

MOST URGENT
RTI MATTER



GOVERNMENT OF INDIA

OFFICE OF THE PRINCIPAL COMMISSIONER OF CGST & CENTRAL TAX:

KOLKATA- NORTH COMMISSIONERATE, CGST BHAWAN,

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

C. No. V(30)68/RTI/HQ/CGST & CX/Kol-North/2022

Dated: -

28 JUN 2022

To
Shri Gaurav,

Sir/Madam,

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

Please refer to your RTI application dated- 31.05.2022, which has been received in this Commissionerate 03.06.2022 and received to this section on 06.06.2022. Subsequently the said RTI application was registered at this office vide Registration No.68/RTI/Kol-North/2022 dated- 06.06.2022.

The desired informations as received from the Administrative Officer (DPC), CGST&CX, Kolkata Zone, is enclosed herewith.

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 1st Appellate Authority namely Shri Rajeev Ranjan, Additional Commissioner & FAA, CGST & CX, Kolkata-North Commissionerate, O/o The Principal Commissioner of CGST & CX, 2nd Floor, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Enclo: 02(two) sheet.

Yours faithfully,

sd/-

(Subrata Das)

CPIO & Deputy Commissioner

HQ, RTI Cell

CGST: Kol-North Comm'te.

Dated :

28 JUN 2022

C. No. As above/ 5552

Copy forwarded for information to: -

1. The Assistant Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application dated 26.05.2022, submitted by Shri Gaurav, _____ (enclosed eleven sheets).
2. The CPIO & Assistant Commissioner, CCO, O/o the Pr. Chief Commissioner CGST & CX, Kolkata Zone.

(Subrata Das)

CPIO & Deputy Commissioner

HQ, RTI Cell

CGST: Kol-North Comm'te

1839 A
29/06/22

29/06/22
System

15/18
05/06/22



भारतसरकार
GOVERNMENT OF INDIA
प्रधान मुख्य आयुक्त का कार्यालय

OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER

केन्द्रीय वस्तु एवं सेवा कर , कोलकाता क्षेत्र
CENTRAL GOODS AND SERVICES TAX AND CENTRAL EXCISE, KO5LKATA ZONE
केन्द्रीय वस्तु एवं सेवा कर भवन, दुसरा तल, 180, शांतिपल्ली, आर. बी. कानेक्टर, कोलकाता - 700 107
GST Bhawan (2nd Floor), 180 Shanti Pally, R. B. Connector, Kolkata - 700 107
Phone No. 033-2441-6797/6842: Fax No. 033- 2441-6834/6798

Sup (RTI)
05/06/22

F. No. GCCO/RTI/APP/587/2022-O/o. Pr CC-CGST-ZONE-Kolkata/

Date: 06/06/2022.

8581



To,
The CPIO, CGST & CX,
Kolkata North / Howrah Commissionerate,
Kolkata.

Sir,

Sub: RTI Application filed by Shri Gaurav under Right to Information Act, 2005 -reg.

Please find enclosed herewith an RTI application having Registration No. **GSTKT/R/E/22/00091** dated **31.05.2022 (along with PDF attached)** filed online by **Shri Gaurav**,

It appears that the information sought by the applicant pertains to your Commissionerate. Hence, the RTI Application is transferred to your office under section 6(3) of the RTI Act, 2005.

You are requested to provide the information directly to the applicant within the stipulated time under RTI Act, 2005 under intimation to this office.

Yours faithfully,

Encl: As Above.

(B. Krishna)

Assistant Commissioner (CPIO)
Pr. CCO, CGST & CX, Kolkata Zone

F. No. GCCO/RTI/APP/587/2022-O/o. Pr CC-CGST-ZONE-Kolkata/

Date: 06/06/2022.

Copy for information to:-

1. Shri Gaurav,

Sir, in case of filing RTI first appeal, you are requested to apply it directly before the First Appellate Authority of the Commissionerate where your RTI application is being transferred u/s. 6(3) of the RTI Act, 2005 as this office cannot transfer RTI First Appeal application to another First Appellate Authority [Reference: The FAA, CIC in the matter of Sri Freddy Pareira file No. CIC/AA/A/2013/22-Decision dated 23/02/2013].

