

18895-  
21/1/2020



Supdt (Systems)  
21/1

**MOST URGENT**  
RTI MATTER

GOVERNMENT OF INDIA  
OFFICE OF THE PRINCIPAL COMMISSIONER OF CGST & CENTRAL TAX:  
KOLKATA- NORTH COMMISSIONERATE, CGST BHAWAN:

1<sup>ST</sup> FLOOR:180, SHANTIPALLY, RAJDANGA MAIN ROAD, E.M BYPASS KOLKATA-700107

C. No. V(30)05/RTI/HQ/CGST & CX/Kol-North/2020/

Dated: -

To  
Shri Ashis Bala,  
Sarat Sarani, P.O-Chawk Bazar,  
Dist-Hooghly, West Bengal,  
Pin-712103.



Sir/Madam,

Sub: Information under the RTI Act, 2005 — Regarding.

Please refer to RTI application dt. 16.12.2019 received by this Commissionerate on 01.01.2020 which was transferred by the CPIO & Assistant Commissioner, Howrah GST Commissionerate vide their letter under C.No. IV(16)86/ RTI / CGST/ HWH / AB / 2019-20 / 9346-B dt. 30.12.2019. Subsequently the said RTI application was registered at this office vide Registration No. 05/RTI/Kol-North/20 dt. 02.01.2020.

The desired information as received from the Assistant Commissioner (P&V),CGST & CX, Kolkata North Commissionerate on 13.01.2020 under C.No. II(39) 21-ET/ CON /RTI / CGST & C.Ex /Kol North /2017/1630 dt. 10.01.2020 is enclosed herein.

If you are aggrieved or dissatisfied with the above information, you may prefer an appeal within 30 (thirty) days of receipt of the information before the 1<sup>st</sup> Appellate Authority namely Sri B.S.Meena, Joint Commissioner, CGST & CX, Kolkata-North Commissionerate, O/o The Principal Commissioner of CGST & CE, Room No. 102, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Encl- 04 (four) Sheets.

Yours faithfully,

Sd/-

(Samiran Roy)

CPIO & Assistant Commissioner  
CGST: Kol-North Comm'te

C. No. As above/ 2871  
Copy forwarded for information to: -

Dated :

20 JAN 2020

1. The Assistant Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application submitted by Shri Ashis Bala dt. 16.12.2019, along with the desired information as mentioned above (enclosed six sheets).
2. The CPIO & Assistant Commissioner, Howrah GST Commissionerate, M.S. Building, 2<sup>nd</sup> floor, 15/1, Strand Road, Kolkata-700001.

(Samiran Roy) 20/1/20  
CPIO & Assistant Commissioner  
CGST: Kol-North Comm'te.



Supdt (in)  
B-712/1/20  
01-01-2020



NATION  
TAX  
MARKET

RTI MATTER

भारत सरकार GOVERNMENT OF INDIA  
OFFICE OF THE COMMISSIONER OF CENTRAL TAX,  
HOWRAH GST COMMISSIONERATE  
एम.एस. बिल्डिंग, 15/1, स्ट्रैंड रोड, कोलकाता- 700001  
M.S. BUILDING, 2<sup>nd</sup> floor, 15/1, STRAND ROAD, KOLKATA- 700001  
दूरभाष सं/PHONE NO. 033-2262-8490



C. No. IV (16)86/RTI/CGST/HWH/AB/2019-20/

Date: 12.12.2019

To  
Shri Ashis Bala,  
Sarat Sarani, P.O. Chawk Bazar,  
District- Hoogly, West Bengal,  
PIN-712103.

Sm J. Narayan  
12.12.2019

Sir, Sub: -RTI application filed by Shri Ashis Bala, under RTI Act, 2005- Reply Regd.

Please refer to your RTI application dated 16.12.2019 received by this office on 16.12.2019 filed directly to this office which has been registered under Registration No. 86/RTI/CGST/HWH/AB/2019-20.

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

Reply to Point Nos. 1 to 3: - The desired information are not related with CGST & CX, Howrah Commissionerate. It pertains to CGST & CX, Kolkata North Commissionerate.

Reply to Point No. 4: Cadre Controlling Commissionerate in the grade of Superintendent is Kolkata North CGST & CX Commissionerate and the address is -Kendriya Utpad Shulka Bhawan, 180, Shantipally, rajdanga main Road. Kolkata-700107.

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 Shri Pradeep Kumar Bohra, Additional Commissioner & 1<sup>st</sup> Appellate Authority under RTI Act, 2005, Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700 001.

