.K. Gupta)
Deputy Secretary to Govt. of India

(सुरेन्द्र कुमार गुप्ता)
Ph: 011-26162675

(Surenra Kumar Gupta)
E-mail: sk.gupta61@nic.in

Deputy Secretary
Ministry of Finance (Deptt. of Rev.)
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

To

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners of Central Tax & Central Excise (All)

Copy to

Web-master, CBEC

BY SPEED POST

F.No. A. 22015/23/2011-Ad.III.A
 Government of India
 Ministry of Finance
 Department of Revenue
 Central Board of Excise & Customs

Room No. 502, Hudco Vishala Building,
 Bhikaji Cama Place, R.K. Puram,
 New Delhi 110 066 dated the 27th Oct., 2011.

To

All the Chief Commissioners/Directors General under CBEC
 All the Commissioners in-charge of Directorates under CBEC.

Subject : Lifting of ban on Inter Commissionerate Transfer in respect of willing officers in Group 'B', 'C' & 'D' posts under the CBEC - regarding

Sir/Madam,

I am directed to refer to the Board's letter F.No. A 22015/3/2004-Ad.III.A dated 19.2.2004, vide which the Inter-Commissionerate Transfer (ICT) in respect of Groups 'B', 'C' and 'D' employees were banned. Subsequently the ban was relaxed in phases on spouse ground, compassionate appointment ground and physically handicapped employees vide Board's letters F.No.A.22015/19/2006-Ad.III.A dated 27.03.2009, F.No. A. 22015/11/2008-Ad.III.A dated 29.07.2009 and F. No. A.22015/15/2010-Ad.III.A dated 09.02.2011 respectively. Such relaxation was allowed without loss of seniority and subject to specific conditions mentioned in the above instructions. This was done to facilitate posting of husband and wife at the same station and permitting ICT in respect of employees appointed on compassionate ground basis and for physically handicapped employees without loss of seniority.

2. On consideration of all aspects in the matter of ICT, it has been decided by the Board now to lift the ban on ICT with immediate effect. Accordingly, any willing Group 'B', 'C' employee and the erstwhile Group 'D' employee may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy and on the following terms & conditions:

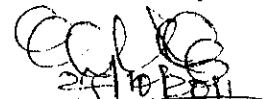
- (i) The concerned two Cadre Controlling Authorities should agree to the transfer.
- (ii) The transferee will be placed below all officers appointed regularly to that post/grade on the date of his/her appointment on transfer basis in terms of Para 3.5 of DOP&T's O.M. dated 03.07.1986. In other words, such a transferee will be junior to those regularly appointed officers prior to his/her transfer. However, such transferred officer will retain his/her eligibility of the parent Commissionerate for his/her promotion to the next higher grade, etc.
- (iii) On transfer he/she will not be considered for promotion in the old Commissionerate.

// 2 //

- (iv) He/she will not be entitled to any joining time and transfer traveling allowance;
- (v) Under no circumstances, request for ICT should be entertained till the officer appointed in a particular Commissionerate/post completes the prescribed probation period.
- (vi) The seniority of the officers who were allowed ICT earlier by the various Cadre Controlling Authorities on the basis of Board's letters F.No.A.22015/19/2006-Ad.III.A dated 27.03.2009, F.No. A. 22015/11/2008-Ad.III.A dated 29.07.2009 and F.No. A.22015/15/2010-Ad.III.A dated 09.02.2011 shall be fixed as per the present instructions.
- (vii) Officers who are presently working on deputation basis from their parent Commissionerate to any other Commissionerate/Directorate and are willing to avail of the ICT in future will have to revert back to their parent Commissionerates first and apply afresh for ICT. The officers who have been continuously on deputation and have been absorbed on ICT during the interim period from 19.02.2004 (i.e. the date from which the ban became effective) till date, their seniority will be fixed from the date of their joining on deputation in the transferred Zone/Commissionerate.
- (viii) A written undertaking (in the enclosed format) to abide by the requisite terms and conditions will be obtained from the officers before the transfers are actually effected.
- (ix) All pending Court cases where seniority protection/ICT has been challenged may be handled appropriately in terms of these instructions and necessary compliance furnished to the Board in due course.

3. The above instructions may be brought to the notice of all concerned authorities for compliance.

Yours faithfully,



(S.K. DEB)

Deputy Secretary to the Government of India
Tele-Fax: 011-26162693

Encl: As above

Copy to:

1. All the recognized Staff Associations concerned (under CBEC) – for information and circulation amongst their members.
2. All Administration Sections of the Department of Revenue

UNDERTAKING FOR INTER-COMMISSIONERATE TRANSFER

I, _____, am willingly getting transferred under the ICT from _____ Zone to _____ Zone. I am willing to forego my seniority and consequently, I shall be junior to all the regularly appointed Officers in the new Commissionerate/Zone at the time of my transfer. I also undertake to abide by other terms and conditions as prescribed under the CBEC's letter F.No. A. 22015/23/2011-Ad.III.A dated 27.10.2011 for my Inter-Commissionerate Transfer.

Name of the officer

Date:

MINUTES OF THE MEETING HELD ON 15.01.2019 UNDER THE CHAIRMANSHIP OF CHAIRMAN, CBIC, WITH ALL INDIA CENTRAL EXCISE INSPECTORS' ASSOCIATION.

11

A meeting was held under the chairmanship of Shri P.K. Das, Chairman, CBIC with All India Central Excise Inspectors' Association on 15.01.2019. The list of participants is at Annexure-I.

2. Chairman, CBIC welcomed the participants. At the outset, referring to the letter dated 10.01.2019 from the Association addressed to Chairman, CBIC, wherein it has been stated that the Association had participated in the strike call given by the Confederation of the Central Government Employees & Workers, Chairman CBIC expressed his unhappiness that officials belonging to uniformed service (i.e. Inspectors) are resorting to such activities. It was impressed upon them that non-observance of code of conduct will be viewed seriously. The Association stated that they supported the call because they also support the demand for abolition of New Pension Scheme.

3. Thereafter, the various demands/items raised by the Association were discussed.

4. Inter Commissionerate Transfers:

The Association stated that Inter Commissionerate Transfers (ICT) have been stopped in the cadre of Inspectors stating that the Recruitment Rules 2016 for the post of Inspectors do not provide for such transfers. Association stated that ICT has been stopped even on spouse and medical grounds. Member (A) stated that since RRs for Inspectors do not provide for recruitment through transfer, ICT cannot be considered as it will be violation of statutory rules. However, if the Association wants to amend the RRs, it may come up with the concrete suggestions with justification which can be considered by the Board. As regards the cases of hardship, such as medical ground cases, spouse cases, etc. are concerned, Board has already allowed temporary transfers in such cases for a period of seven years, instead of five years. Chairman advised the Association to give their suggestions with the regard to improvement and changes in the RRs which will be examined by the Board.

(JS (Admn)/Ad.III.A)

5. All India Seniority in the grade of Inspectors:

The Association raised the issue of All India Seniority in the grade of Inspectors. The Association stated that there is regional disparity in the

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seniority of the Inspectors and the seniority list should be prepared on All India basis. To this, Association was asked whether it wants All India Seniority with all India transfer liability, and the Association answered in the affirmative. Thereupon, it was suggested that the Association should get the resolution passed by its zonal constituents to this effect and the Board will consider the same.

(Ad.IIIA)

6. Implementation of Hon'ble Supreme Court Judgement in N.R. Parmar case:

The Association took up the issue of implementation of Hon'ble Supreme Court Judgement in N.R. Parmar case. It was informed that this is linked with the SLP in r/o P. Bharthan & Ors. which is pending before the Hon'ble Supreme Court. It was stated that in March 2018, the Board had filed an affidavit in the Hon'ble Supreme Court stating that the existing seniority list as on March 2018 shall not be changed and status quo will be maintained. Therefore, no further clarification can be issued by the Board until the said case is decided.

