

{See rule 7(1)}

Application under Section 7 (1) of The Right to Information Act 2005

Whereby the Information sought concerns the life or liberty of a person, the same shall be provided within 48 HOURS of the receipt of the request.

Kindly read Section 7 (1) along with Section 4 of the RTI Act 2005 and Kindly provide information within 48 hrs as mandated.

Ref: NIL

Dated 13⁰⁶/2019

To:
The CPIO & Assistant Commissioner (RTI),
CGST & Central Excise,
Howrah Commissionerate,
M.S. Building, 15/1, Strand Road,
Kolkata – 700 001.

1. FULL NAME OF APPLICANT: Gosta Behari Sardar
2. ADDRESS : Sonarpur, Aiktatan Noapara, Kolkata-700150
3. SUBJECT MATTER OF INFORMATION : REVIEW DPC HELD ON 03.01.2013 WHICH IS UNDER SEALED COVER – FOR PUBLISHING THE AFORESAID REVIEW DPC – REGARDING.

WHY THIS IS A MATTER OF LIFE AND LIBERTY, FOR REPLY IN 48 HRS

PROMOTION HELD UP – MATTER OF LIFE DREAM – VIDE DOPT'S GUIDILEN NO. 1/4/2009-IR DATED 05/10/2009, AT PART-I, SL. NO. 28 & PART-II, SUO MOTO DISCLOSURE (SL. NO.4) UNDER SECTION 4(1)(b) OF RTI ACT, 2005 ALSO.

The information that may be provided on my request will also enable me to understand & appreciate the functioning & Good Governance of your office and restore confidence of citizens like me on Law & Government.

4. Period to which information is related : A REVIEW DPC HELD ON 03.01.2013

(COPY OF SELF CONTAINED NOTE IS ENCLOSED)

5. Description of Information Required :

ENCLOSED "ANNEXURE-I"

6. Whether information is required by post or in person : Person

7. In case by Post (Ordinary, Registered or Speed) : N/A

8. Whether the Applicant is below Poverty Line. : N/A

Date: 13/06/2019

Place: KOLKATA

ENCLO: AS ABOVE, __01(one)____ SHEETS &

POSTAL ORDER BEING NO. 04F 969253 DATED 17.5.2019.

NOTE:

Signature of Applicant


(Gosta Bihari Sardar)

- 1) (a) Maintain all its records duly catalogued and indexed in a manner and the form which facilitates the Right to Information Under this Act and ensure that all records that are appropriate to be Computerized are , within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.
- 2) (b) Publish within one hundred and twenty days from the enactment of this Act.

ANNEXURE-I

1. The review DPC has been fixed/held on 03.01.2013, the DPC minutes & other relevant documents, if available please supply the said documents(Xerox copy).
2. Total Nos of eligible candidates were considered in the Review DPC which has been fixed /held on 03.01.2013 if available please supply the approved note sheet photo copy (Xerox.)


UNDERTAKING

I Sri _Gosta Bihari Sardar, _Residing at Sonarpur, _Noapara, Aikatan, P.O.+P.S Sonarpur, Dist- South 24 parganas Kolkata 700150__ Office address is HQrs STAT Branch, Kolkata South Commissionerate_Room No. 329 3rd floor and, Mobile No. _8617286450 hereby request you to provide following certified copy of information / documents as per your submitted information / documents under Right to Information Act, 2005.

In this connection I am enclosing a Ten Rupees Indian Postal Order bearing No. 04F 969253 dated 17.05.2019 as application fee. I hereby declare and confirm that I am '**Citizen**' of Indian and I am asking the information.s/as '**Citizen**' under Section 7(1) and along with Section 4 of RTI Act 2005 (N.B. costing charges of all Xerox copies I will pay, if required).

Place :- Kolkata

Date :- 13/06/2019.
ENCLO: AS ABOVE.


13/6/19
GostaBihariSardar
{Signature of the Applicant}

ENCL. POSTAL ORDER BEING NO. dated 17.05.2019 .

Self Contained Note

This Departmental Promotion Committee meeting has been convened to conduct the Annual DPC 2013 -2014. Promotions are proposed to be granted to all officers who were otherwise eligible over the earlier years of 2011-2012 and 2012-2013, who will be considered together for the purpose of present DPC for the reasons given in following paragraph 2 & 3.

