
Please provide the following information/documents under RTI Act, 2005:

Information Sought :

1. A copy of minutes of meeting held on 31.05.2021 for promotion to the grade of Administrative officer and Establishment order No.50-2021 dated 01.06.2021 issued in this regard,
 2. A copy of minutes of meeting held on 17.06.2022 for promotion to the grade of Administrative officer and Establishment order No.42-2022 dated 17.06.2022 issued in this regard.
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Information Provided:-

Point No. 1: *Copies of the Establishment Order No. 06/2018 dated 05.01.2018, Establishment Order No. 113/2018 dated 15.11.2018, Establishment Order No. 28/2019 dated 11.06.2019 are enclosed herewith. Establishment Orders onwards 2019, regarding transfer in the grade of Tax Assistant on Inter Commissionerate Basis, are available on the website of CGST & C.Ex. Jaipur Zone i.e. <https://cgstjaipur.gov.in>*

Point No. 2: *The Board has issued instructions vide letter F.No. A.22015/23/2011-Ad.III.A dated 27.10.2011 (Copy enclosed) for fixation of Seniority of the Inter- Commissionerate Transferee; in terms of para 3.5 of DoPT's O.M. dated 03.07.1986 (Copy enclosed)*

Point No. 3: *Copy of complete Note Sheets for preparing seniority list of Tax Assistant including Tax Assistants who join on ICT from other zones to Jaipur zone during the year 2018, 2019 and 2020 has been attached. However, no seniority list in the grade of Tax Assistant was issued for the year 2021.*

OFFICE OF THE CHIEF COMMISSIONER
GST & CENTRAL EXCISE, JAIPUR ZONE, JAIPUR

Minutes of the Supplementary Departmental Promotion Committee and Regular Departmental Promotion Committee Meeting held on 31.05.2021 for regular promotion to the grade of Administrative Officer, "Group B" (Gazetted) in Level-7 in Pay Matrix Rs. 44,900/- to 1,42,400/- from amongst the Executive Assistants "Group B" (Non-Gazetted) in level-6 in the Pay Matrix Rs. 35400 to 112400 for the vacancy year, 2020 (period from 01.01.2020 to 31.12.2020) and vacancy year, 2021 (period from 01.01.2021 to 31.12.2021).

Present:

(S/Shri)

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| 1. | C.P. Goyal,
Principal Commissioner,
GST & Central Excise, Jaipur Zone,
Jaipur. | ----- | Chairman |
| 2. | Alok Sharma,
Additional Commissioner(CCU),
O/o the Chief Commissioner
GST & Central Excise,
Jaipur Zone, Jaipur. | ----- | Member |
| 3. | Dheerendra Verma,
Dy. Commissioner,
GST & CE Division-J, Ajmer,
Commissionerate,
Jaipur. | ----- | Member |

The DPC comprising of the aforementioned officers, has been informed vide self-contained note that DPC for promotion to the grade of Administrative Officer, "Group B" (Gazetted) in level-7 in Pay Matrix Rs. 44,900/- to 1,42,400/- from amongst the Executive Assistants "Group B" (Non- Gazetted) in level-6 in the Pay Matrix Rs. 35,400/- to 1,12,400/- is to be convened in terms of DOPT's O.M. No. 22011/4/2013-Estt. (D), dated 08.05.2017. The DPC was further informed that DPC comprises Supplementary DPC for the vacancy year, 2020 against the existing 17 Regular Vacancies (13 UR + 2 SC + 2 ST) for the vacancy year, 2020 (period from 01.01.2020 to 31.12.2020) and a regular DPC for 13 regular vacancies [10UR + 1SC + 2ST] {12 (9UR + 1 SC + 2 ST unfilled vacancies of vacancy year 2020) + 1 (1UR) existing regular vacancy} for the vacancy year 2021 (01.01.2021 to 31.12.2021) is being convened.

2. The DPC is informed that the DoP&T, New Delhi vide its O.M. No. 22011/4/2013-Estt.(D), dated 08.05.2017 has stated that, in order to streamline the process of timely convening of DPCs, it has been decided that henceforth, the following changes may be effected in the DPC procedure in partial modification of this

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Department's O.M. No. 22011/5/86-Estt.(D), dated 10.04.1989, O.M. No. 22011/9/98-Estt.(D), dated 08.09.1998, O.M. No. 22011/9/98-Estt.(D), dated 16.06.2000 and O.M. No. 22011/6/2013-Estt.(D), dated 28.05.2014 (crucial date of eligibility). **The vacancy year has been shifted to Calendar Year from the year 2018 onwards**, wherever the financial year based vacancy year being followed now. Accordingly, in terms of DoP&T's O.M. No. 22011/4/2013-Estt. (D), dated 08.05.2017, **the crucial date of eligibility will be 1st January, 2020 for the vacancy year 2020 and 01.01.2021 for the vacancy year, 2021.** The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2020 (period from 1st January 2020 to 31st December 2020), the reckoning APARs shall be **2017-2018, 2016-2017, 2015-2016, 2014-2015 and 2013-2014.** Whereas the APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2021 (period from 1st January 2021 to 31st December 2021), the reckoning APARs shall be **2018-19, 2017-2018, 2016-2017, 2015-2016 and 2014-2015.**

3. In terms of para 3 of DoP&T O.M. No. 22011/1/2005-Estt. (D), dated 27.10.2005, the **Crucial date** is only a fixed reference date or a cut-off date on which the eligibility of officers in the feeder grade in terms of the provisions of the relevant Recruitment Rules, e.g., educational qualification, eligibility service etc., is to be checked before they are considered for inclusion in the eligibility list for reference to the DPC.

