

19389
04.02.2020

Supdt (System)
Shri Rajarshri
cel 2



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)15/RTI/HQ/CGST & CX/Kol-North/2020/ Dated: -

To
Shri Rajarshri Chatterjee,
11, Old Post Office Street,
Ground Floor,
Kolkata-700001.

Sir/Madam,

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

Please refer to RTI application dt. 23.12.2019 filed Shri Rajarshri Chatterjee, 11, Old Post Office Street, Ground Floor, Kolkata-700001, received by this Commissionerate on 17.01.2020 which was transferred by the CPIO & Assistant Commissioner, Howrah GST Commissionerate vide their letter under C.No. IV(16)93/ RTI/CGST/ HWH / RC/2019/12936A dt. 15.01.2020. Subsequently the said RTI application was registered at this office vide Registration No. 13/RTI/Kol-North/20 dt. 20.01.2020.

The desired information as received from the Assistant Commissioner (P&V), CGST & CX, Kolkata North Commissionerate on 31.01.2020 under C.No. II(39)21-ET / CON/ RTI/ CGST & C.Ex/Kol North/2017/3997 dt. 29.01.2020 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 1st 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.

Enco- 05 (five) Sheets.

Yours faithfully,

sd/r

(Samiran Roy)

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

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

Dated : 03 FEB 2020

1. The Assistant Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application submitted by Shri Rajarshri Chatterjee dt. 23.12.2019, along with the desired information as mentioned above (enclosed ten sheets).
2. The CPIO & Assistant Commissioner, Howrah GST Commissionerate, M.S. Building, 2nd floor, 15/1, Strand Road, Kolkata-700001.

Samiran Roy

(Samiran Roy)

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



Supdt (R7)

Jamunny 17/1/20

RTI MATTER

Sm S. Narayan Singh
20/1/20

18715
17/01/20

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, 2nd floor, 15/1, STRAND ROAD, KOLKATA- 700001

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

C. No. IV (16)93/RTI/CGST/HWH/RC/2019 / 12936A Date: 15.01.2020

To
The CPIO & Deputy/Assistant Commissioner,
Office of the Commissioner,
CGST & CX,
Kolkata North Commissionerate.
Sir,



Sub:-RTI application filed by Shri Rajarshi Chatterjee, under RTI Act, 2005-Transfer thereof.

Enclosed please find copy of RTI application dated 23.12.2019, received by this office on 30.12.2019 filed by Shri Rajarshi Chatterjee, 11, Old Post Office Road, Ground Floor, Kolkata-700001, West Bengal on transfer from the CPIO & Assistant Commissioner, Pr.CCO, CGST & CX, Kolkata Zone, Kolkata and subsequently been registered under Registration No.93/RTI/CGST/HWH/RC/2019-20.

Since the information pertaining to the point no. I,II,VIII,XI and XII of the instant RTI application as sought for by the applicant are closely connected and available with your office, the instant RTI application is being transferred to you under Section 6(3) of the Right to Information Act 2005.

You are requested to supply the information directly to the applicant, whatsoever is available with you and sharable under RTI Act, 2005 with a copy to this office.

Yours faithfully,

(Signature)
15/1/2020

(RAM KUMAR BHADURY)
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

Encl: As above

C. No. As above/

Date: .01.2020

Copy for information to:- 1) Shri Rajarshi Chatterjee, 11, Old Post Office Road, Ground Floor, Kolkata-700001, West Bengal, with reference to his RTI application dated 23.12.2019.

(RAM KUMAR BHADURY)
CPIO & ASSISTANT COMMISSIONER
CENTRAL TAX
HOWRAH GST COMMISSIONERATE

13/RTI/Kol-North/20
dt. 20.01.2020.



**Most Urgent
RTI Matter**

भारत सरकार

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, KOSLKATA 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

F. No. V (30)242/ICGST&CX/ Pr. CCO/ RTI/Dec-19/Kol/2019/22469

Date: 24.12.2019

To

The CPIO,
Office of the Commissioner,
CGST & Central Excise, Howrah Commissionerate,
Kolkata

Sir,

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

Please find enclosed herewith an online RTI application having Registration No. GSTKT/R/2019/50078 dated 23.12.2019, received in this office on 24.12.2019, filed by Shri Rajarshi Chatterjee, 11, Old Post Office Street, Ground Floor, Kolkata-700001. Since, the promotion and seniority related matters of Inspectors under this zone is being dealt with from your Commissionerate, the RTI Application is being transferred to you under section 6(3) of the RTI Act, 2005.