Yours faithfully,

30/12/19  
(RAM KUMAR BHADURY)

CPIO & A.C./ सीपीआईओ और सहायक कमिश्नर,  
CENTRAL TAX केंद्रीय कर  
HOWRAH GST COMMISSIONERATE  
हावड़ा जीएसटी कमिश्नरेट।

Dated: 30/12/2019

F.No. As above/  
Copy to :

9346-B

1. The CPIO & Assistant Commissioner, Kolkata North CGST & CX Commissionerate, Kendriya Utpad Shulka Bhawan, 180, Shantipally, rajdanga main Road. Kolkata-700107. As the information sought for by the applicant closely connected and available with your office, the copy of instant RTI application dated 16.12.2019 of Shri Ashis Bala is being transferred to you in terms of Section 6(3) of the Right to Information Act 2005 with the request to provide the information, if available, as sought by the applicant directly to the applicant within the prescribed time frame with intimation to this office.

Encl: 1(One)

2. The CPIO & Assistant Commissioner, CC(P), West Bengal, 3<sup>rd</sup> Floor, Customs House, 15/1, Strand Road, Kolkata-700001 w.r.f. to his letter under C.No. VIII(48)74/CCP/RTI/2019/27129(P) dated 18.12.2019 for his information.

30/12/19  
(RAM KUMAR BHADURY)

CPIO & A.C./ सीपीआईओ और सहायक कमिश्नर,  
CENTRAL TAX केंद्रीय कर  
HOWRAH GST COMMISSIONERATE  
हावड़ा जीएसटी कमिश्नरेट।



APPLICATION UNDER SECTION 6 OF RIGHT TO INFORMATION ACT, 2005.

To  
The CPIO,  
CC(P),WB,Kolkata  
15/1 Strand Road,  
Kolkata-700001.

16 DEC 2019  
12389(P)

Sir, Sub;-Request for information under right to information Act.2005.

Please provide me the following informations.

- 1.Details reasons regarding not getting my long due promotion in grade of Superintendent in the case of Shri Ashis Bala,Inspector who was joined at Bolpur Commissionerate on 09.03.1993 as inspector of Central Excise. Now posted at as Inspector of CGST & CX. Tech.Sec.CCO.Kolkata.
2. Whether seal covered proceeding has been opened or not till date (under signed), if not, provides me details information /reasons.
3. Details seniority list of promoted as Superintendent from inspector as per seniority list of Inspectors, 2010.
4. Name and address of Cadre Controlling Commissionerate.

I state that the information sought is covered under RTI ACT,2005 and does not fall within the exemptions contained in Section 8 or 9 or any other provisions of the Act,ibid,and to the best of my knowledge it pertains to your office.A postal Order no.23F 140521 for Rs.10/-towards payment of fees is enclosed herewith. You are request to fill in the name to which Postal Order is payable.

I presume to obtain the information within 30 days of the application as per Section 7 of the RTI Act, 2005.

My details/ address are follows:

- |                                                                                                                                        |                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 1. Ashis Bala,<br>Sarat sarani,P.O.-Chawk Bazar,<br>Dist.-Hooghly, West Bengal.<br>Pin Code.-712103.<br>Beside Bally more call centre. | 2. Ashis Bala,<br>Inspector of CGST &CX.<br>Tech.Sec.CCO.Kolkata.<br>180, Shanti pally, Rajdanga<br>Main Road.Kolkata-700107. |
|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|

Yours faithfully,

*Ashis Bala*  
(ASHIS BALA) 16/12/2019

Inspector of CGST &CX.  
Tech.Sec.CCO.Kolkata.

(RAM KUMAR BHADURY)  
CPIO & A.C./ सीपीआईओ और सहायक कमिश्नर,  
CENTRAL TAX केंद्रीय कर  
HOWRAH GST COMMISSIONERATE  
हावड़ा जीएसटी कमिश्नरेट।



18331  
15/1/2020

Supdt (A-1)  
Dameny  
13/1/20



भारत सरकार  
GOVERNMENT OF INDIA  
प्रधान आयुक्त का कार्यालय

OFFICE OF THE PRINCIPAL COMMISSIONER

CENTRAL GST AND CENTRAL EXCISE, KOLKATA NORTH COMMISSIONERATE  
केन्द्रीय वस्तु एवं सेवा कर भवन, 180, शांतिपल्ली, आर. बी. कनेक्टर, कोलकाता - 700 107.