(Ad.IIIA)

7. Pay Parity with Inspectors of CBI:

The question of pay parity with Inspectors of CBI was raised. It was informed that the Pay Commission has not accepted the demand of the Association and it has only given the replacement scale. This matter was also taken up with the Anomaly Committee earlier, but this has not been accepted by the Departmental Anomaly Committee.

(Ad.II.A)

9. Conduction of DPC:

The Association stressed that DPC should be conducted as per Model Calendar. Chairman appreciated the suggestion to follow the model calendar and said that instruction will be issued to ensure that DOP&T's Model Calendar for DPC is followed by all the field formations.

(Ad.III.A)

10. Recruitment Rules for Superintendent:

As regards the demand of the Association for finalisation of Recruitment Rules for Superintendents, it was informed that these RRs are pending approval of DOP&T.

(Ad.II A)

11. **Cashless Medical Facility**

The Association raised the demand that cashless medical facility for indoor and outdoor treatment should be provided by way of tie-up with renowned hospital in non-CGHS areas. The Association was asked to send a self-contained proposal with full justification which shall then be examined by the Board.

(DGHRD)

12. **Abolition of NPS**

Regarding the New Pension Scheme, it was informed that Board has to follow the Government instructions in this regard and CBIC cannot take its own decision.

13. **Ad hoc/In situ Promotion to the grade of Superintendents:**

The Association stated that in some of the zones, ad hoc/in situ promotions to the grade of superintendent was not given. The Association was advised to give zone wise information where all the conditions for promotions are fulfilled and still promotions are not given. Thereafter, the Board will examine the issue.

(Ad.II.A)

14. **Abolition of Control Room and Protocol Duty:**

The Association demanded that the Control Room and Protocol Duty should be abolished. It was informed that in order to ensure that timely collection/dissemination of intelligence as well as effective action is taken against unlawful activities involving evasion of excise duty/taxes etc. and to prevent loss to the exchequer, duty in Control Rooms are required. It was suggested that the Association may give information on the practices followed by different zones in this regard. Association may also bring to the notice of the Board instances where these are being misused, so that remedial measures can be taken.

(DGHRD/Ad.IV)

15. **Proper Infrastructure:**

The Association demanded that proper infrastructure should be provided to the officers and a Committee should see that proper office accommodation and logistic support is provided. It was informed that the system is already in place and every efforts are made to provide the proper accommodation and other facilities within the given constraints.

(DGHRD/Ad.VIII.EC)

14

16. Implementation of Subramaniam Case:

It was informed that Subramaniam case relates to grant of MACP. A reference was made to Department of Expenditure for implementing the Court orders in respect of all similarly placed officers. DOE has sought further information relating to the financial implications involved in the case. DGHRD has been requested to provide the necessary information and the information is under preparation. Some Zones are yet to send the information and reminders were being issued.

(Ad.II.A)

17. Regularisation of ad hoc promotion given to Assistant Commissioner in 2014:

The Association demanded that promotions to the grade of Assistant Commissioners given against the 2118 post in 2014 should be regularised. It was informed that these 2118 are temporary posts, and extension of these posts for a further period of three years has already be given.

(Ad.II)

18. Sub-Commissionerate should be sanctioned separate strength:

The Association demanded that sub Commissionerates should be sanctioned separate strength and for the purpose of transfer posting, these should be treated as separate Commissionerate. It was informed that the demand of the Association is contrary to the demand for having all India seniority for Inspectors.

19. Pre-counselling of new recruits:

Regarding the suggestion of the Association that new-recruits should be given pre-counselling and training, Chairman appreciated the Association for good and positive suggestion. It was informed that a training programme for the new recruits will be devised and training would be imparted so that they can do things in efficient and better manner.

(DG NACIN)

The meeting ended with vote thanks to the Chair.



MEETING HELD ON 15.01.2019 UNDER THE CHAIRMANSHIP OF
CHAIRMAN, CBIC, WITH ALL INDIA CENTRAL EXCISE INSPECTORS'
ASSOCIATION.

Official side:

1. Shri P.K. Das, Chairman, CBIC
2. Shri R.K. Barthwal, Member (Administration)
3. Ms. Hemambika R. Priya, Pr. Commissioner (Coord)
4. Shri Sanjiv Kumar, Joint Secretary (Admn)
5. Shri Amarjit Singh, Director (Ad.IV/IVA)

Staff Side:

1. Shri P.P. Gupta, President
2. Shri Anubhuti Chatterjee, Secretary General
3. Shri Manoj Yadav, Joint Secretary
4. Shri Ankit Yadav,

By Speed Post

F. No. C-18012/19/2012-Ad.II B
Government of India
Ministry of Finance
Department of Revenue
CBIC

New Delhi, the 31st December, 2019

To

All Cadre Controlling Authorities under CBIC

Sub: Implementation of CAT, Chandigarh Bench Order dt. 03.08.2012 in OA No. 338/PB/2012 filed by Shri Balwinder Singh Matharoo and Ors.

The Board is in receipt of several letters from various Zones seeking clarification of the term "*all concerned (petitioners and non-petitioners)*" mentioned in Para 4 of the said letter and applicability of Balwinder Singh Matharoo judgment. Para 4 of the letter dated 03.08.2017 reads as below –

" After dismissal of SLP, the matter has attained finality. It has, therefore, been decided with the approval of competent authority to implement CAT, Chandigarh Bench order dated 03.08.2012 in OA No. 338/PB/2012 in respect of all concerned (petitioners and non-petitioners) under Central Board of Excise & Customs."

2. It is to clarify that the "petitioners and non-petitioners" in the above para 4 of the said letter would mean similarly situated persons **in identical cases**. Non-petitioners would mean persons who are similarly situated and are eligible for promotion against the post of Superintendent, **upgraded vide Department of Revenue's letter No. A-11012/01/96-Ad.IV dated 10.09.1996 and 29.05.1997** but have not sought any judicial remedy. The petitioners would be those officers who have approached an appellate forum for redressal.

3. The application of the B.S. Matharoo case and Para 4 of the letter dated 03.08.2017 may be strictly restricted to similarly placed officials as stipulated above.

Yours faithfully



(S.K.Jain)

Under Secretary to the Govt. of India

Tel-23095584

o/c

*Issued by SLP
11/12/2020*



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]

Annexure E

E-mail:sgaiceia@gmail.com

Web page: www.aiceia.blogspot.in

Date:-30.01.2020

President:-
Gopinath NP
9447884929

Vice Presidents:-
TusharKumar (NZ)
DipeshG (SZ)
Chandan Kumar Singh
(EZ)
Kumar Rahul(WZ)
Pawan Kumar (CZ)

Secretary General:-
Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com

**Asstt. Secretary
General:-** S.K. Gangte

Liaison Secretary:-
Prem Chandra Kumar

Organising Secretary:-
SamiranGoswami

Joint Secretaries:-
Manoj Yadav(SZ)
Suraj Kumar Nirala (WZ)
Sunil Kumar (CZ)
Bijoy Basumatary (EZ)
Alok Shukla (NZ)

**Address for
Correspondence:-**

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

F. No. AICEIA/ADMIN/2019-20/51

To
The Chairman
CBIC, North Block, New Delhi- 110001.

Respected Sir,

Sub: Amendments in Recruitment Rules for the post of Inspector(Central Excise, Preventive Officer and Examiner), in Central Board of Indirect Taxes and Customs, 2016- reg.

Your kind attention is invited to the letter of F No. A.12018/30/2003.AD.III.B dated 30.12.2019 on the above subject. In this regard, this Association would like to place some comments on draft RR of Inspectors.