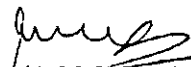
2. The Department was required to implement the DOPT's OM No.36012/45/2005-Estt.(Res.) dated 10.08.10, conveyed by the Board vide F.No. A.32018/25/2010-Ad.IIIA dated 29.09.2010. This was in respect of adjusting the SC/ST officers on merit and re-calculation of category wise vacancy. Department was also required to draw separate promotee and direct roster as per the provisions of the Recruitment Rule of Inspector, 2002 which prescribes a ratio of 2:1 for Direct Recruitment and promotion. Accordingly, roster for promotion has been reconstructed, certificate of Liaison Officer has been obtained (Annexure-I). A review DPC to implement the revised roster has also been conducted on 03.01.13. However, some promotee Inspectors, have filed an OA No. 03/2013 of Manajit Sarkar & Others Vs UOI in Hon'ble CAT, Kolkata Bench against this review DPC. The Hon'ble CAT, Kolkata Bench vide its order dated 02.01.13 directed the administration not to publish the findings of the review DPC. Accordingly, the findings of the said review DPC held on 03.01.13 has been kept in sealed cover. The consequential vacancy for promotion in accordance with said reconstructed roster is being considered for the purpose of present DPC. The said vacancy as on 01.04.13 is as under :-

Total no. of vacancy in PR quota	UR	SC	ST
133	42	31	60

3. It is also worthwhile to mention that one review DPC was once held on 29.03.12 in respect of the OM No.36012/45/2005-Estt.(Res.) dated 10.08.10. The annual DPC of 2011-2012 was also held on 29.03.12. Both the DPCs were kept in abeyance (Minutes placed at Annexure- II). These issues were further examined and review DPC to implement DOPT's OM No.36012/45/2005-Estt.(Res.) dated 10.08.10 and DR/PR ratio post was finally conducted on 03.01.13 with the approval of Chief Commissioner. As a result the DPCs held on 29.03.12 may be treated to have been cancelled/Superseded. The consideration zone for the said superseded/cancelled DPC had 07 no. of officers who were then above the age of 50 years. They were considered in terms of the then Board's instruction under F.No. A. 32022/08/2009-Ad.III.A dated 12.09.2011. This has been further superseded by subsequent Board's instruction under F.No. 32022/08/2009-Ad.III.A dated 18.07.2012 and F.No. A 32022/27/2012-Ad.III.A dated 14.11.2012. Thus, these officers cannot be considered any more.

4. In view of the developments as stated in para 2 & 3 above present vacancy are being considered prospectively. Department is having acute shortage of vacancy which can hardly be sustained. Thus, promotions from amongst eligible Ministerial officers is proposed to be made under an ad-hoc arrangement subject to outcome of the O.A. No. 03/2013 of Manajit Sarkar & Others Vs UOI in Hon'ble CAT, Kolkata Bench and O.A. No.239 of 2011 along with M.A. No. 109 in case of Shri Devesh Shanker Srivastav & Ors. Although the Hon'ble CAT, Kolkata Bench vide its interim order dated 02.01.2013 in the OA No. 03/2013 of Manajit Sarkar & Others Vs UOI has stayed the outcome of the review DPC held on 03.01.2013, there has been no stay from Hon'ble CAT, Kolkata Bench or any other court on filling up of physical vacancy that exists in the promotion quota, by way of promotion. Here it is also pertinent to note that the outcome of the review DPC would, in no way, alter the total number of vacancies as on 01.04.2013, which is under the consideration of the present DPC. The category wise segment under UR, SC and ST quota will only be impacted, if review DPC is not okayed by the Hon'ble CAT, Kolkata Bench. However, this will not have any bearing on the appropriateness of consideration of 55 numbers of officers, presently being considered by this DPC. As because, out of 55 officers, 44 number of officers belong to SC and ST category (SC-34 and ST-10) and they have to be considered even against UR vacancy as they all are considered on merit i.e seniority. On the other hand the present UR vacancy as per the post review roster is 42, which will only go up, even if the review DPC is undone by the Hon'ble CAT, Kolkata Bench, whereas there are only 11 officers in the UR category under the consideration zone of the present DPC. Therefore, the DPC for promotion to the grade of Inspector is construed to be free from the purview of judicial pronouncement as discussed herein before. There will be still vacancy about 78 in PR Quota left because of eligible candidates are not available as per Inspector's Recruitment Rule of 2002.