(B. Krishna)
Assistant Commissioner (CPIO)
Pr. CCO, CGST & CX, Kolkata Zone

Sup (RTI) ~~12/05/22~~

RTI REQUEST DETAILS

| | |
|---|---------------------------------|
| Registration No. : GSTKT/R/E/22/00091 | Date of Receipt : 31/05/2022 |
| Type of Receipt : Online Receipt | Language of Request : English |
| Name : gaurav | Gender : Male |
| Address : | |
| State : | Country : India |
| Phone No. : | Mobile No. : |
| Email : | |
| Status(Rural/Urban) : Urban | Education Status : |
| Is Requester Below Poverty Line No ? : | Citizenship Status Indian |
| Amount Paid : 10) | Mode of Payment Payment Gateway |
| Does it concern the life or Liberty of a Person ? : No(Normal) | Request Pertains to : |

Information Sought : 1. Provide the following details in the grade of Tax Assistants (Category Wise) as on 01.01.2017, 01.01.2018, 01.01.2019, 01.01.2020, 01.01.2021, 01.01.2022 and as on 31.05.2022
SI NO TOTAL SANCTIONED STRENGTH TOTAL WORKING STRENGTH

2. A) Provide the following details in the grade of Executive Assistants(Category Wise) as on 01.01.2017, 01.01.2018, 01.01.2019, 01.01.2020, 01.01.2021, 01.01.2022 and as on 31.05.2022.
SI NO TOTAL SANCTIONED STRENGTH TOTAL WORKING STRENGTH

B) Provide the total number of Ad-hoc Executive Assistants.
C) Total number of vacancies reported to SSC in the grade of Tax Assistant, Executive Assistant and Inspector for the CGLE 2017, 2018, 2019, 2020 and 2021 and how many Tax Assistants, Executive Assistants and Inspectors joined, please provide the data year wise.
D) As per OM 28036_8_87_30 Mar 1988(Copy Attached) it is clearly mentioned that the ad hoc period not be more than one year and the officers should be reverted for one day before giving next ad hoc promotion. How many Ad hoc EA reverted to TA on the basis on this OM.
i) If not then why they were not reverted.
ii) If yes, please provide the order copy of reversion.

3. Provide the following details in the grade of Inspectors (Category Wise) as on 01.01.2017, 01.01.2018, 01.01.2019, 01.01.2020, 01.01.2021, 01.01.2022 and as on 18.05.2022.
SI NO TOTAL SANCTIONED STRENGTH TOTAL WORKING STRENGTH

4. Provide the following details in the grade of Superintendents (Category Wise) as on 01.01.2017, 01.01.2018, 01.01.2019,

01.01.2020, 01.01.2021, 01.01.2022 and as on 18.05.2022.
SI NO TOTAL SANCTIONED STRENGTH TOTAL WORKING
STRENGTH

NO. 28036/8/87-ESTT.(D)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, the 30th March, 1988.

OFFICE MEMORANDUM

Sub: Ad-hoc appointment - Revision of instructions on.

The undersigned is directed to say that instructions have been issued from time to time by the Department of Personnel & Training requesting all Ministries/Departments to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis. Consequently, Ministries/Departments are required to ensure that all appointments made on an ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. However, it has been noted that appointments continue to be made on an ad-hoc basis and proposals are being received in this Department for regularisation of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Government to fix seniority after taking into consideration the period of service rendered on an adhoc basis. This unintended benefit of adhoc service has, therefore, been bestowed on a number of persons whose adhoc promotions have been made on the basis of seniority-cum-fitness, even though the Recruitment Rules for the post may have prescribed promotion by selection.

In view of the position explained above, it has been decided that the Ministries/Departments may not make any appointment on an adhoc basis including appointments by direct recruitment, promotion, transfer on deputation etc. The procedure to be followed in circumstances when adhoc appointments are presently frequently being resorted to, is explained below :-

1) ABSENCE OF RECRUITMENT RULES:

Adhoc appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In this Department's O.M. No.39021/5/83-Estt.(B) dated 9th July, 1985, all Ministries/Departments have been advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Group C and D posts which are outside the purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel

and Training, have already been delegated to the Administrative Ministries vide this Department's O.M. No. CD-14017/Estt.(RR) dated 21st March, 1985. Therefore, no appointment may be made to any post on an adhoc basis on the ground that no Recruitment Rules exist for the same.