You are requested to supply the information directly to the applicant, whatsoever is available with you and shareable under RTI Act, 2005. *Please note that the applicant has requested to supply the information / documents within 48 hrs under sec-7 of the RTI Act, 2005, since it is a court matter which is for your consideration.*

Encl: As Above.

B. Bhowmick
24/12/2019

(B. Bhowmick)
CPIO & Assitant Commissioner,
CCO, Kolkata Zone

It has been noticed that 398 Nos inspectors of CGST & CX of Kolkata Zone have been nominated for Mandatory Training for Promotion to the grade of Superintendent vide letter under C.No. II(36)4-ET/HWH-GST/Trg-NACIN/2018/8223-62B dated 13.12.2018 issued by The Commissioner, CGST & CX, Howrah Commissionerate. In this connection, the undersigned seeks the following information and certified copies of related documents:

- i) How the promotion to the grade of Superintendent is done in Kolkata Zone. Please give the relevant rule for promotion to the grade of Superintendent from Inspector in detail.
- ii) Whether it is mandatory to have any seniority list of Inspector (feeder cadre) for effecting promotion to the grade of Superintendent. Please supply the information quoting relevant provisions. If yes, the details of seniority list which is at present in force may be provided.
- iii) If seniority list/ draft seniority list is published on any date, how it affects the earlier seniority list/ draft seniority list. Please supply the information quoting relevant provisions.
- iv) Whether draft seniority list/ seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 has superseded all the earlier draft seniority list/ seniority list. If not, under which authority. Please reply in quoting specific provisions of relevant rule.
- v) Whether draft seniority list of inspectors of Kolkata Zone seniority list as on 01.01.2010, published on 31.03.2010 is still existent. If yes, under which authority in detail.
- vi) Please supply the copy of all note sheets of file vide which draft seniority list of inspectors of Kolkata Zone as on 01.01.2010, published on 31.03.2010 was made and dealt.
- vii) Whether any promotion can be granted on the basis of a Seniority List drawn on the basis of an O.M. which has been declared to be withdrawn ab-initio?
- viii) Whether any promotion can be granted from the draft seniority list of inspectors of Kolkata Zone as on 01.01.2010, published on 31.03.2010, drawn on the basis of DOP&T's O.M. No. 20011/1/2006-Estt. (D) dated 03.03.2008, which has been declared to be withdrawn ab-initio vide DOP&T's O.M. No. 20011/1/2012-Estt.(D) dated 04.03.2014?
- ix) Please supply the copy of all note sheets of file vide which draft seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 was made and dealt.
- x) Whether any rule, O.M., judgement or any provision exists from where it can be derived that date of joining in the grade of Inspector will be the criteria for making seniority list

- of Inspectors of CGST & CX of Kolkata Zone or effecting promotion to the grade of Superintendent. If yes, please supply the said specific provisions in detail.
- xii) Whether Cadre Controlling Authority is empowered to outline the criteria for promotion from the Grade of Inspector of CGST & CX to the Grade of Superintendent considering the date of joining in the grade of inspector. If yes, relevant provision may be furnished and if not, under which provision the Commissioner of CGST & CX, Howrah Commissionerate has nominated 398 Nos. of inspectors for Mandatory Training for Promotion to the grade of Superintendent.
- xiii) Whether Mandatory Training for Promotion to the grade of Superintendent is any of the eligibility criteria for promotion to the grade of Superintendent.
- xiii) How many Inspectors of seniority list of inspectors of Kolkata Zone as on 01.04.2015, published on 30.11.2015 have not been nominated for the above stated Mandatory Training where their juniors have been nominated and being imparted the said training.
- xiv) What are the criteria of above nomination? Please provide the name of the officers along with designation who has initiated the note/ proposed for such selection. Please also supply the name & designation of the officer who has approved the said proposal.
- xv) Please supply the copy of note sheets of File No. II(36)4-ET/HWH-GST/Trg-NACIN/2018.
- xvi) Whether the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge the verdict of judgement of Hon'ble Apex Court in the case of N. R. Parmar Vs. UOI & Ors. If yes, relevant pages of note sheets of the file may please be furnished.
- xvii) Whether the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge **CBEC circular issued under F. No. A-32022/06/2014-Ad.IIIA dated 08.09.2014**. If yes, relevant pages of note sheets of the file may please be furnished.
- xviii) Whether the cadre controlling authority of Inspectors of CGST & CX of Kolkata Zone has proposed to challenge **and disobey CBEc circular issued under F. No. A-32022/06/2014-Ad.IIIA dated 08.09.2014**. If yes, relevant pages of note sheets of the file may please be furnished.