5. The Senior Tax Assistants who have completed 02 years of service on 01.04.2012 and 01.04.2013 are being considered after excluding those officers who have crossed 50 years of age in accordance with the provision of clause 12 (b)(i) of Recruitment Rule of Inspector, 2002 (Annexure-III). One officer namely Sri Aloke Kr. Chatterjee has been found to have completed 10 years of service as on 01.04.13 as Tax Assistant. Thus, he is also being considered under clause 12 (c) of the Recruitment Rule of Inspector, 2002. This has led to application of Note-5 of Recruitment Rule, of Inspector, 2002. Accordingly, those STAs who have completed one (01) year of service have also been included in the consideration zone. The Draft Seniority List of STA issued by Kolkata- I Commissionerate under C.NO. II(34)2-ET/CON/A-3/Kol-I/2010/8188-209 B dated 02.04.2013 has been considered for reference. The consideration zone has been prepared collectively and placed in Annexure-IV.
6. A Physical Test/ Measurement and interview have been conducted on 03.04.2013 and 04.04.2013. The result of both Physical Test/ Measurement and interview are given in Annexure-V & VI. According to such result, Smt Moumita Roychowdhury (Ghosh), Smt. Bindu Lama Sherpa (Giri) and Sri Avinash Chandra have failed in the Physical Test/ Measurement. Two officers namely Smt. Manasi Sinha and Smt. Munmun Das have not appeared in the Physical Test/ Measurement. In view of this, the consideration zone for this DPC will be 55 no. of officers who are shown in the Recommendation Sheet.
7. The result of the Departmental examination and the ACR synopsis, VC, IC of the officers have been synopsed and given in Annexure-VII & VIII.
8. DPC will refer to Board's instruction under F.No. A. 32018/05/2008-Ad.III.A dated 27th August, 2008 (Annexure-IX) while grading the officers as 'fit' or 'unfit'. The Bench Mark of this promotion is 'Good' as per DOPT's instruction under F.No. 35034/7/97-Estt(D) dated 08.02.2002 (Annexure-X).
9. The DPC shall examine the Vigilance Clearance/ Integrity Certificate and ACR synopsis of the officers which has been synopsed and placed in the folder (Annexure-VIII).
10. After careful examination of all aspects as indicated above, DPC will award fitness of the officers in the Recommendation Sheet placed in the folder. The select panel for promotion will be drawn accordingly.


(A.M. Sahay) 15/4/13
Additional Commissioner (P&V),
Central Excise,
Kolkata-II Commissionerate

**RTI MATTER**

भारत सरकार GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL TAX,
HOWRAH CGST & CX COMMISSIONERATE

एम.एस. बिल्डिंग, 15/1, स्ट्रैंड रोड, कोलकाता- 700001

Bolpur M.S. BUILDING, 2nd floor, 15/1, STRAND ROAD, KOLKATA- 700001

दूरभाष सं/PHONE NO. 033-2262-8490, फैक्स/ FAX 033-2262-8490, Email: rtigsthwh@gmail.com

C. No. IV (16)27/RTI/CGST/HWH/GBS/2019-20 /

Date 21.06.2019

4109A

To
Shri Gosta Bihari Sardar,
Sonarpur, Aiktatan Noapara,
Kolkata-700150

Sir,

Sub: - RTI application filed by Shri Gosta Behari Sardar, under RTI Act, 2005-reply reg.

Please refer to your RTI application dated 13.06.2019 filed directly to this office on 13.06.2019 and has subsequently been registered with Registration No. 27/RTI/CGST/ HWH/ GBS/2019-20.

The desired information as sought for in your above mentioned RTI application, in respect of Howrah CGST & CX Commissionerate, as received from the Section concerned i.e. H.Q. DPC Branch, Howrah CGST & CX Commissionerate is mentioned herein below:

Reply to Point No.1: According to the available records, it appears that the review DPC as fixed on 03.01.2013 was held. As on date the DPC minutes & DPC folder of the said review DPC are not available in this branch. But corresponding file regarding matters of review DPC is mentioned below:

- II(3)9-DPC/Kol-II/2010 regarding reservation in promotion-treatment of SC/ST candidates promoted on their own merit containing approximately **550 legal** pages.
- The review DPC based on post based roaster contains approximately **760 legal** pages.

Reply to Point No. 2 : Cannot be provided as DPC minutes & DPC folder of the review DPC dated 03.01.2013 are not available in this branch. However, approved note sheet under which the review DPC dated 03.01.2013 scheduled to be conducted would be available in the file II(3)9-DPC/Kol-II/2010 mentioned above.

Accordingly, you are requested to send the fees for an amount of Rs.5,240/- (Rs.4/ per page x 1310 pages) in the form of IPO/DD/Banker's Cheque/Cash payable to the Assistant Chief Accounts Officer CGST & C.Ex., Howrah Commissionerate, Kolkata in terms of Section 7(1) of RTI Act, 2005.

If you are aggrieved or dissatisfied with the reply, you are at liberty to prefer First Appeal within the stipulated time i.e. 30 (thirty) days from the date of receipt of this reply before the Additional/Joint Commissioner & 1st Appellate Authority under RTI Act, 2005, Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700 001.

Yours sincerely,

(RAM KUMAR BHADURY)

CPIO & ASSISTANT COMMISSIONER

सीपीआईओ और सहायक कमिशनर

CENTRAL TAX/ केन्द्रीय टैक्स

HOWRAH GST COMMISSIONERATE

हावड़ा जीएसटी कमिशनरी

प/क