1. Clause 4(ii) of the Recruitment Rules, 2002 of Inspector may be reinstated in the proposed new amendment of said RR which is depicted as under.
"(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."
2. Further, Board's clarificatory circular dated 20.09.2018 may be rescinded and another circular may be brought wherein the ICT orders issued on or after 26.12.2016 may be allowed one time relaxation to affected Inspectors since they have already been absorbed on or after 26.12.2016 in the new cadre controlling authorities.
3. Retention clause may be inserted in the draft RR which will enable to retain the Inspectors who have been promoted on regular basis through RR 2002.

Yours Sincerely,

(Anubhuti Chatterjee)
Secretary General

Copy to 1) The Member(Admin), CBIC, North Block, New Delhi
2) Sri R. K. Jha, Deputy Secretary, AD. III-B, CBIC.

F.No A.22015/117/2016-Ad.III.A

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

4th Floor, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi, Dated the 2nd January, 2017.

To

The Chief Commissioner of Customs, Central Excise
& Service Tax, Cochin Zone,
C.R. Building, I.S. Press Road, Cochin-682 018.

**Subject:- O.A. No.333/2016 – regarding framing of Inter
Commissionerate Transfer (ICT) guidelines in pursuance of order of
Hon'ble CAT, Ernakulam Bench order dated 15.07.2016 – reg.**

Sir,

This is in continuation of your letter dated 10th August, 2016 on the
subject with copy of Draft guidelines for granting ICT. (copy Annexure-I)

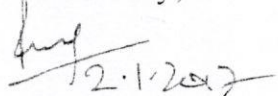
2. I am directed to state that the Board has approved the Draft guidelines
which are placed at Annexure-II.

3. In view of orders of CAT, Ernakulam Bench, all applications should be
considered only in line with the proposed system to be put into operation in the
interest of equitable treatment. All applications already forwarded should be
reviewed in line with these guidelines and in case of irregularities such
forwarded Inter Commissionerate Transfer applications should be cancelled
forthwith.

4. The Chief Commissioner is requested to kindly take necessary action as
per the revised guidelines on ICT and file a reply in the CAT, Ernakulam
Bench. A status report may be sent to the Board within one week. This policy is
subject to notification of Recruitment Rules for the post of Inspector, Preventive
officer and Examiner.

Encl: As above

Yours faithfully,


2.1.2017
(Rajpal Singh)

Under Secretary to the Govt. of India

Tel: 26162780

Revised Draft guidelines for granting No-Objection for Inter Zonal Transfers

The Inter-Zonal Transfer (ICT) of Group 'B' & 'C' officers of CBEC are governed by Ministry's letter F.No.22015/23/2011-Ad.III.A dated 27.10.2011. Accordingly, any willing Group 'B' & 'C' employee may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy and concurrence of the Cadre Controlling Authorities. Due to the difficulties faced at the time of granting concurrence for Inter-Zonal Transfer, the following Policy Guidelines are formulated for consideration while granting Inter-Zonal Transfers out of the Zone. These guidelines should be read in conjunction with the terms and conditions specified vide Ministry's Circular dated 27.10.2011.

- a) All Officers desirous of applying for Inter Zonal Transfer shall submit their request to the respective Commissioners of Central Excise/Customs by 31st December of each calendar year. The request shall be brief and self contained. Documentary proof in support of the claims made and all other relevant material shall be enclosed along with the requests. Submission of fresh request will not be accepted after cutoff date.
- b) To balance the needs of administrative efficiency and the interest of officers and staff, Inter Zonal Transfer in a particular cadre shall ordinarily be considered by the Chief Commissioner only if the cadre strength in Cochin Zone is not less than 65% of the sanctioned posts after such transfer. Only such numbers that are in excess of 65% will be considered for Inter Zonal Transfer.
- c) The period of service of officers in the Zone **as well as the period of service in a particular cadre** to which the applicant belongs will be the predominant criteria while considering requests for Inter-Zonal transfers.
- d) While considering the requests, priority shall be given to officers who have rendered a minimum service of 3(three) years in the Zone as well as minimum service of 3(three) years in a particular cadre. This period will

be calculated excluding leave for more than 45 days at a stretch except Child Care Leave or/ and Maternity Leave.

- e) Seniority alone would be the criteria for granting "NOC" for Inter Commissionerate Transfer and Chief Commissioner will not forward any application out of turn by violating the seniority list placed on the website.
- f) Inter Zonal Transfer request on spouse ground will be subject to the consolidated guidelines contained in DoP&T O.M. F.No.28034/9/2009-Estt(A) dated 30.09.2009. Further, consideration should be given for Differently-Abled persons as per guidelines of DoPT O.M. No.A-B 14017/41/90-Estt.(RR) dated 10.05.1990.
- g) Bringing in political influence for securing Inter Zonal Transfer shall be disqualification for such transfer, apart from attracting disciplinary action under the relevant rules.
- h) The request for Inter Zonal Transfers shall be submitted by the officers/staff to their respective Commissioners who shall forward said request received in the Calendar year to the Chief Commissioner, Cochin Zone on or before 15th day of January of the following year along with their observations/comments.
- i) The final seniority list of all applicants for Inter-Zonal Transfer will be placed on the Zonal website to point out discrepancies, if any, by 31st January of each year.

*Counting only the duration of service in the Zone for considering IZT is the reason for present Litigation. It has led to an aberration where an officer who was junior by 6 years becoming senior to the same officer (For example, by considering only Zonal seniority, one of the officers who got promoted as Inspectors in the year 2015 was transferred on IZT whereas Direct Recruit inspectors of 2009 batch could not be considered. This led to a situation resulting in an officer 6 years junior becoming senior to the officer who was earlier 6 years senior to him). Such aberration can be mitigated to a great extent by applying the ration of a minimum period of service in a particular cadre also as a precondition. This will also avoid unnecessary future litigation as the concerned Inspectors Association is agitating on this issue.



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]

Web page: www.aiceia.com

E-mail: sgaiceia@gmail.com

**President:-
Akhil Soni
9450493431**

**Working President: -
Gopinath NP**

**Vice Presidents:-
TusharKumar (NZ)
Dipesh G (SZ)
Chandan Kumar Singh(EZ)
Sushant Tyagi(WZ)
Anshu Sharma (CZ)**

**Secretary General:-
Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com**

**Asstt. Secretary
General: -Manoj Yadav**

**Liaison Secretary:-
Debayan Dasgupta**

**Organising Secretary:-
Samiran Goswami**

**Joint Secretaries:-
Shekhar Suman(SZ)
Naveen (WZ)
Chirantan Roy (EZ)
Rajan Choudhury (NZ)**

**Address for
Correspondence:-**

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

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



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]

Web page: www.aiceia.com

E-mail: sg@aiceia.com

**President:-
Akhil Soni
9450493431**

**Working President: -
Gopinath NP**

**Vice Presidents:-
TusharKumar (NZ)
Dipesh G (SZ)
Chandan Kumar Singh(EZ)
Sushant Tyagi(WZ)
Anshu Sharma (CZ)**

**Secretary General:-
Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com**

**Asstt. Secretary
General: -Manoj Yadav**

**Liaison Secretary:-
Debayan Dasgupta**

**Organising Secretary:-
Samiran Goswami**

**Joint Secretaries:-
Shekhar Suman(SZ)
Naveen (WZ)
Chirantan Roy (EZ)
Rajan Choudhury (NZ)**

**Address for
Correspondence:-**

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

F.No. AICEIA/ADMIN/2020-21/6

Date: 08/06/2020

To
Smt. Sucheta Sreejesh
Joint Secretary (Admin)
Central Board of Indirect Taxes and Customs
North Block, New Delhi

Respected Madam,

Subject: Working Paper on ICT – reg.