As the information sought above is to be produced before the Court of law, considering urgency of the matter, the information may please be furnished within 48 hours or within normal period of seven days, at the earliest, as per provisions under Section 7 of the RTI Act, 2005. I am ready to pay the cost of Xerox of required pages as and when communicated to me by the department.

B-1740
31/07/20



भारत सरकार
GOVERNMENT OF INDIA
प्रधान आसुक्त 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/

Dated:

3997

29 JAN 2020

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

Sub-: Seeking information under the RTI Act, 2005, in case of Shri Rajarshri Chatterjee, Kolkata - 700001 - Corres / reg.

Please refer to your office letter under C.No. V(30)15/RTI/HQ/CGST & CX/Kol North/2020/2873 dated 20.01.2020 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 (in respect of Point No. I, II, VIII, XI and XII) as sought by the RTI applicant vide his RTI application dated 23.12.2019 is as under:-

Point-wise Reply as on date -;

Reply of Point No. I -

The Promotion to the grade of Superintendent from Inspector have been done strictly by following the existent the Recruitment Rules of Superintendent grade in CBEC (now CBIC). The latest & existent Recruitment Rules in the grade of Superintendent grade is readily available in the CBIC website, i.e., http://www.cbic.gov.in/resources//htdocs-cbec/deptt_offcr/administrative-wing/admn-wing-rrules/SUPDT_RRs_260819.pdf;jsessionid=C0062F25AB971EC8F0930A3301880D5C.

Reply of Point No. II -

It is mandatory to have the Seniority List of Inspector grade (feeder cadre) for promotion to grade of Superintendent. As desired by the RTI applicant, the Annexure-I (Para. 4.2.1 - Proforma for referring proposals for promotion ...) is enclosed for ready reference.

Reply of Point No. VIII -

"Under the RTI Act, 2005, queries submitted to the public information officer by the RTI applicant cannot be in question form. Under Section 2(f), which defines 'information', questions have not been defined as information. Hence this Unit cannot furnish the reply sought by the RTI applicant in question form".

Contd. to Page-2,

(2)

Reply of Point No. XI –

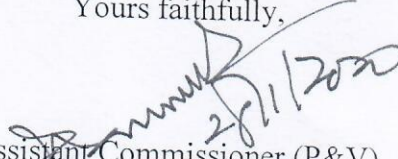
"Under the RTI Act, 2005, queries submitted to the public information officer by the RTI applicant cannot be in question form. Under Section 2(f), which defines 'information', questions have not been defined as information. Hence this Unit cannot furnish the reply sought by the RTI applicant in question form". The last portion of the query is not relates to this Unit.

Reply of Point No. XII –

As per the existing Recruitment Rules (Schedule No. 11) for the post of Superintendent of Central Excise under CBIC which has been notified in the Gazette of India vide GSR 249 dated 05.08.2019, successfully completion of 2-4 weeks Training is mandatory for promotion to the grade of Superintendent.

Encl:- As stated above (Three sheets).

Yours faithfully,


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

get enlarged in a corresponding manner in terms of the Dept. of Per. & Trg., O.M. No. 22011/1/90-Estt. (D), dated 12-10-1990 and 22-4-1992.

[G.I., Dept. of Per. & Trg., O.M. No. 22011/1/98-Estt. (D), dated the 20th April, 1998.]