REVISION OF RECRUITMENT RULES:

Adhoc appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless the amended Recruitment Rules are brought into force with retrospective effect. In fact, the practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointment/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No adhoc appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(ii) REVISION OF SENIORITY LIST:

Another reason for making adhoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a Review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier.

(iii) SHORTAGE IN DIRECT RECRUITMENT QUOTA:

Adhoc appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though, the required number of candidates are recommended by the Union Public Service Commission / Staff Selection Commission, some of them do not join or they join and then to resign thereafter.

According to the instructions contained in this Department's O.M. No.24012/34/80-Estt.(B) dated 20th February, 1981, while notifying vacancies to recruiting agencies, especially the SSC, the appointing authority is expected to compute

the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question upto the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:-

- (a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- (b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment i.e. not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of the next examination become available), by the alternative methods i.e. by transfer on deputation etc.
- (c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised vide O.M. No. 14017/8/84-Estt.(RR) dated 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.
- (v) Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation etc. of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions of holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an adhoc basis. Such circumstances may be -

- (i) where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (ii) where the DR quota has not been filled and the RRs also do not provide for filling it up by transfer or deputation temporarily and the post cannot also be kept vacant.
- (iii) In short term vacancies due to regular incumbents being

authorities competent to approve adhoc appointments may be decided by the Administrative Ministries themselves. The competent authority so authorised by the Ministry should be one level higher than the appointing authority prescribed for that post.

Adhoc promotions with respect to officers whose cases are kept in a sealed cover in accordance with OM No.22011/2/86-Estt.(A), dated 12.1.1988, will however, continue to be governed by these special instructions. Similarly, adhoc promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M.NO. 31/16/82-EO(MM) dated 28.9.1983.

6. All adhoc appointments including adhoc promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in para (4)(v). However, it may be noted that the continuance of such adhoc appointments including adhoc promotions will be subject to the overall restriction of one year from the date of issue of these instructions.

7. All Ministries/Departments are requested to take action in accordance with the above mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

The receipt of this O.M. may kindly be acknowledged.

(S.K. PARTHASARATHY)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

To

All the Ministries/Departments of Government of India
(Secretary by Name)

Copy to:

1. Ministry of Railways, New Delhi.
2. Department of Atomic Energy, New Delhi.
3. Department of Electronics, New Delhi.
4. Department of Space, New Delhi.
5. Union Public Service Commission, New Delhi.
6. Staff Selection Commission, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. President's Secretariat, New Delhi.
10. Comptroller & Auditor General of India, New Delhi.

11. All attached offices under the Ministry of Personnel, Publ. Grievances & Pensions.
12. All officers and Sections in the Department of Personnel & Training.

S. K. Parthasarathy
(S.K. PARTHASARATHY)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.



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- 2441-6871

II(39)5-ET/CON/RTI/CGST & CX/Kol North/2019 | 5540

Dated: 28 JUN 2022

To
The Assistant Commissioner (CPIO),
HQ RTI Cell,
CGST & CX, Kolkata North Commissionerate,
180, Shanti Pally, Rajdanga Main Road,
Kolkata - 700107.

**Sub: RTI application Dated 31.05.2022 filed by Shri Gaurav, _____
, being transfered under Sec. 5(4) of
RTI Act, 2005-Reg.**

Please refer to your letter C. No. V(30)68/RTI/HQ/CGST & CX/Kol North/2022/3776 dated 06.06.2022 on the above heading.

In accordance with the available office records and as far as this section (DPC) is concerned, the point wise reply is furnished as under.