4. The DPC is informed that the Central Board of Indirect Taxes and Customs, New Delhi, has issued, "the Ministry of Finance, Department of Revenue, Central Board of Indirect Taxes and Customs, Administrative Officer, Group "B" Post Recruitment Rules, 2020. The same has been issued vide GSR No. **305(E)** in exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, Administrative Officer (Group "B" Post) Recruitment Rules, 2013. In terms of the para 1.2 of the said Rules, these Rules have come into force on the date of their publication in the Official Gazette i.e. w.e.f. 21.05.2020.

5. The DPC is informed through the Self-Contained Note that 22 existing regular vacancies (16UR + 4SC + 2ST) in the grade of Administrative Officer, Group "B" in Level-7 in Pay Matrix (Rs. 44900 to 142400) were lying vacant. In terms of the Administrative Officer, Group "B", Recruitment Rules, 2020, these posts are to be filled through promotion from amongst eligible Executive Assistants in Level-6 in pay matrix (Rs. 35400 to 112400). These 22 vacancies have arisen due to retirement, VRS and promotion of Administrative Officer, Group "B" from the financial year 2014-15 to 2019.

6. In terms of the **Note-1** of the column 11 of the Schedule of the Administrative Officer, Recruitment Rules, 2020, **the service rendered in the pre-merger grade of Deputy Office Superintendent and Senior Tax Assistant (re-designated as Executive Assistant) shall be taken into account in computing the eligibility for promotion.** In terms of the aforesaid provisions, following officers were eligible for consideration for promotion to the grade of Administrative Officer, Group "B" for the vacancy year 2020 when their past services rendered as Deputy Office Superintendent and Senior Tax Assistant was counted before their re-designation as "Executive Assistant" vide Establishment Order No. 125/2015 dated 20.11.2015 and 23.09.2016. The detail of these officers are as under: -

S. No.	Name of the Officer and category. S/Shri/Ms.	Date of promotion in the grade of DOS	Date of promotion in the grade of STA	Date of re-designation as Executive Assistant
1	Nathu Lal Sharma	04.09.96	--	20.11.15
2	Yashwant Rajoria, (SC)	20.03.13	24.12.03 (Notional) 09.05.08 (Actual)	20.11.15

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3	Vinod Kumar Basetha (SC)	02.04.13	--	20.11.15
4	Jaywanti Kumari	17.04.15	15.03.11(Notional) 06.02.12 (Actual)	20.11.15
5	Amit Kumar Srivastava	-	16.10.09	20.11.15
6	Raghuvir Singh	-	08.04.13	20.11.15
7	Tezpal Morya	-	30.05.14	20.11.15
8	Gen Singh	-	15.10.14 (Notional) 23.09.16 (Actual)	23.09.16
9	Vikas Pal (OBC)	-	15.10.14 (Notional) 23.09.16 (Actual)	23.09.16
10	Sushil Kumar (OBC)	-	15.10.14 (Notional) 23.09.16 (Actual)	23.09.16
11	Deepak Kumar (OBC)	-	15.10.14 (Notional) 23.09.16 (Actual)	23.09.16

7 **Shri Tezpal Morya**, Tax Assistant was promoted as Senior Tax Assistant vide this office Establishment Order No. 55/2014 dated 30.05.2014 against the vacancies of the vacancy year 2014-15. Whereas **S/Shri Gen Singh, Vikas Pal, Sushil Kumar and Deepak Kumar**, Tax Assistants were promoted as Senior Tax Assistant vide this office Establishment Order No. 91/2016 dated 23.09.2016 against the vacancies of the vacancy year, 2014-15. In terms of the **Board's Speaking Order dated 14.03.2019**, promotion of **S/Shri Tezpal Morya, Gen Singh, Vikas Pal, Sushil Kumar and Deepak Kumar (S.No. 7 to 11 of the above table)** to the grade of Senior Tax Assistant held after 18.12.2013 was irregular in terms of Speaking Order dated 14.03.2019 of the Board. Such promotions need to be reviewed and corrective action was to be taken. However, necessary action in this regard could not be initiated by this office due to grant of Stay on reversion of the applicants by the Hon'ble CAT, Jaipur Bench, Jaipur on dated 30.05.2019 in OA No. 291/308/2019 filed by Shri Ram Avatar Chouhan & Others. Accordingly, a normal zone of consideration as well as extended zone of consideration of only 6 eligible Executive Assistants in level-6 in Pay Matrix Rs. 35400/- to 112400/- with five years' regular service in the grade and have successfully completed training of 2-4 weeks from the NACIN, Jaipur had been prepared for consideration for promotion to the grade of Administrative Officer, "Group B" against existing 22 regular vacancies for the vacancy year 2020 (01.01.2020 to 31.12.2020). The DPC was convened on 19.06.2020.

8. The recommendations of the DPC held on 19.06.2020 for promotion to the grade of Administrative Officer, Group 'B' from amongst Executive Assistant for the vacancy year 2020 (01.01.2020 to 31.12.2020) were as under:

S. No.	Name of the Executive Assistant S/Shri/Ms.	Category	Date of Birth	Recommendations of the DPC
1	Nathu Lal Sharma	UR	05.04.66	FIT
2	Yashwant Rajoria	SC	09.12.69	FIT
3	Vinod Kumar Basetha (PH-OH)	SC	12.12.74	FIT
4	Jaywanti Kumari (PH-OH)	UR	03.04.73	FIT
5	Amit Kumar Srivastava	UR	11.11.76	Sealed cover
6	Raghuvir Singh	UR	04.02.61	FIT

8.2 As per the recommendations of the DPC select panel was drawn and accordingly, five Executive Assistants who were found "FIT" were promoted to the grade of Administrative Officer vide Establishment Order No. 49/2020 dated 22.06.2020 and the case of Sh. Amit Kumar Srivastava was kept in Sealed Cover.