Kindly refer to AICEIA letter F.No. AICEIA/ADMIN/2020-21/3 dated 08.05.2020 on the Subject "Inter Zonal Transfer - Necessity, Clearing Legal Complications and Smooth Implementation - effect of Reverse Migration in the post COVID 19 era". The said letter elaborately mentioned the necessity to reopen Inter Zonal Transfer (Popularly known as Inter Commissionerate Transfer or ICT) in this trying time of COVID-19 Crisis. The letter also mentioned how most of the previous complications regarding ICT has already been sorted out by the Board and it emphasized on formulating a suitable guideline along with an online module for smooth implementation of ICT.

In line with the proposal, the association has prepared a Working Paper on ICT (attached in the Annexure) in which it has proposed the suitable mechanism to reopen and smoothly implement ICT. The Working Paper includes a proposed Model Circular which includes the policy propositions made by the Association. The Model Circular is mostly based on the earlier circulars and draft guidelines approved by the board, the feedbacks received from several CCAs and various prevalent guidelines of other departments. The Working Paper also has illustrations of the proposed ICT procedures. It is to note that the Working Paper is prepared with the assumption that the Recruitment Rule 2016 in the grade of Inspectors has been amended as proposed by the AICEIA in its letter dated 30.01.2020 and 08.05.2020 or necessary clarification to allow ICT is issued as per provision 7 of the RR 2016.

We are confident that this Working Paper will help in formulating suitable guidelines for ICT and ICT will be reopened shortly. We will be more than happy to extend any other help for the swift reopening of ICT.

Thank you.

Yours faithfully,

Anubhuti Chatterjee

(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Enclosed: As Above



**WORKING PAPER ON INTER ZONAL TRANSFER
IN THE GRADE OF INSPECTOR IN CBIC**

(Popularly known as Inter Commissionerate Transfer or ICT)

Prepared by

The All India Central Excise Inspectors' Association

INTRODUCTION

This document is a supplement of the letter from the AICEIA vide F.No. AICEIA/ADMIN/2020-21/3 dated 08.05.2020 and is aimed to provide a suitable mechanism for a smooth implementation of the Inter Zonal Transfer (Popularly known as Inter Commissionerate Transfer or ICT, herein after referred as “ICT”) in the grade of Inspectors. As already mentioned in the para 5 of the aforementioned letter, three things are highly essential for a dispute-free implementation of ICT, they are:

1. A clear and consolidated guideline which will be issued along with the circular declaring reopening of ICT.
2. A formula to prioritize the ICT applications. The Applications will be sorted as per the formula in both the outgoing and incoming CCAs, which will mitigate the complications arising out of sending or accepting of ICT applications.
3. An Online Module for a hassle-free and transparent processing of ICT applications. The design and algorithm of the module will be largely similar to the existing AGT module for the IRS (C&CE) officers already hosted in the DGHRD domain.

This document will discuss all the above aspects in detail in the chapters below. At first a model draft circular along with a model draft guideline will be shared. Then justification behind the model drafts will be provided. After that the design and workflow of the processing of ICT applications will be discussed in subsequent chapters.

As it has been repeatedly mentioned in the aforementioned letter, most of the technical roadblocks have already been removed by the Board with various decisions and clarifications. In this regard, it is also hoped that the proposed amendment in the Recruitment Rule 2016 of the Inspectors will be implemented shortly. Thus the policy framework suggested in this document assumes the RR 2016 is amended as proposed or necessary clarification to allow ICT is issued as per provision 7 of the RR 2016. Also, this document sets its base on the clarification issued by the Board on 31.12.2019 vide F.No. C-18012/19/2012-Ad.II B, DoPT's O.M. No.20011/1/2008-Estt. (D) Dated 11th November 2010, DoPT's O.M.No.20020/7/80-Estt. (D) dated 29.5.1986 and other relevant DoPT circulars issued from time to time.

MODEL DRAFT CIRCULAR AND GUIDELINE

The Body of a Proposed Model Draft Circular is furnished below. This proposed circular contains all the policy proposition of the ICT process.

CIRCULAR

Subject: Inter Commissionerate Transfer in the Cadre of Inspector in Central Board of Indirect Taxes and Customs

The Board, through its circular issued vide F.No. A-22015/117/2016-Ad.IIIA dated 20th September, 2018 clarified that no Inter Commissionerate Transfer (ICT) application can be considered after coming into force of the Central Excise and Customs Commissionerates Inspector (Central Excise, Preventive Officer and Examiner), Group 'B' Posts Recruitment Rules, 2016. However, the amended Recruitment Rule, 2016 published via gazette notification dated..... [OR the provision of relaxation to the Recruitment Rule, 2016 issued vide..... dated] has created provision for recruitment by absorption.

2. On consideration of all aspects in the matter of ICT, it has been decided by the Board to re-open ICT in the cadre of Inspector with immediate effect. Accordingly, any willing officer in the grade of Inspector may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy and on the following terms and conditions:

- (i) The concerned two Cadre Controlling Authorities should agree to transfer by adhering to the criteria mentioned in Para 4.
- (ii) The transferee officer will be placed below all officers appointed regularly to that post/grade on the date of his/her appointment on transfer basis in terms of Para 3.5 of DoP&T's O.M. No. No.22011/7/86-Estt. (D) Dated 03.07.1986. In other words, such a transferee officer will be junior to those regularly appointed officers prior to his/her transfer. However, such transferred officer will retain his/her eligibility of the parent Commissionerate for his/her promotion to the next higher grade, etc. On transfer he/she will not be considered for promotion in the old Commissionerate.
- (iii) The transferee officer will not be entitled to any joining time and transfer traveling allowance.
- (iv) Under no circumstances, request for ICT should be entertained till the officer appointed in a particular Commissionerate/post completes the prescribed probation period and is confirmed in the cadre.
- (v) Officers who are presently working on deputation basis from their parent Commissionerate to any other Commissionerate/Directorate and are willing to avail of the ICT in future will have to revert back to their parent Commissionerates first and apply afresh for ICT.
- (vi) The officer can avail ICT only once in his/her entire career.
- (vii) Application has to be submitted along with the Annexures (Format Enclosed in Annexure-I) through proper channel only, along with documentary evidence in support of the conditions mentioned in Annexure-II, if any. Documentary Evidence of residence where applicant wants to go on Inter-Commissionerate Transfer also must be furnished. The list of the Documents required to be furnished is mentioned in Annexure-III. Incomplete application/ application with incomplete documentary evidence/non satisfactory evidence will be treated as rejected.
- (viii) All pending applications received in this matter before the date of issuance of this circular will be treated as null and void and the willing officers will have to submit fresh applications for consideration.
- (ix) All applications will be processed in electronic mode through an online module in a sequential manner as prescribed in para 5.
- (x) No modification in the application will be allowed after submission of the Application. Application can be withdrawn till it is accepted by the accepting Cadre Controlling Authority and may be submitted afresh in the next year.
- (xi) Bringing in Political influence for securing ICT shall be the cause of disqualification for such transfer, apart from attracting disciplinary actions under relevant rules.
- (xii) All pending Court Cases where seniority protection/ICT has been challenged may be handled appropriately in terms of these instructions.

3. Processing of ICT Applications will be done between January to April every year. The Applicants must submit their applications on or before December 31st for his/her application to be considered in that year itself. The applications thus received will be verified and uploaded to the online system for further processing by 31st January. However, no fresh application is to be submitted for the next year if the application is not sent or accepted by the parent CCA or accepting CCA whatever the case may be. The system will consider the original applications till it is accepted by the accepting CCA. The application can be withdrawn in terms of Para 2(x) at any time in the year.