1. Category wise details of Tax Assistants.

| Year | Sanction Strength | | Working Strength | | | | |
|------------|-------------------|--------|------------------|--------|----|----|-----|
| | Promote | Direct | Promote | Direct | | | |
| | | | | UR | SC | ST | OBC |
| 01.01.2017 | 39 | 351 | 17 | | | | |
| 01.01.2018 | 39 | 351 | 27 | 54 | 34 | 04 | 11 |
| 01.01.2019 | 39 | 351 | 34 | 59 | 46 | 04 | 15 |
| 01.01.2020 | 39 | 351 | 35 | 58 | 45 | 04 | 15 |
| 01.01.2021 | 39 | 351 | 34 | 59 | 47 | 03 | 26 |
| 01.01.2022 | 39 | 351 | 34 | 53 | 45 | 03 | 26 |
| 31.05.2022 | 39 | 351 | 34 | 57 | 43 | 28 | 03 |

2. Category wise details of Executive Assistants.

(A)

| Year | Sanction Strength | | | | | | | Working Strength | | | | | |
|------------|-------------------|----|----|--------|----|----|-----|------------------|----|----|--------|----|-----|
| | Promote | | | Direct | | | | Promote | | | Direct | | |
| | UR | SC | ST | UR | SC | ST | OBC | UR | SC | ST | SC | ST | OBC |
| 01.01.2017 | 201 | 39 | 20 | 88 | 26 | 13 | 47 | 281 | 74 | 15 | 00 | 00 | 00 |
| 01.01.2018 | | | | 88 | 26 | 13 | 47 | 224 | 44 | 09 | 00 | 00 | 00 |

| | | | | | | | | | | | | | |
|------------|--|--|--|----|----|----|----|-----|----|----|----|----|----|
| 01.01.2020 | | | | 88 | 26 | 13 | 47 | 213 | 39 | 08 | 00 | 00 | 00 |
| 01.01.2021 | | | | 88 | 26 | 13 | 47 | 201 | 35 | 07 | 00 | 00 | 00 |
| 01.01.2022 | | | | 88 | 26 | 13 | 47 | 199 | 33 | 06 | 00 | 00 | 00 |
| 31.05.2022 | | | | 88 | 26 | 13 | 47 | 196 | 33 | 06 | 00 | 00 | 00 |

(B)

Provide total number of Ad-hoc Executive Assistants.: **144**

(C) Total No of Vacancies reported to SSC in the Following Grade:

| Year of CGLE | Tax Assistant | Executive Assistants | Inspectors |
|--------------|---------------|----------------------|----------------------------|
| 2017 | 43 | 00 | Not pertaining to this CCA |
| 2018 | 07 | 00 | Not pertaining to this CCA |
| 2019 | 00 | 174 | Not pertaining to this CCA |
| 2020 | 46 | 00 | Not pertaining to this CCA |
| 2021 | 07 | 00 | Not pertaining to this CCA |

(D) No of Ad hoc EA reverted to TA on the basis on OM. 28036/8/87/-ESTT. (D) dated 30.03.1988.:
No Ad hoc EA is reverted till date.

(i) If not, then why they were not reverted.: **As per the RTI Act, 2005, no reply can be offered on the issues raised on 'why' Under section 2(f) which defines 'information', questions have not been defined as information.**

(ii) If yes, please provide the order copy of reversion.: **NA**

3. Provide the following details in the grade of Inspectors (Categories): Not pertaining in this CCA, CGST & CX, Kolkata North Commissionerate.

4. Details in the grade of Superintendents (Category wise):

| Year | Sanction Strength | | | Working Strength | | |
|------------|-------------------|-----|----|------------------|-----|----|
| | Promote | | | Promote | | |
| | UR | SC | ST | UR | SC | ST |
| 01.01.2017 | 946 | 183 | 92 | 927 | 183 | 92 |
| 01.01.2018 | 946 | 183 | 92 | 882 | 177 | 90 |
| 01.01.2019 | 946 | 183 | 92 | 905 | 161 | 34 |
| 01.01.2020 | 946 | 183 | 92 | 835 | 148 | 33 |
| 01.01.2021 | 946 | 183 | 92 | 1003 | 145 | 33 |
| 01.01.2022 | 946 | 183 | 92 | 853 | 183 | 67 |
| 18.05.2022 | 946 | 183 | 92 | 837 | 183 | 66 |

This for your information and necessary action please.

This issues with the approval of Assistant Commissioner (P & E)


 28.06.2022
 (Mousumi Naskar)
 Administrative Officer (DPC)