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9. Now, the CBIC, New Delhi vide letter F.No. A.32011/03/2015-Ad.IIIA dated 13.11.2020 has clarified the matter of **Senior Tax Assistant/DOS** and accordingly, this office has convened a review DPC on 23.12.2020 and 24 officers (including **S/Shri Tezpal Morya, Gen Singh, Vikas Pal, Sushil Kumar and Deepak Kumar**), the then Tax Assistants who were earlier promoted as STA have been promoted to the grade of Executive Assistant on Notional basis vide Establishment Order No. **126/2020 dated 23.12.2020**. Now, on regularization of Executive Assistants, they have become eligible for consideration for further promotion to the grade of Administrative Officer Group "B". In terms of the Recruitment Rules for the post of Administrative Officer Group "B", 5 Executive Assistants S/Shri Tezpal Morya, Gen Singh, Vikas Pal, Sushil Kumar and Deepak Kumar are fulfilling the qualifying service of 5 years for promotion to the grade of Administrative Officer for the vacancy year 2020 and 14 Executive Assistants for the vacancy year 2021. These officers have also successfully completed the prescribed training for promotion to the grade of Administrative Officer Group "B" Gazetted, conducted by the NACIN, Jaipur Zonal Unit.

10. The DPC is informed through the Self Contained Note that as per the Post Based Roster, the category-wise position for filling up aforesaid total 17 (13 UR + 2 SC + 2 ST) vacancies in the grade of Administrative Officer, "Group B" for the vacancy year 2020, is as under: -

Category	Posts earmarked	Working	(-) Shortfall / (+) Excess
Unreserved	30	17 (including 1 SC & 3 ST on merit)	(-) 13
SC	05	3	(-) 2
ST	02	0	(-) 2
Total	37	20	(-) 17

11. In terms of DoP&T's O.M. No. 22011/2/2002-Estt. (D), dated 06.01.2006, the normal and extended zone of consideration of **36 candidates and 110** (5 times of 22 total vacancies for the vacancy year 2020) candidates respectively is required to be prepared for filling up 22 vacancies. Presently, there are only **5 Executive Assistants** available in the CGST & Central Excise, Jaipur, Zone, Jaipur for vacancy year 2020, who have completed five years combined regular service as DOS/EA or STA/EA as on 01.01.2020 (crucial date for the vacancy year, 2020). Accordingly, a consideration list of only **five eligible Executive Assistants**, who have completed five years of regular service as on 01.01.2020 is prepared for consideration for Supplementary DPC for **17 (13 UR + 2 SC + 2 ST)** vacancies for the vacancy year, 2020 (Period from 01.01.2020 to 31.12.2020). As there are no other eligible candidates for consideration, so extended zone of consideration has not been prepared.

12. Further, **1 regular** vacancy has arisen during the vacancy year **2021** (period from 01.01.2021 to 31.12.2021) due to Superannuation of one Administrative Officer Group "B". Accordingly, in terms of the DoP&T, New Delhi's O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017, a Regular DPC is to be conveyed for the vacancy year, 2021.

13. The details of the total vacancies i.e. **13 (10 UR + 1 SC + 2ST) {12 (9 UR + 1 SC + 2 ST unfilled carry forwarded vacancies of the vacancy year, 2020) and 1 (1UR) existing regular vacancy}** existing vacancies for the vacancy year, 2021 (01.01.2021 to 31.12.2021) are submitted as under: -

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S. NO.	Particulars	No. of regular vacancies.								
EXISTING REGULAR VACANCIES										
1	Existing Carry forwarded vacancies (Out of 17 vacancies of 2020, assuming that all 5 eligible candidates (4 UR + 1SC) who are being considered against vacancy year, 2020 will be found FIT by the DPC for promotion)	12 (9UR+1SC+2ST)								
2.	Retirement of Administrative Officer on superannuation:	1 (UR)								
	<table border="1"> <thead> <tr> <th>Sl. No</th> <th>Name & category S/Shri</th> <th>Date of Birth</th> <th>Date of retirement</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Raghuvir Singh (UR)</td> <td>04.02.1961</td> <td>28.02.2021</td> </tr> </tbody> </table>	Sl. No	Name & category S/Shri	Date of Birth	Date of retirement	1.	Raghuvir Singh (UR)	04.02.1961	28.02.2021	
Sl. No	Name & category S/Shri	Date of Birth	Date of retirement							
1.	Raghuvir Singh (UR)	04.02.1961	28.02.2021							
TOTAL REGULAR VACANCIES		13 (10UR+1SC+2ST)								

14.1 The category-wise vacancy position as per the **Post Based Roster** for filling up aforesaid **13 regular vacancies** (12 existing unfilled carried forwarded vacancies of vacancy year, 2020 and 1 existing vacancy of the vacancy year, 2021) after adjusting the 5 regular promotions of vacancy year, 2020, in the grade of Administrative Officer, Group 'B' for the **vacancy year 2021** (01.01.2021 to 31.12.2021), are as under:

Category	Posts earmarked	Working	(-) Shortfall / (+) Excess
Unreserved	30	20 (including 1 SC & 3 ST on merit)	(-) 10
SC	05	4	(-) 1
ST	02	0	(-) 2
Total	37	24	(-) 13

14.2 In view of above, out of 13 regular vacancies in the grade of Administrative Officer, Group 'B' Gazetted, 10 vacancies are unreserved, 1 vacancy is reserved for the SC category and 2 vacancies are reserved for ST category officers.