4. The Cadre Controlling Authority sending the ICT applications in different CCAs can send a maximum number of applications by which the working strength in that CCA exceeds sixty five percent of the sanctioned strength under its cadre in a particular year. Similarly the accepting CCA can accept a maximum number of applications subject to availability of the vacancy in different categories under its cadre. However, the Chief Commissioner of the parent CCA, under his/her discretion, can relax the maximum limit in the light of extreme compassionate ground. The accepting CCA will report in the system the number of vacancy available by 28th February. The vacancies for a particular year will only be reported to the SSC after absorbing all the ICT applicants in that year, subject to condition laid down in para 2(vii).

5. The applications will be sequenced category-wise in the parent CCA and the accepting CCA on the basis of Seniority List of the Parent CCA. Also applications based on various compassionate grounds as prescribed by the DoPT (listed in Annexure II) will be marked in the system as priority applications. These priority applications will be sent first after all the applications are sequenced on the basis of Seniority Lists, provided that these applications will not be prioritised over an application from an officer who has been recruited/ promoted in an earlier year. The applications thus sent will be sequenced category-wise in the accepting CCA on the basis of Application Receiving Year and length of continuous service in the present grade, prioritising earlier to the later. Also, like the parent CCAs, applications based on various compassionate grounds as prescribed by the DoPT (listed in Annexure II) will be marked in the system as priority applications. These priority applications will be accepted first after all the applications are sequenced on the basis of Application Receiving Year and length of continuous service in the present grade, provided that these applications will not be prioritised over an application which has been received by the accepting CCA in an earlier year.

6. The online system will facilitate in sequencing, sending/accepting the application in both Parent CCA and Accepting CCA. It will refresh the sequencing of application each year in the month of March after all the fresh applications are uploaded. Login credential to upload/download the applications will be provided to one/two officer not below the rank of Gr. B gazetted officer in each CCA. Login credential to upload/download/send/accept/reject application will be provided to one/two officer not below the rank of Assistant Commissioner in each CCA.

7. All the applications must be uploaded in the online module by the parent CCA. Rejection of application as per para 2(viii), if any, must be indicated in the system. The accepting CCA, after verification of the incoming application, will indicate its acceptance/rejection with reason in the online system itself and a transfer order will be auto generated and sent to the parent CCA for further processing.

8. The Officers who had been treated on deemed loan basis according to the Board's earlier instruction vide F.No. A-22015/117/2016-Ad.IIIA dated 20th September, 2018 will now be treated deemed absorbed in the respective zones from the date of publication of the amended Recruitment Rule (OR the clarification). Also, the Inter Commissionerate Transfer orders declared as non-Est by the instruction dated 20th September, 2018 will be treated as valid and deemed to be issued after the date of publication of the amended Recruitment Rule (OR the clarification), provided that an additional declaration of willingness/availability may be sought by the accepting CCAs from the parent CCAs for any revision in those orders. The above exercise may be completed by 30th September, 2020.

9. Further details about the starting of the process will be shared by DGHRD in due course.

10. The above may be brought to the notice of all concerned authorities for compliance.

-SD/-

Enclosed: As above

Annexure-I

(Part-1)

Application Format for Inter Commissionerate Transfer

Sl. No.	Particulars		
1.	Name of the Officer		
2.	Date of Birth		
3.	Category (UR/SC/ST/OBC/PH)		
4.	Date of Joining in the Cadre		
5.	Duration of Continuous Service in the present Cadre		
6.	Date of Confirmation in the Grade of Inspector		
7.	Present Zone		
8.	Zone sought for ICT		
9.	Whether ICT sought on Compassionate Grounds as prescribed by the DoPT (See Annexure II). If yes, provide the relevant O.M. Number and date.		
10.	If applied on the Basis of DoPT O.M. No. 28034/9/2009-Estt.(A) dated 30/09/2009 [Posting of husband and wife at the same station] Details about Spouse thereof:	a. Nature of Service of Spouse [AIS/Central Service/State Govt. PSU]	
		b. Duration of Service	
		c. If in same department, whether spouse has applied for ICT. If No, state reason	
		d. If in other Central Department, whether spouse has applied for Transfer. If No, State reason	

Date:

Signature:

Name:

Signature of Controlling Officer

Annexure-I

(Part-2)

UNDERTAKING/ DECLARATION

1. I hereby undertake/declare to abide by the terms and condition of the Board's Circular issued vide F. No..... dated in the event of my transfer from zone (Parent Zone) to zone (Accepting Zone) on my own request.
2. I have not availed ICT previously in my career.
3. I will be absorbed against the Direct Recruitment quota of UR/OBC/SC/ST/PH category in zone (Accepting Zone). The service rendered by me in zone will not be counted in the Zone (Accepting zone) for the purpose of my seniority. I will be placed at the bottom of the list of Inspector cadre in zone (Accepting Zone) in accordance with Para 3.5 of DoP&T's O.M. No. No.22011/7/86-Estt. (D) dated 03.07.1986. My seniority in the zone (Accepting zone) will start from the date of my reporting for duty in Zone (Accepting zone) and my name will be placed below all the Inspectors (both Direct and Promotee) in Zone (Accepting Zone) on the date of my joining duty.
4. I will forfeit all claims for promotion in zone (Parent Zone). I will be eligible for promotion in zone (Accepting zone) in accordance with the seniority allotted to me on transfer.
5. I will not be entitled to any joining time and Transfer Travelling Allowance since the transfer is at my own request.
6. My lien in zone (Parent Zone) will be suspended under FR 14 on reporting for duty in zone (Accepting zone).
7. I will be indefinitely debarred from applying ICT again once my application is accepted at zone (Accepting zone).

Date:

Place:

Signature:

Name:

Designation:

Signature of Controlling Officer

Annexure-II

List of DoPT O.M.s in respect of Posting of Government Employees on various Compassionate Grounds

1. DoPT O.M. No. 28034/9/2009-Estt.(A) dated 30/09/2009 [Posting of husband and wife at the same station]
2. DoPT O.M. No. 14017/16/2002-Estt(RR) dated 13/03/2002 [Posting of physically handicapped candidates]
3. DoPT O.M. No. AB 14017/41/90- Estt. (RR) dated 15/02/1991 [Posting of Government employees who have mentally retarded children.]



Annexure-III

Documents need to be furnished along with Annexure-I

1. Copy of Joining Report in this zone
2. Employee ID Card
3. Certificate of Continuous Service in the present grade
4. In Case of transfer sought on the basis of DoPT O.M. No. 28034/9/2009-Estt.(A) dated 30/09/2009 [Posting of husband and wife at the same station]:
 - a. Marriage Certificate
 - b. Joining Report of Spouse
 - c. Current Monthly Salary Slip/ Letter from Employer of Spouse
 - d. Employee ID Card of Spouse
5. Copy of Medical/Disability Certificate, wherever applicable
6. Copy of SC/ST/OBC Certificate, wherever applicable
7. Any other supporting Document