Papers to be put up for consideration by DPCs

4.2.1 In the case of promotions, the proposals should be placed before the DPC in the pro forma given in Annexure-I. As regards cases of confirmation, the proposals should be put up before the DPC in the pro forma given in Annexure-II. These pro formas should be completed and submitted to the DPC, whether the UPSC is associated with the DPC or not.

4.2.2 *Papers to be sent to UPSC along with request for nomination of a Member.*— Where a member of the UPSC has to attend a meeting of a DPC, the necessary documents should be sent to the Commission along with the references requesting the Commission to nominate one of their Members to preside over the DPC. The papers should be completed as per the Check-List given in Annexure-III and should be sent in good time before the meeting.

4.2.3 No proposal for holding at DPC or Selection Committee should be sent to UPSC until and unless all the ACRs complete and up-to-date are available. In certain cases involving collection of large number of ACRs, the proposal can be sent only if at least 90% of the ACRs (up-to-date and complete) are available. Every effort should be made to keep the ACRs dossiers up-to-date, lest this aspect is advanced as the reason for not holding DPCs in time. The officer referred in Para. 3.1 should also be responsible for monitoring the completion of the ACR dossiers.

4.2.4 The ACR folder should be checked to verify whether the ACRs for the individual years are available. For this purpose, the pro forma enclosed (Annexure-IV) should be filled in and sent to UPSC. If the ACR for a particular year is not available and for valid/justifiable reasons, it cannot be made available, a certificate should be recorded to that effect and placed in the ACR folder.

[While sending DPC proposals to the Union Public Service Commission, all Ministries/Departments should attach a statement showing the penalties imposed on the officers within the zone of consideration during a period of ten years preceding the year of DPC. Ministries/Departments are also requested to ensure that copies of orders imposing the penalties and decisions taken on appeals, if any, are kept in the respective CR dossiers, as required under the extant instructions.]

4.2.5 *Furnishing of integrity certificate.*— The integrity certificate on the lines indicated below should be furnished to the DPCs constituted to consider cases for promotion or confirmation—

1. G.I., Dept. of Per. & Trg., O.M. No. 22011/5/86-Estt. (D), dated the 27th March, 1990.

“The records of service of the following officers who are to be considered for promotion/confirmation in the grade have been carefully scrutinized and it is certified that there is no doubt about their integrity.”

If there are names of persons, in the list of eligible candidates, whose integrity is suspect or has been held in doubt at one stage or other, this fact should also be specifically recorded by the Ministry/Department/Office concerned and brought to the notice of the DPC.

4.2.6 Where the UPSC is associated with the DPC, the certificate will be recorded by an officer not below the rank of a Deputy Secretary to the Government. Where UPSC is not associated, the officer-in-charge of the Administration section in the Ministry/Department/Office concerned who processes and submits names and particulars of eligible officers to the DPC should himself record the certificate.

4.2.7 It should be ensured that the information furnished to the UPSC/ DPC is factually correct and complete in all respects. Cases where incorrect information has been furnished should be investigated and suitable action taken against the person responsible for it.

Consideration of officers on deputation

4.3.1 The names of the officers who are on deputation, either on their own volition or in public interest (including foreign service), should also be included in the list submitted to the DPC for consideration for promotion in case they come within field of choice for promotion and fulfil the prescribed eligibility conditions. Similarly, the names of the officers on deputation should also be included in the list of names to be considered by the DPC for confirmation, in case they are eligible for confirmation and come within the range of seniority.

4.3.2 Very often a certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service, should be treated as comparable service in his parent Department for purposes of promotion as well as confirmation. This is subject to the condition that the deputation/foreign service, is with the approval of the competent authority and it is certified by the competent authority that but for deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity.

Consideration of officers on Study Leave

4.4 An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation, if the study leave was duly sanctioned by the competent authority and the competent authority certified that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the

ANNEXURE - I

Pro forma for referring proposals for promotion to the Union Public Service Commission/DPC

[Para. 4.2.1]

1. Name of Ministry/Deptt./Office
2. Names and designations of Members of the Departmental Promotion Committee (Copy of the orders constituting the DPC to be attached).