Central GST Bhawan, 180 Shanti Pally, R. B. Connector, Kolkata - 700 107.

Phone No. 033-2441-8137; Fax No. 033- 2441-6870.

C. No. II(39)21-ET/CON/RTI/CGST & C.Ex/Kol North/2017/1630

Dated:

10 JAN 2020

To  
The CPIO & Assistant Commissioner,  
Hdqr. RTI Cell,  
CGST & Central Excise,  
Kolkata North Commissionerate,  
GST Bhawan (1<sup>st</sup> floor), Kolkata - 700 107.

Sir,

**Sub-: Seeking information under the RTI Act, 2005, in case of Shri Ashis Bala, West Bengal - 712103 - Corres / reg.**

Please refer to your office letter under C.No. V(30)05/RTI/HQ/CGST&CX/Kol North/2020/262 dated 02.01.2020 on the above mentioned subject. As per available office records and as far as this Hdqr. DPC Unit under this Cadre Controlling Commissionerate is concerned, the point-wise reply as sought by the RTI applicant vide his RTI application dated 16.12.2019 is as under:-

**Point-wise Reply as on date -;**

**Reply of Point No. 1 -**

No DPC for promotion to the grade of Superintendent from the grade of Inspector under this CGST & CX. Kolkata Zone has been convened for the period from 31.03.2017 to till date due to legal issue relates to Seniority List of Inspector. However, it is worthwhile to mention here that the last Annual DPC for the year 2017-18 (Ad-hoc promotion from Inspector to the grade of Superintendent) was held on 30.03.2017, based upon the seniority list of Inspectors as on 01.04.2015 which was published on 30.11.2015 (the said seniority list was issued by erstwhile Central Excise Kolkata-II Commissionerate, now Howrah Commissionerate which is the Cadre Controlling Commissionerate in respect of Inspector grade of this Kolkata Zone).

Contd. to Page-2,



The details facts in respect of Shri Ashis Bala, Inspector, presently posted at CCO, CGST & CX, Kolkata Zone, is as under (as per his representations & office records as available to this unit);

1. He joined as Inspector on 09.03.1993 in this Department.
2. A disciplinary proceeding was contemplated against him on 14.07.2005. As a result, suspension order was issued against him on 14.07.2015 and also a FIR was lodged at Raiganj Police Station against him on 15.07.2005 by the then Superintendent of Raiganj Customs Preventive Unit under CCP(WB). Accordingly, Departmental disciplinary proceeding was initiated against him. Also, the Court Case was initiated against him in accordance with the said FIR lodged. On 08.05.2006, a memorandum was issued against him under Rule-14 of the CCS(CCA) Rules, 1965 for violation of Rule 3(1) (i) , (ii) and (iii) of CCS(Conduct) Rules, 1964.
3. The above said Departmental disciplinary proceeding was finalized on 19.02.2013. The then Commissioner Central Excise, Haldia Commissionerate on 19.02.2013 passed the Order-In-Original in respect of Shri Ashis Bala, Inspector which is as follows:-

"I, in exercise of power vested in me under Rule 12 of CCS(CCA) Rules, 1965, imposed Major Penalty of 'reduction of pay of Shri Ashis Bala, Inspector' by two stage from Rs.17,800 to Rs.16,500 only in time – scale of pay of Rs. 9,300 – 34,800 for a period of one year with further direction that the Government servant will earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of his pay under Rule 11(v) of the CCS(CCA) Rules 1965. This penalty shall be enforced with immediate effect."

4. Again, during June, 2015, a disciplinary proceeding was contemplated against him and a "Memorandum" was issued on 18.01.2016.

The said case/disciplinary proceeding was finalized on 07.06.2017. The then Hon'ble Commissioner of Customs (Prev.) & Disciplinary Authority, on 07.06.2017 ordered the following in respect of Shri Ashis Bala, Inspector:-

"I, the undersigned, "I, in exercise of powers conferred on me under Rule 12 of the CCS(CCA) Rules, 1965, he exonerate Shri Ashis Bala, Inspector, presently posted at Hdqr, CCP(WB), Kolkata from all the charges framed against him in the Memorandum issued under C.No. II(10)A-10/VIG/CCP/WB/16/1793(c) dated 01.12.2016." The Order-In-Original in this regard passed on 09.06.2017 by the then Commissioner, CCP(WB).

- i. In the Court of the Additional Sessions Judge, 1<sup>st</sup> Court, Raiganj, ordered the following on 23.07.2019;

"that accused Asish Bala being not found guilty of the offence punishable u/s. 409 of IPC, is hereby acquitted of the charge under the provisions of Section 235(1) Cr.P.C.