15. In terms of column 5 of the Schedule to the Administrative Officer, Recruitment Rules, 2020, the post of Administrative Officer, "Group B" is to be filled up by the **selection method**. The DoP&T, New Delhi vide its O.M. No. 22011/2/2002-Estt. (D), dated 06.01.2006 has issued the instructions regarding the size of zone of consideration by "**Selection**". The DoP&T, New Delhi vide aforesaid OM dated 06.01.2006 has stated that vide its OM No. 35034/7/97-Estt. (D), dated 08.02.2002, it has been decided by the Government that there shall be **no supersession in the matter of "Selection"** promotion and the officers are to be graded by the DPC as "**Fit**" or "**Unfit**" with reference to the prescribed benchmark and those found "**Fit**" are to be included in the panel as per the seniority in the feeder grade.

16. In terms of DOPT O.M. No. 22011/2/2002-Estt. (D), dated 06.01.2006, the normal zone of consideration is prepared for the vacancy year 2021. Presently, there are 14 Executive Assistants in existence in the GST & Central Excise, Jaipur, Zone, Jaipur, who have completed five years combined regular service as DOS/EA or STA/EA and have successfully completed the prescribed training for promotion to the grade of Administrative Officer Group "B" as on 01.01.2021 (crucial date for the vacancy year, 2021).

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17(i). The DPC is further informed through Self Contained Note that as per DoP&T's O.M. No. 36012/11/2016-Estt. (Res.), dated 30.09.2016, till such time that the SLP(s) are decided by the Hon'ble Supreme Court, while considering promotion, the DOPT O.M. dated 10.08.2010 and Railway Board circular dated 14.09.2010 regarding reservation in promotion – **Treatment of SC/ST candidates promoted on their own merit are not to be relied upon.**

17(ii). The Ministry vide letter F.No. C-18012/23/2010-Ad.IIB, dated 10.11.2016 w.r.t. this office letter C.No. II-3(6) CCU/JZ/2010/Pt./4127 dated 20.10.2016 stated that DOPT vide paras 4 & 5 of their O.M. dated 30.09.2016 has noted that no further promotion of reserved category persons to unreserved posts will be made based on the DOPT's O.M. dated 10.08.2010, till such time the SLP(s) are decided by the Hon'ble Supreme Court. The Ministry vide its another letter dated 13.02.2017 w.r.t. this office letter dated 23.01.2017, reiterated the facts as mentioned in its aforesaid letter dated 10.11.2016 and it has also been stated that the DOPT's O.M. dated 30.09.2016 may be followed.

17(iii). The then Chief Commissioner, GST & Central Excise, Jaipur Zone, Jaipur has decided on 20.03.2017 on Note Sheet Page No. VIII-IX of F.No. II-3(6) CCU/JZ/2010/Pt., to the effect that the promotions may be effected keeping in view the Board's clarification in terms of DOPT's OM dated 30.09.2016 by not relying on the DoP&T O.M. No. 36012/45/2005-Estt. (Res.), dated 10.08.2010 and reservation in normal course may be provided. In other words, the SC/ST candidates appointed by promotion on their own merit and seniority are to be adjusted against the reserved points of reservation roster. The further promotions will be provided subject to the outcome of the SLP(s) / Contempt Petition and decision taken by the DoP&T in the matter. Accordingly, the CBEC has been informed vide this office letter C.No. II-3(6) CCU/JZ/2010/Pt./5999-6000 dated 29.03.2017.

17(iv). The Ministry vide letter F.No. 10C18/3/2017-Ad.IIB, dated 27.10.2017 regarding application of "Own Merit" rule for determining seniority of Superintendents in Zones under CBEC, has again stated that as directed in the OM dated 30.09.2016, "it is imperative that till such time that the SLPs referred to therein are decided by the Hon'ble Supreme Court, while considering the promotion, the DoP&T OM dated 10.08.2010 is not to be relied upon". This office vide its letter C.No. II-3(6) CCU/JZ/2010/Pt./2356-2357 dated 01.12.2017 addressed to the Ministry, reiterated that the "reservation in normal course is being provided. In other words, the SC/ST candidates appointed by promotion on their own merit, are being adjusted against the reserved points of reservation roster. Accordingly, the seniority of the selected / promoted officers has been fixed on the basis of the select panel prepared by the DPCs held after 30.09.2016".

17(v). The Ministry vide its letter F.No. 10C18/3/2017-Ad.IIB, dated 23.04.2018 w.r.t. to the Ministry's letter dated 27.10.2017 has stated that "the matter relating to 'own merit' rule for determination of seniority of Superintendents in various zone under CBEC is under examination for seeking clarification from DoP&T. In the meanwhile, you are requested to maintain status quo in the matter, until further orders."

17(vi). The DGHRD, New Delhi vide its letter F.No. 8/B/50/HRD (HRM-I) LS (Report) 2018, dated 16.07.2018 forwarded a copy of DoP&T OM F.No. 36012/11/2016-Estt. (Res.-I) {Pt.II}, dated 15.06.2018. The DoP&T, New Delhi vide aforesaid OM dated 15.06.2018 has conveyed the following orders of the Hon'ble Supreme Court for information / compliance;

2. The Hon'ble Supreme Court in SLP (C) NO. 30621/2011 has passed the following order on 17.05.2018:

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"It is directed that the pendency of the Special Leave Petition shall not stand in the way of Union of India taking steps for the purpose of promotion from reserved to reserved and unreserved to unreserved and also in the matter of promotion on merits"

3. Further, in the matter related to SLP (C) No. 31288/2017, connected to Special Leave to Appeal (C) No. 28306/2017, the Hon'ble Supreme Court held as under on 05.06.2018:

"Heard learned counsel for the parties. Learned ASG has referred to order dated 17.05.2018 in SLP (C) No. 30621/2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP (C) No. 30621 of 2011".