CLARIFICATION ON THE MODEL DRAFT CIRCULAR AND GUIDELINES

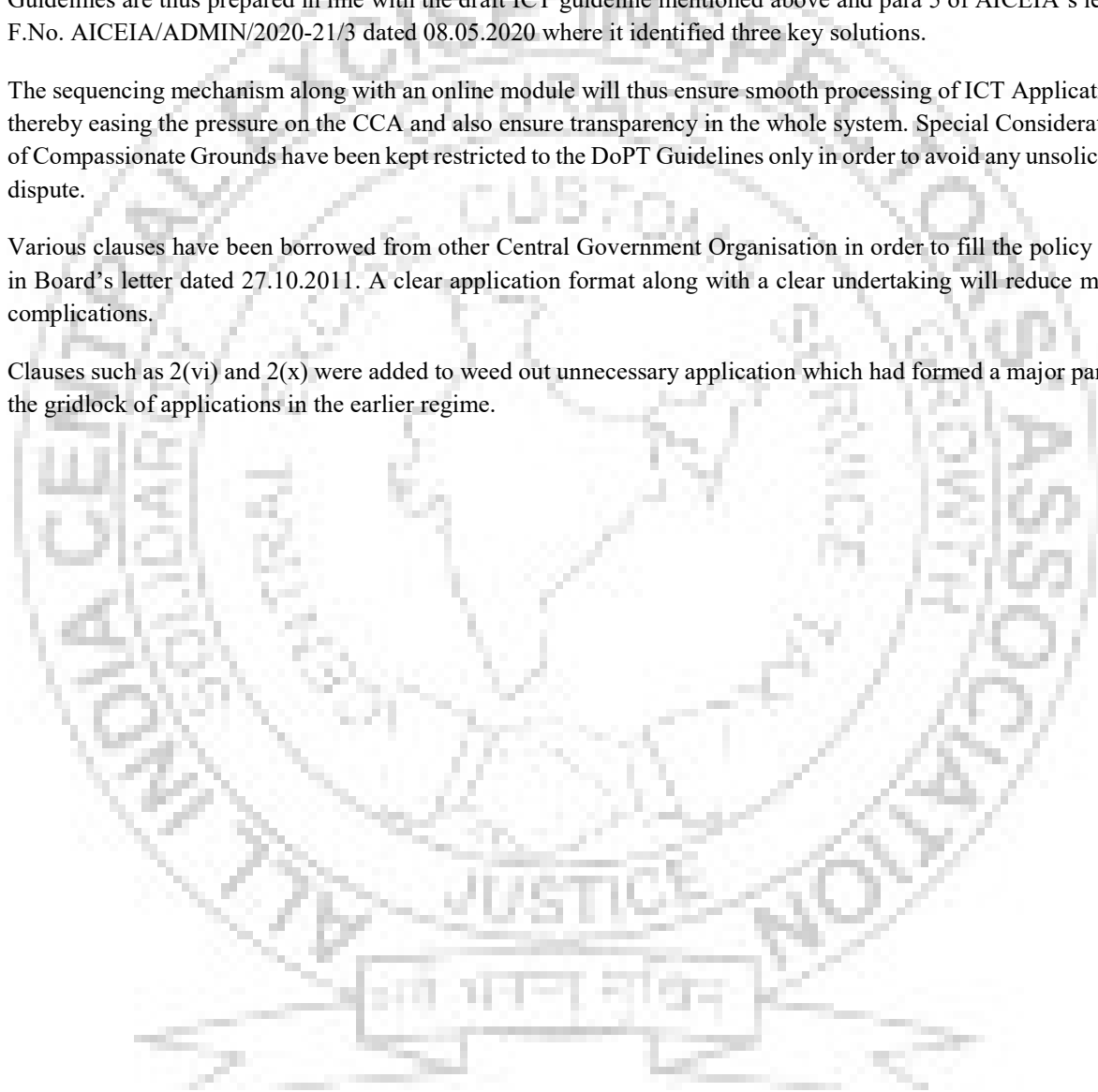
The Model Draft Circular and Guideline is prepared with an aim to mitigate the previous complications while doing minimal change in the Board's Letter issued vide F.No. A. 22015/23/2011-Ad.III.A dated 27.10.2011.

A major problem in the previous ICT regime was a poor handling of the applications. Some zones had a large number of outgoing applications while some zones had the opposite. Thereby resulting staff shortage, legal disputes etc. The Board, vide its letter F.No. A.22015/117/2016-Ad.IIIA dated 02.01.2017 had approved a Draft ICT Guidelines in view of the above problems. Also a number of studies have been made by various section of Inspector Community along with many branches of AICEIA to find out a solution in this regard. The Model Guidelines are thus prepared in line with the draft ICT guideline mentioned above and para 5 of AICEIA's letter F.No. AICEIA/ADMIN/2020-21/3 dated 08.05.2020 where it identified three key solutions.

The sequencing mechanism along with an online module will thus ensure smooth processing of ICT Application, thereby easing the pressure on the CCA and also ensure transparency in the whole system. Special Consideration of Compassionate Grounds have been kept restricted to the DoPT Guidelines only in order to avoid any unsolicited dispute.

Various clauses have been borrowed from other Central Government Organisation in order to fill the policy gap in Board's letter dated 27.10.2011. A clear application format along with a clear undertaking will reduce many complications.

Clauses such as 2(vi) and 2(x) were added to weed out unnecessary application which had formed a major part in the gridlock of applications in the earlier regime.



WORKFLOW BEFORE STARTING OF ICT

DGHRD develops an ICT module and hosts in their website. The module will be similar to the AGT Module for IRS officers with a few modifications.



DGHRD hosts webinar to train the CCAs on the functioning of the ICT Module



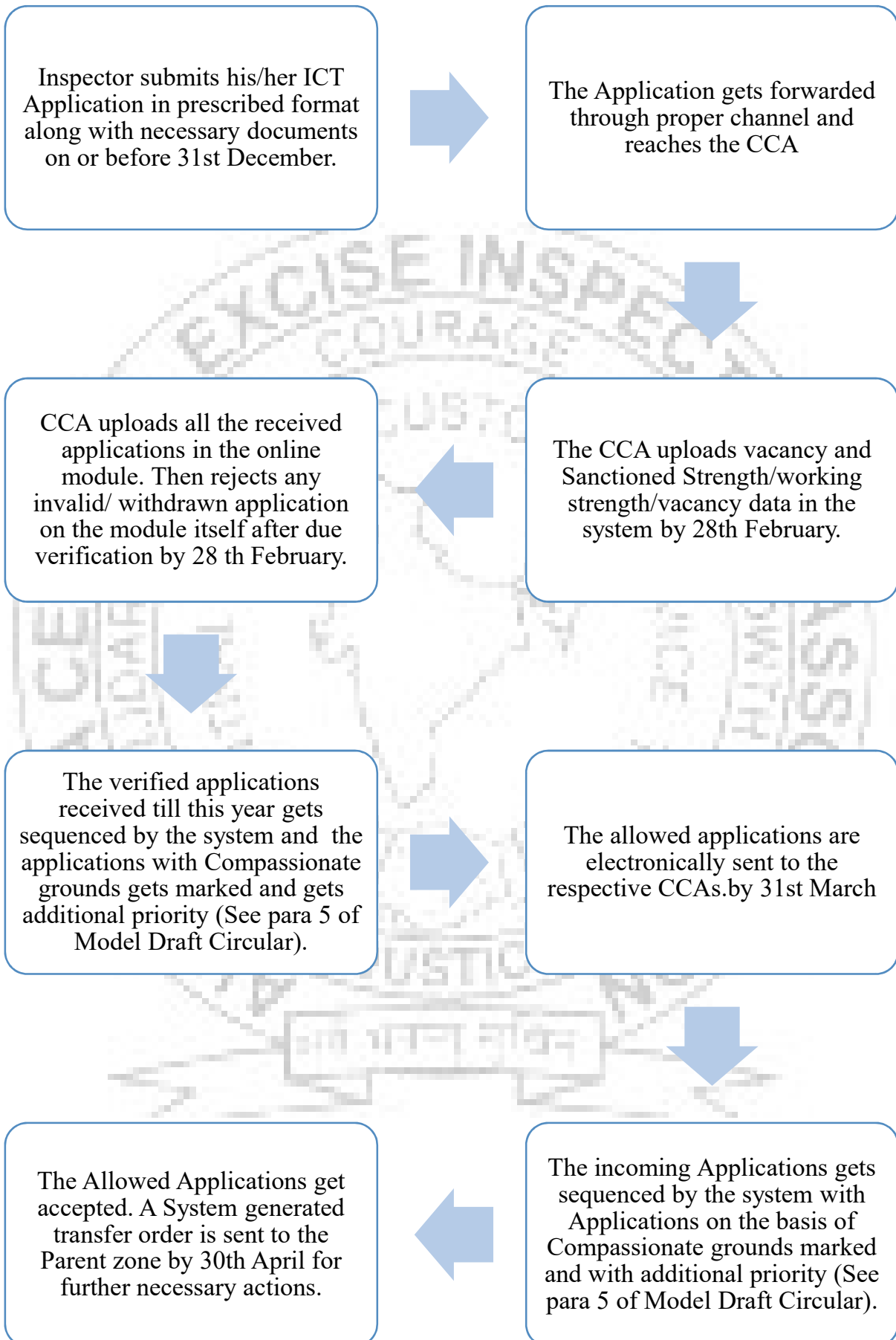
Login details is shared to every CCA. There will be two types of Login. One with less rights i.e. only upload/download. One with more rights i.e. send/accept/reject/upload/download.