Name	Designation	Office Telephone No.
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3. Grade or post to which promotion is to be made:

Designation	Classification	Scale of pay	No. of posts in the grade		Total No. of posts filled on <i>ad hoc</i> basis		No. of regular vacancies		Total
			filled/unfilled		Temp.	Pmt. Total	Existing	Anticipated (for current year panel only)	
1	2	3	4		5		6		7

4. Year-wise break-up of the number of regular vacancies indicated in Column 7 of item 3:

Year	Genl.	SC	ST	Total
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5. Recruitment Rules for the grade/post:

- (a) Date on which the Recruitment Rules were notified in the Gazette of India and UPSC reference under which they were approved ...
- (b) Method of recruitment prescribed:
 - (i) % direct recruitment ...
 - (ii) % promotion ...
 - (iii) % deputation/transfer ...

- (c) Whether an up-to-date copy of the Recruitment Rules has been enclosed (this should invariably be sent for reference). If any changes in the Recruitment Rules have been agreed to by the Commission after they were notified, details should be attached.

If, after the approval of the Recruitment Rules and other post has been created which should normally be included in the field of promotion, give details ...

6. Grade or post from which promotion is to be made:

Designation	Classification	Scale of pay	Service prescribed for eligibility for promotion
-------------	----------------	--------------	--

7. UPSC reference No. under which promotion to the grade/post were last considered

8. Seniority List:

- (a) Whether a seniority list as in the prescribed pro forma 'A' (attached) has been enclosed.
If there are more than one feeder grade, enclose separate seniority lists for each grade together with combined seniority list.
- (b) Whether all eligible Officers, including those belonging to SC and ST and those on deputation, etc., are included and whether those belonging to SC, ST and those on deputation are clearly indicated in the seniority list ...
- (c) Whether the list, before finalization was circulated to all concerned
- (d) Whether there are any Officers whose seniority has not been finalized. If so give details.
- (e) Whether the seniority list (attached) has been duly authenticated by an Officer not below the rank of Under Secretary to the Government of India
- (f) Whether the list has undergone any changes since it was last placed before the DPC. If so, give details (in the pro forma 'B' attached)

9. An eligibility list showing separately officers who are eligible for different years for which Select List is to be prepared should be drawn up and enclosed. The eligibility list for past year should be drawn up as on the 31st December of the year for which the panel is drawn. In cases where there are more than one feeder grade for which no specific quotas have been earmarked, a common eligibility list should be forwarded ...

10. Character Rolls:

Complete and up-to-date character rolls of all the eligible officers are required.

- (a) Whether list (in duplicate) has been attached showing the names of officers whose character rolls are enclosed with this reference ...
- (b) Are the character rolls complete and up-to-date? (Character rolls should be sent only after they have been completed) ...

11. Integrity certificate:

- (a) Whether integrity certificate, in terms of the instructions contained in the Ministry of Home Affairs, O.M. No. 1/9/71-Estt. (D), dated 22-1-1972, has been enclosed ...
- (b) Whether there are any officers against whom vigilance proceedings are either pending or contemplated; if so, please indicate their names ...
- (If the space is insufficient please attach separate sheet)

12. Self-contained note for the DPC:

Whether a self-contained note for the DPC, explaining the proposals for promotion, has been enclosed ...

13. Check-list:

Whether a check-list in terms of O.M. No. 22011/6/86-Estt. (D), dated 30-5-1986, has been enclosed ...

Signature

Designation

Date

'A'

Seniority List of officers in the grade as on [vide Item 8 (a) of the DPC pro forma]

Sl. No.	Name of the officer	Whether belongs to SC or ST. If not, say neither	Date of birth	Date of regular appointment to the grade	UPSC reference in which recommended/ approved	Post held substantively	Remarks
1	2	3	4	5	6	7	8

¹Signature of Authenticating Officer

Designation

Date

'B'

Particulars of changes in the Seniority List

[vide Item 8 (f) of the DPC pro forma]

- (i) Names of the officers who were included in the last seniority list but have been deleted in the present seniority list. Reasons for deletion
1. _____
10. _____
- (ii) Names of the Officers added in the present seniority list.
1. _____
6. _____

1. To be signed by an officer of or above the rank of Under Secretary.