4. The cadre controlling authorities of Central Government Ministries, Departments and Union Territories are to carry out promotions in accordance with the directions of the Hon'ble Supreme Court mentioned in paragraphs 2 and 3 above based on existing seniority / select lists.

5. Every promotion order must clearly mention the stipulation that the promotions shall be subject to further orders which may be passed by the Hon'ble Supreme Court.

17(vii). The then Chief Commissioner, GST & Central Excise, Jaipur Zone, Jaipur with reference to the letter F.No. 8/B/50/HRD (HRM-I)/LS (Report)/2018, dated 16.07.2018 of the DGHRD, New Delhi, informed the DGHRD, New Delhi vide letter C.No. II-3(06) CCU/JZ/2010/Pt/702 dated 18.07.2018, **"that this office is not relying on the DoP&T's. O.M. No. 36012/45/2005-Estt. /(Res.), dated 10.08.2010 and the reservation in normal course is being provided in the promotion under this office. In other words, the SC/ST candidates appointed by promotion on their own merit are being adjusted against the reserved points of reservation roster.** Accordingly, the seniority of the selected / promoted officers has been fixed on the basis of the select panel prepared by the DPCs held after 30.09.2016".

17(viii). The Board vide its letter F.No. A-32018/09/2018-Ad.III.A, dated 12.11.2018 with reference to the clarification on Reservation Policy for SC/ST in promotion has informed that Constitution Bench of Hon'ble Supreme Court has given its judgement in a bunch of SLPs including SLP No. 30621/2011 (Jarnail Singh Vs Lachmi Narain Gupta). However, DOPT has not issued any guidelines in pursuance to this judgement. The Board has requested to get updated information from DoP&T website.

18. The DPC is informed that in terms of para (2) of the DoP&T's O.M. No.22011/4/91-Estt.(A), dated 14.09.1992, in respect of the Government Servants – **(a) who are under suspension, (b) to whom a charge-sheet has been issued and the disciplinary proceedings are pending, and (c) against whom prosecution for a criminal charge is pending,** the DPC shall assess their suitability along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC, including 'Unfit for promotion' and the grading awarded by it will be kept in a sealed cover.

19. In terms of the DoP&T O.M. No. 22034/5/2004-Estt. (D), 15.12.2004, a Government Servant, on whom a minor penalty of withholding of increment, etc. has been imposed should be considered for promotion by the DPC which meets after the imposition of the said penalty and after due consideration of full facts leading to imposition of penalty, **if he is still considered fit for promotion, the promotion may be given effect after the expiry of currency of penalty.**

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20. The DoP&T, New Delhi vide its O.M. No. 22011/5/86-Estt. (D), dated 10.04.1989 has issued consolidated guidelines for DPCs.

- In terms of Para 6.2.1 (a) of the DPC guidelines, the DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below.
- In terms of the Para 6.2.1 (b) of the DPC guidelines, the DPC should assess the suitability of the employees for promotion on the basis of their Service record and with particular reference to the CRs for the five preceding years irrespective of the qualifying service prescribed in the Service / Recruitment Rules.
- In terms of Para 6.2.1 (c) of the DPC guidelines, where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question.
- In terms of the Para 6.2.1 (e) of the DPC guidelines, the DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that sometimes the overall grading in CR may be inconsistent with the grading under various parameters or attributes.
- In terms of Para 6.2.1 (f) of the DPC guidelines, if the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind.
- In terms of para 17.10 of the DPC guidelines, the general principle is that, promotion of officers included in the panel would be **regular from the date of validity of the panel or the date of their actual promotion, whichever is later.**

21. In terms of the DoP&T, New Delhi's O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017, the APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2020 (1st January 2020 to 31st December 2020), the reckoning APARs shall be **2017-2018, 2016-2017, 2015-2016, 2014-2015 and 2013-14** and for the vacancy year 2021 (1st January 2021 to 31st December 2021), the reckoning APARs shall be **2018-19, 2017-2018, 2016-2017, 2015-2016 and 2014-2015.**

22. The Vigilance / Non-Vigilance status, Integrity Certificate, Gradation Chart of five years [(2017-2018, 2016-2017, 2015-2016, 2014-2015 and 2013-2014 for the Supplementary DPC for the Vacancy Year, 2020) (and Gradation Chart of five years 2018-2019, 2017-2018, 2016-2017, 2015-2016 and 2014-2015 for the regular DPC for vacancy year 2021)] prepared by the Superintendent (Vigilance), CCO, Jaipur in respect of Executive Assistants under consideration, have been examined by the DPC. Further, penalty statement for last ten years prepared by the Superintendent (Vigilance), CCO, Jaipur in terms of DOPT's O.M. No. 22011 /4/2013-Estt. (D), dated 28.01.2015 in respect of Executive Assistants under consideration, have also been examined by the DPC.