CCAs make a few data ready

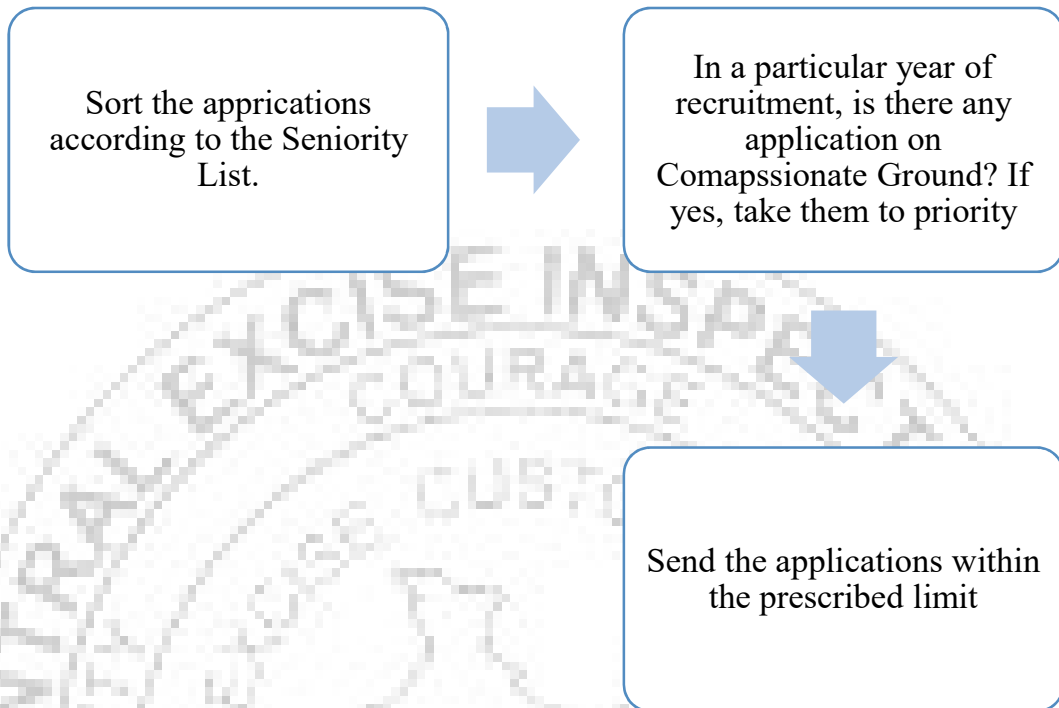
1. Sanctioned Strength/ working strength
2. Category-wise available vacancy

ICT PROCESS FLOW

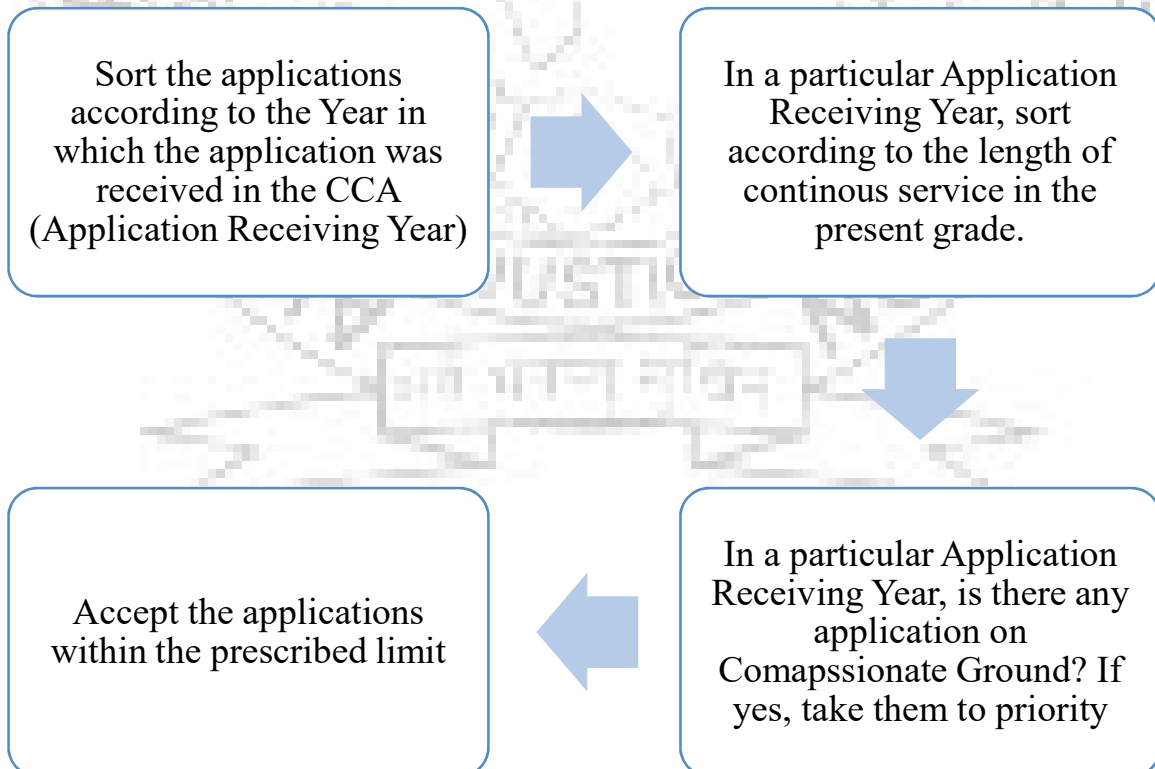


APPLICATION SEQUENCING WORKFLOW

PARENT CCA



ACCEPTING CCA





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]

✉ sg@aliceia.com

🌐 aliceia.com

📘 [/sg.aliceia](https://www.facebook.com/sg.aliceia)

📺 [/sgaiceia](https://www.youtube.com/channel/UCgAiceia)

**President:-
Akhil Soni
9450493431**

**Working President: -
Gopinath NP**

**Vice Presidents:-
Tushar Kumar (NZ)
Dipesh G (SZ)
Chandan Kumar Singh(EZ)
Sushant Tyagi(WZ)
Anshu Sharma (CZ)**

**Secretary General:-
Anubhuti Chatterjee
09474912412
anubhuti.chatterjee@gmail.com**

**Asstt. Secretary
General: -
Manoj Kumar Yadav**

**Liaison Secretary:-
Debayan Dasgupta**

**Organising Secretary:-
Samiran Goswami**

**Joint Secretaries:-
Shekhar Suman(SZ)
Naveen (WZ)
Chirantan Roy (EZ)
Rajan Choudhury (NZ)**

**Office Secretary
Alok Shukla**

**Treasurer
Pankaj Kumar**

**Address for
Correspondence:-**

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

F.No. AICEIA/ADMIN/2020-21/10

Date: 22/06/2020

To
Shri M Ajit Kumar
The Chairman
CBIC, North Block, New Delhi- 110001.