He be released from their bail bond.

Return the seized articles from whom seized".

Contd. to Page-3,



(3)

After that Shri Ashis Bala, Inspector has submitted few representations and stated that no disciplinary proceedings / cases are pending against him at present. Therefore, he requested to consider his name for promotion in the grade of Superintendent with all benefits on his part.

From our available office records, it is found that Shri Ashis Bala, Inspector D.O.B.- 04.01.1967, considered for the very first time in the Annual DPC meeting for the year 2011-12 on 23.06.2011 for promotion to Superintendent. His VC/IC was not granted at that time due to disciplinary proceedings were pending against him. Accordingly, DPC Committee recommended his case to be in Sealed Cover. His name was again considered in the Annual DPC meetings for 2012-13 (Unfit, Sealed Cover), 2013-14 (Unfit, Sealed Cover), 2014-15 (Unfit, Sealed Cover), 2015-16 (Unfit), 2016-17 (Unfit) and in 2017-18 (Fit, Sealed Cover). In the latest Annual DPC meeting for the year 2017-18 dated 30.03.2017, DPC Committee recommended his case for promotion to be "Fit, in Sealed cover" as VC not granted due to disciplinary proceeding under process.

In this context, it is worthwhile to mention that Shri Ashis Bala, Inspector, was considered in the Annual DPC meeting for the year of 2017-18 dated 30.03.2017, for promotion to the grade of Superintendent (Sl. No. 4). At that time, his VC had not granted as disciplinary proceeding pending against him.

As per DoPT's O.M. No. 22011/4/91-Estt (A) dated 14.09.1992 and Section 6, Chapter 54.A (Promotions – DPC), Part 5 (Processing and Implementation of the recommendations of the Committee), Point No.17.6.1.(Sealed cover cases – action after completion of disciplinary case/criminal proceedings) of Establishment and Administration, the following has been categorically mentioned;

*"On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Government servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/ criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example, delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee, etc. These are only some of the circumstances where such denial can be justified."*

Contd. to Page-4,



(4)

Hence, He may be considered for promotion in the Annual DPC 2014-15 subject to fulfil all other eligibility conditions for promotion. However, on scrutiny of office records, it is seen that Shri Ashis Bala has got AVERAGE grade [Rep – AVG (1.25), Rev - AVG (Zero)] in the APAR/ACR Grading for the period of 2010-11. Accordingly, for promotion he will be eligible for promotion not before the period of 2017-18 due to AVERAGE APAR Grading in 2010-11.

It is to mention here that all the seniority list of Inspector grade is under the purview of the Howrah CGST & Central Excise Commissionerate, being the Cadre Controlling Commissionerate in respect of Inspectors' grade of this Zone. The Annual DPC meeting for the year 2017-18 (for promotion from Inspector to the grade of Superintendent) was held on 30.03.2017, based upon the seniority list of Inspectors as on 01.04.2015 which was published on 30.11.2015 (the said seniority list was issued by erstwhile Central Excise Kolkata-II Commissionerate, now Howrah Commissionerate which is the Cadre Controlling Commissionerate in respect of Inspector grade of this Kolkata Zone). It is also pertinent to mention here that the DPC Committee in the Annual DPC meeting for the year 2017-18 dated 30.03.2017 (for promotion from Inspector to the grade of Superintendent), "the Committee was of the view that further promotion in the post of Superintendent to be done on an Ad-hoc basis, as several technical issues need to be solved". At this juncture, the said Seniority List of Inspector which was published on 30.11.2015 is under sub-judice before the Court of Law for further Promotion to the grade of Superintendent.

Reply of Point No. 2 –

No, as on till date due to above said reasons.

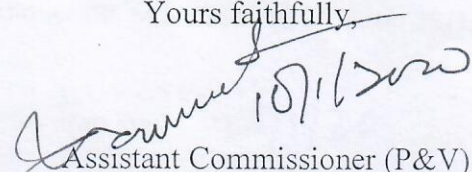
Reply of Point No. 3 –

The point is not clear.

Reply of Point No. 4 –

Office of the Principal Commissioner, CGST & Central Excise Kolkata North Commissionerate, GST Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107, is the Cadre Controlling Commissionerate for Superintendent grade under the CGST & Central Excise Kolkata Zone.

Yours faithfully,

  
Assistant Commissioner (P&V)  
CGST & CX, Kolkata North Comm'te.