23. The DPC find that as per the Administrative Officer, Group "B" Post Recruitment Rules, 2020 issued vide G.S.R. No. 305(E) dated 21.05.2020, forwarded by the Board under letter F.No. A-26017/143/2015-Ad.IIA, dated 28.05.2020, the post of Administrative Officer, "Group B" is to be filled up by the

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"Selection Method". In terms of para 3.4 of DOPT's O.M. No.35034/7/97-Estt.(D), dated 08.02.2002, the bench mark for promotion in selection posts below the pre-revised pay scale of Rs. 12000-16500 (Revised as Level-8 in Pay Matrix Rs. 78800-209200), is 'Good' and the DPC should grade the officer as 'Fit' or 'Unfit' only w.r.t. the bench mark of 'Good' only. Those who are graded as 'Fit' are included in the select panel prepared by the DPC in order of their inter-se-seniority in the feeder grade. As per the criterion adopted for making selection, **the candidates who are clear from vigilance angle and whose grading in all 5 ACRs are at least 'Good' without any adverse remarks, have been graded as 'Fit'**. The candidates whose grading are less than 'Good' in these 5 ACRs or with any adverse remarks in any ACR(s), have been graded as 'Unfit' for regular promotion to the grade of Administrative Officer, "Group B".

24. On the basis of said criteria for making selection for promotion to the grade of Administrative Officer, Group 'B' (Gazetted), the recommendations of this DPC for regular promotion to the grade of Administrative Officer, "Group B" (Gazetted) against the existing 17 regular vacancies (13 UR + 2 SC + 2 ST) for the vacancy year, 2020 (period from 01.01.2020 to 31.12.2020) are as under: -

S. No.	Name of Executive Assistant (S/Shri)	Category	Date of Birth	Date of appointment as DOS/STA & Re-designation as Executive Assistant	Recommendations of the DPC
1.	Tejpal Morya	SC	05.07.84	30.05.2014	FIT
2.	Gen Singh	-	05.02.84	15.10.2014 (Notional)/ 23.09.2016 (Actual)	FIT
3.	Vikas Pal	OBC	15.10.82	15.10.2014 (Notional)/ 23.09.2016 (Actual)	FIT
4.	Sushil Kumar	OBC	31.12.83	15.10.2014 (Notional)/ 23.09.2016 (Actual)	FIT
5.	Deepak Kumar	OBC	15.01.87	15.10.2014 (Notional)/ 23.09.2016 (Actual)	FIT

25. The recommendations of this DPC for regular promotion to the grade of Administrative Officer, "Group B" (Gazetted) against the existing 13 regular vacancies (10 UR + 1 SC + 2 ST) for the vacancy year, 2021 (period from 01.01.2021 to 31.12.2021) are as under: -

S. No.	Name of Executive Assistant (S/Shri/Ms)	Category	Date of Birth	Date of appointment as DOS/STA & Re-designation as Executive Assistant	Recommendations of the DPC
1	Amit Kumar Srivastava	-	11.11.76	16.10.2009 (STA) 28.09.2015 (Re-designed as EA)	Sealed cover
2	Prem Dan Charan	-	17.07.61	01.04.15 (Notional) 23.09.16 (Actual)	FIT
3	Hukum Singh	-	15.03.62	01.04.15 (Notional) 23.09.16 (Actual)	FIT
4	Krishan lal	-	05.01.64	01.04.15 (Notional) 23.09.16 (Actual)	FIT

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5.	Radheshyam Sharma	-	16.07.65	01.04.15 (Notional) 23.09.16 (Actual)	FIT
6.	Chandra Dutt Sharma	-	01.06.64	01.04.15 (Notional) 23.09.16 (Actual)	FIT
7.	Babu Lal Suman	-	03.05.67	01.04.15 (Notional) 23.09.16 (Actual)	FIT
8.	Ramavtar Sharma	-	15.07.63	01.04.15 (Notional) 23.09.16 (Actual)	FIT
9.	Smt. Neeru Gehlawat	-	01.09.72	01.04.15 (Notional) 23.09.16 (Actual)	FIT
10	Pawan Kumar Chouhan	SC	15.06.86	01.04.15 (Notional) 23.09.16 (Actual)	FIT
11	Chhotu Lal (VRS w.e.f. 15.01.2021)	ST	17.07.65	01.04.15 (Notional) 23.09.16 (Actual)	FIT (RETIRED ON VRS)
12	Narendra Singh	-	18.11.66	01.04.15 (Notional) 23.09.16 (Actual)	FIT (After completion of penalty period i.e. w.e.f. 01.12.2021)
13	Anil Kumar Meena (PH-HH)	ST	26.08.86	01.04.15 (Notional) 23.09.16 (Actual)	FIT
14	Ramroop Meena	ST	13.05.88	01.04.15 (Notional) 23.09.16 (Actual)	FIT

26. On the basis of the above recommendations, the following select panel is drawn for regular promotion to the grade of Administrative Officer, "Group B" (Gazetted) for the vacancy year 2020 and vacancy year, 2021: -

A) Select panel for Vacancy Year, 2020

S. No.	Name of Executive Assistant (S/Shri)	Category	Date of Birth
1.	Tejpal Morya	SC	05.07.84
2.	Gen Singh	-	05.02.84
3.	Vikas Pal	OBC	15.10.82
4.	Sushil Kumar	OBC	31.12.83
5.	Deepak Kumar	OBC	15.01.87

B) Select panel for the Vacancy Year, 2021

S. No.	Name of Executive Assistant (S/Shri/Ms.)	Category	Date of Birth
1	Prem Dan Charan	-	17.07.61
2	Hukum Singh	-	15.03.62

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3	Krishan Lal	-	05.01.64
4	Radheshyam Sharma	-	16.07.65
5.	Chandra Dutt Sharma	-	01.06.64
6.	Babu Lal Suman	-	03.05.67
7.	Ramavtar Sharma	-	15.07.63
8.	Smt. Neeru Gehlawat	-	01.09.72
9.	Pawan Kumar Chouhan	SC	15.06.86
10	Narendra Singh	-	18.11.66
11	Anil Kumar Meena (PH-HH)	ST	26.08.86
12	Ramroop Meena	ST	13.05.88

Since, Shri Chhotu Lal, Executive Assistant retired on VRS w.e.f. 15.01.2021, in terms of the DoP&T, New Delhi's O.M. No. 22011/4/98-Estt.(D) dated 12.10.1998, he is now not eligible for promotion after his retirement. Further, no other Executive Assistant is available for consideration, therefore, no extended panel is prepared against Shri Chhotu Lal. Further, Sh. Narendra Singh, Executive Assistant is found fit after completion of penalty period i.e. 01.12.2021.