Respected Sir,

**Sub:-Seeking appointment for meeting through Video Conferencing-
reg.**

Most humbly, we would like to state that we had our last meeting with your good office on 15.01.2019. A series of problems of Inspector cadre were discussed there and we expected that some of our problems would be addressed in near future. But unfortunately it has not been happened. There is a problem to convene a physical meeting at this juncture as the adverse situation created due to COVID-19 is worsening every day. Thus we would like to schedule an appointment with your good office for meeting through Video Conferencing at your convenient date and time to discuss on some of the most important issues in our cadre. The agenda list is furnished below:

1. Inter Zonal Transfer: - The issue of Inter Zonal Transfer (Popularly known as Inter Commissionerate Transfer or ICT) is currently creating havoc in the mental conditions of thousands of Inspectors throughout the country. It is to note that since the last meeting on 15.01.2019, almost all the complications creating hindrance for reopening of ICT has been resolved, which has been explained in detail in the Association's letter dated 08.05.2020 (Copy Enclosed). The Association, after getting knowledge of formation of a study group in the board for deliberating the matter of reopening of ICT, send a detailed Working Paper on 08.06.2020 (Copy enclosed), suggesting suitable procedures needed for a smooth reopening of ICT. These proposals were formulated on the basis of prevalent circulars/policy adopted by the board and other similar Central Government Organizations and it also included the gist of the feedbacks received by the Board from various CCAs regarding ICT. Further, on 30.01.2020 the Association sent a letter (Copy Enclosed) to the Commissioner (Coordination) in response to the Board's letter dated 30.12.2019 seeking amendment of Recruitment Rule to enable the provision of 'absorption on request'.

Thus as most of the technical roadblocks towards reopening has been appreciably cleared by the board and the board might have already gone through all the proposals/representations/feedbacks received from the Association as well as the CCAs, we would like to have your kind intervention in the matter so that a deadline could be set to reopen ICT and a circular for reopening ICT could be issued by August 2020.

2. Cadre Restructuring: - The present situation of the of the career prospects of the Inspector Central Excise born Cadre is very ominous. Proposal of this Association was to create Separate IRS (Branch B) Service for the CGST Inspectors converging at a pay matrix level 14 confirming five functional promotions for Inspectors borne cadre. The proposal was suitably inserted in the draft Cadre Restructuring (CR) proposal. The proposal was also included in the Association's letter dated 14.08.2018 (Copy Enclosed). Unfortunately a long time has elapsed since the draft CR proposal was surfaced. Only a single meeting was convened to discuss these important issues with the stakeholders. We do not even have our representative in CR committee. We need your immediate intervention on this issue. We would be highly grateful if you endorse participation from this association into the CR Committee and set a deadline so that the process of Cadre Restructuring may be completed without further delay.

3. Promotion Issue: - This Association has become overwhelmed with your DO letter dated 01.06.2020 which displays your clear intention to expedite the promotion in every cadre in CBIC. Unfortunately, in some zones the DPC meetings for the promotion from Inspector to Superintendent were not held since last three years. This issue was already conveyed to you by this association vide its letter dated 12.06.2020 (Copy Enclosed). These zonal authorities are having an approach just contrary to the essence of your DO letter. Thus your intervention in this matter is highly solicited.

Further, the issue of reversing some Inspectors promoted from various cadres due to a certain administrative dispute also needs your attention. These Inspectors are currently feeling very agonized as their career progression have become uncertain. The association has already written to your office regarding this matter on 08.07.2019 (Copy Enclosed). We are confident that this problem will also be sorted out in no time with your kind intervention.

We will be highly obliged if you would kindly grant some your precious time to discuss over the agenda as mentioned above. We are sure you will be already briefed on the proposals we have sent and we will be looking forward to a fruitful meeting with strong resolution to resolve all these long-pending issues in no time.

Thanking you,

Yours faithfully,




(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

Enclosed: As Above

	<p align="center">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]</p> <p>✉ sg@aiacea.com aiacea.com f /sg.aiacea /sgaiacea</p>
<p>Akhil Soni 9450493431</p> <p>Working President: - Gopinath NP</p> <p>Vice Presidents:- TusharKumar (NZ) DipeshG (SZ) Chandan Kumar Singh(EZ) Sushant Tyagi(WZ) Anshu Sharma (CZ)</p> <p>Secretary General:- Anubhuti Chatterjee 09474912412 anubhuti.chatterjee@gmail.com</p> <p>Asstt. Secretary General: -Manoj Kumar Yadav</p> <p>Liaison Secretary:- Debayan Dasgupta</p> <p>Organising Secretary:- SamiranGoswami</p> <p>Joint Secretaries:- Shekhar Suman(SZ) Naveen (WZ) Chirantan Roy (EZ) Rajan Choudhury (NZ)</p> <p>Office Secretary Alok Shukla Treasurer Pankaj Kumar</p> <p>Address for Correspondence:-</p> <p><u>Mandir Road, Puranhat,</u> <u>Burnpur, Dist- Burdwan</u> <u>(West),</u> West Bengal - 713325</p>	<p>F.No. AICEIA/ADMIN/2020-21/12 Date: 25/06/2020</p> <p>To Smt. Himabindu Mudumbai Joint Secretary (Admin) Central Board of Indirect Taxes and Customs North Block, New Delhi</p> <p>Respected Madam,</p> <p align="center">Subject: Request for a Discussion on Inter Zonal Transfer – reg.</p> <p>Hope you are in sound health. We want to express our warm welcome to you in this department and want to congratulate you on your new assignment. We were very much eager to meet you in person but the present scenario surrounding an unforeseen pandemic has left us no choice but express our warm wishes through this letter.</p> <p>We are writing this letter on a very particular subject which has created a massive destruction of the mental conditions of thousands of officers in the Cadre of Inspectors. We are sure that you have already been briefed on the matter of Inter Zonal Transfer in the Inspector Cadre (Popularly known as Inter Commissionerate Transfer or ICT). Since the facility of ICT was withdrawn from our cadre, there has been a lot of discussions and deliberations both from our side and from the board to reopen ICT with a suitable policy, which can eliminate all the problems created in the earlier regime. We are sure that this history has also been taken into your kind knowledge.</p> <p>A lot of steps has been taken by the board to eliminate the barriers for reopening of ICT. The association wrote a detailed letter to the Chairman, CBIC, on 08/05/2020 (Copy Enclosed), explaining not only how all the barriers have been removed, but also how much reopening of ICT is important in the present scenario. It also proposed the way forward to suitably reopen ICT. The said letter has also referred an earlier letter sent by the Association on 30/01/2020 (Copy Enclosed), which sought a particular amendment in the Recruitment Rules of the Cadre of Inspectors. That particular amendment would create the pathway for a successful reopening of ICT. The Association, after getting knowledge of formation of a study group to deliberate on the matter of reopening of ICT, drafted and sent a working paper on 08/06/2020 (Copy Enclosed), which elaborately describes a proposed ICT Policy along with the necessary steps to be taken for its smooth implementation.</p> <p>We are confident that you have already been briefed on the contents of these aforementioned documents sent by the association. And we think that reopening ICT is just a matter of time, given all its nitty-gritties have been sorted out. That is why we humbly express our desire to have a conversation with you regarding the matter so that we both can collaboratively work out on a deadline for the reopening of ICT. We have already requested the Chairman, CBIC, for a meeting (Copy Enclosed) regarding several issues, ICT being one of them. But we strongly think that a prior discussion with you can swiftly take us to an effective resolution as we would like to help in clarifying any remaining doubt that you or your team may have.</p>

Thus, we will be highly obliged if you would kindly allow us to have a discussion on ICT through any communication medium so that we can give these thousands of officers a life that they deserve. We will be waiting for your kind response.

Thank you.

Yours faithfully,



(ANUBHUTI CHATTERJEE)

Secretary General

All India Central Excise Inspectors' Association

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