27. No eligible Executive Assistants is available for consideration in the consideration list for promotion to the grade of Administrative Officer, "Group B" for filling up remaining 1 UR category vacancy for the vacancy year, 2021, therefore, 1 UR category vacancy in the grade of Administrative Officer, "Group B" is kept vacant.

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31/05/2021

(C.P. Goyal)
Principal Commissioner,
GST & Central Excise,
Jaipur Zone Jaipur
(Chairman)

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31/5/2021

(Alok Sharma)
Addl. Commissioner (CCU)
GST & Central Excise,
Jaipur Zone, Jaipur
(Member)

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31.5.2021

(Dheerendra Verma)
Deputy Commissioner
GST & CE Division-J, Ajmer
Commissionerate, Jaipur
(Member)

**OFFICE OF THE CHIEF COMMISSIONER,
CGST & CENTRAL EXCISE (JZ): JAIPUR
(CADRE CONTROL UNIT)**

MINUTES OF THE OF DPC HELD ON 17.06.2022 FOR REGULAR PROMOTION TO THE GRADE OF ADMINISTRATIVE OFFICER, "GROUP B" GAZETTED MINISTERIAL IN LEVEL-7 IN PAY MATRIX RS. 44900/- TO 142400/- FROM AMONGST THE EXECUTIVE ASSISTANTS "GROUP B" (NON-GAZETTED) IN LEVEL-6 IN THE PAY MATRIX RS. 35400/- TO 112400/- FOR FILLING UP 12 REGULAR VACANCIES (11 UR + 1 SC) FOR THE VACANCY YEAR 2022 (01.01.2022 TO 31.12.2022).

Present:

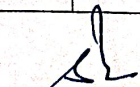
(S/SHRI/MS)

1. **CHANDRA PRAKASH GOYAL,** ----- CHAIRMAN
PRINCIPAL COMMISSIONER,
CGST & C. EX. COMMISSIONERATE,
JAIPUR
2. **SHASHI PANWAR** ----- MEMBER
JOINT COMMISSIONER (P&V)
O/o THE CHIEF COMMISSIONER
CGST & CE(JZ) JAIPUR
3. **S.L PAREVA,** ----- MEMBER
ASSISTANT COMMISSIONER,
CGST & CE AUDIT
COMMISSIONERATE,
JAIPUR

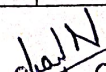
This DPC has been informed vide self contained note that in terms of the DoP&T's O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017 read with Board's letter F.No. A-26017/91/2017-Ad.II.A dated 16.03.2022, a select panel is to be prepared for regular promotion to the grade of Administrative Officer, Group "B" (Gazetted) for the panel/vacancy year 2022 (01.01.2022 to 31.12.2022) for filling up 12 regular vacancies from amongst Executive Assistants, Group 'B' (Non-Gazetted). Out of these 12 regular vacancies, 10 are existing and 2 are anticipated due to retirement on superannuation of two Administrative Officers namely S/Shri Rameshwar Singh and Narendra Singh Punia on 31.10.2022 and 30.11.2022 respectively.

2. As per the Post Based Roster, the category-wise position for filling up aforesaid total 12 vacancies in the grade of Administrative Officer, "Group B" for the vacancy year 2022, is as under: -

Category	Posts earmarked	Working	(-) Shortfall / (+) Excess
Unreserved	30	19 (including 1 SC & 3 ST on merit)	(-) 11


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SC	05	4	=(1)
ST	02	2	Nil
Total	37	25	(-) 12

In view of the above, out of 12 vacancies in the grade of Administrative Officer, Group 'B' (Gazetted), 11 vacancies are unreserved and 1 vacancy is reserved for the SC category.

3. As per Recruitment Rules forwarded by the Ministry under letter F.No. A-26017/143/2015-Ad.IIA dated 28.05.2020, the post of Administrative Officer, Group 'B' (Gazetted) is to be filled up by **selection method** and Executive Assistant under the Central Board of Indirect Taxes and Customs in level-6 in the pay matrix (Rs. 35400-112400) **with five years' regular service in the grade** and have **successfully completed training for 2-4 weeks** from the institute or organization as specified by the Central Board of Indirect Taxes and Customs, are eligible for promotion to the grade of Administrative Officer, Group 'B'.

4. In terms of para 5(ii) of DOPT's said O.M. No. 22011/4/2013-Estt. (D) dated 08.05.2017, the crucial date of eligibility is 1st January, 2022 for the vacancy year 2022.

5. In terms of Para 17.12 of the DPC guidelines and instructions issued by the Government of India from time to time, the requests of 4 Executive Assistants (who were promoted as Administrative Officer vide this office Estt. Order No. 50/2021 dated 01.06.2021) for forgo of promotion to the grade of Administrative Officer, Group 'B' (Gazetted) were accepted as detailed in table below and they were debarred from promotion to the grade of Administrative Officer, Group "B" (Gazetted) till date mentioned against their name in column no. 5 or arising of vacancy in the grade of Administrative Officer, Group "B" (Gazetted), whichever is later :

S. No	Name of Executive Assistants S/Shri/Ms.	Category	Date of Birth	Debarred from promotion upto	Debarred vide ET Order
1	2	3	4	5	6
1.	Vikash Pal	OBC	15.10.1982	10.06.2022	ET Order No. 59/2021 dtd. 02.07.2021
2.	Sushil Kumar	OBC	31.12.1983	03.06.2022	
3.	Babu Lal Suman	Gen	03.05.1967	01.06.2022	
4.	Ms. Neeru Gehlawat	Gen	01.09.1972	08.06.2022	

6. In terms of DOPT's O.M. No. 22011/2/2002-Estt. (D), dated 06.01.2006, the normal and extended zone of consideration of 24 candidates and 60 candidates respectively is required to be prepared for filling up 12 vacancies. Presently, only 5 Executive Assistants in the CGST & Central Excise, Jaipur, Zone, Jaipur have completed five years regular service as Executive Assistant and have successfully completed training for 2-4 weeks as on 01.01.2022 (crucial date for the vacancy year, 2022). Accordingly, five eligible Executive Assistants have been considered for promotion to the grade of Administrative Officer, Group 'B' for filling up the vacancies for the vacancy year 2022. No SC category officer is available in the cadre of Executive Assistant.

7. As per para (2) of the DoP&T's O.M. No. 22011/4/91-Estt. (A), dated 14.09.1992, in respect of the Government Servants - (a) **who are under suspension**, (b) **to whom a charge-sheet has been issued and the disciplinary proceedings are pending**, and (c) **against whom prosecution for a criminal charge is pending**, the DPC shall assess their suitability along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC, including 'Unfit for promotion' and the grading awarded by it will be kept in a sealed cover.

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8. As per O.M. DoPT's said O.M. dated 08.05.2017, the APARs for five years upto 2019-2020 have been taken into consideration for promotion to the grade of Administrative Officer, Group 'B' (Gazetted) against the vacancies for the vacancy year 2022.

9. The DoP&T, New Delhi vide its OM No. 22011/5/86-Estt.(D) dated 20.06.1989 and corrigendum dated 13.07.1989 has issued guidelines for DPCs:

- In term of para 6.2.1 (a) of the DPC guidelines, the DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below.

- In term of para 6.2.1 (b) of the DPC guidelines, the DPC should assess the suitability of the employees for promotion on the basis of their service record and with particular reference to the CRs for the five preceding years irrespective of the qualifying service prescribed in the service/Recruitment Rules.

- In term of para 6.2.1 (c) of the DPC guidelines, where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question.

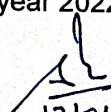
- In term of para 6.2.1 (e) of the DPC guidelines, the DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that sometimes the overall grading in CR may be inconsistent with the grading under various parameters or attributes.


10. In terms of para 3.4 of DOPT's O.M. No.35034/7/97-Estt.(D) dated 08.02.2002, the bench mark for promotion in **selection posts** below the pre-revised pay scale of Rs. 12000-16500 (Revised as Rs. 15600-39100 + Grade Pay of Rs. 7600 and further revised as Level-12 in Pay Matrix Rs. 78800-209200), is 'Good' and the DPC shall grade the officer as 'Fit' or 'Unfit' only w.r.t. the bench mark of 'Good' only. Those who are graded as 'Fit' shall be included in the select panel prepared by the DPC in order of their inter-se-seniority in the feeder grade. Accordingly, the criterion adopted by the DPC for making selection, **the candidates whose grading in all 5 ACRs are at least 'Good' without any adverse remarks, are to be graded as 'Fit'.**


11. The recommendations of the DPC for regular promotion to the grade of Administrative Officer, Group 'B' Gazetted for filling up 12 regular vacancies (11 UR + 1 SC) for the vacancy year 2022, are as under:

S. No	Name of Executive Assistants S/Shri/Ms.	Category	Date of Birth	Recommendations of the DPC
1.	Amit Kumar Srivastava	Gen	11.11.1976	Sealed Cover
2.	Vikash Pal	OBC	15.10.1982	FIT
3.	Sushil Kumar	OBC	31.12.1983	FIT
4.	Babu Lal Suman	Gen	03.05.1967	FIT
5.	Ms. Neeru Gehlawat	Gen	01.09.1972	FIT

On the basis of the above recommendations, the following select panel is drawn for promotion to the grade of Administrative Officer. Group 'B' Gazetted for filling up 4 unreserved vacancies, out of 12 regular vacancies (11 UR + 1 SC) for the vacancy year 2022, is as under:


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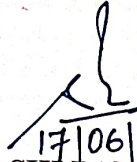

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S. No	Name of Executive Assistant S/Shri/Ms.	Category	Date of Birth
1.	Vikash Pal	OBC	15.10.1982
2.	Sushil Kumar	OBC	31.12.1983
3.	Babu Lal Suman	Gen	03.05.1967
4.	Ms. Neeru Gehlawat	Gen	01.09.1972

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17/06/2022

(CHANDRA PRAKASH GOYAL)
PRINCIPAL COMMISSIONER
CGST & CE COMMISSIONERATE,
JAIPUR
CHAIRMAN


17/06/22

(SHASHI PANWAR)
JOINT COMMISSIONER (CCU)
O/o THE CHIEF COMMISSIONER
CGST & CE (JZ) JAIPUR,
MEMBER


17.6.22

(S.L. PAREVA)
ASSISTANT COMMISSIONER
GST & CE AUDIT
COMMISSIONERATE, JAIPUR
MEMBER