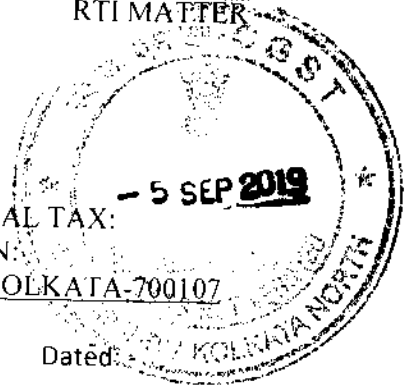


11015  
3/9/19

*[Handwritten signature]*  


**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)144/RTI/HQ/CGST & CX/Kol-North/2019/  
To  
Shri Sanjeev Sinha,  
Madhurdaha,  
Kolkata-700107.

Dated: \_\_\_\_\_

Sir/Madam,

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

Please refer to your RTI application dt. 21.08.2019 received by this Commissionerate on 22.08.2019 which was transferred by the CPIO & Assistant Commissioner, CCO, Kolkata vide their letter under F.No. V(30)183/ Pr. CCO / CGST & CX / RTI / Aug-19/ Kol/ 14582 dt. 22.08.2019. Subsequently the said RTI application has been registered at this office vide Registration No. 123/RTI/Kol-North/19 dt. 26.08.2019.

The desired information as received from the Assistant Commissioner (P&V), CGST & CX, Kolkata North Commissionerate on 30.08.2019 under C.No II (39)21-ET/CON/RTI/CGST & C. Ex / Kol North / 2017/ 15189 dated 29.08.2019 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 Gaurav Sinha, Additional 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- 05 (five) Sheets.

Yours faithfully,

*[Signature]*  
(Samiran Roy)  
CPIO & Assistant Commissioner  
CGST: Kol-North Comm'te

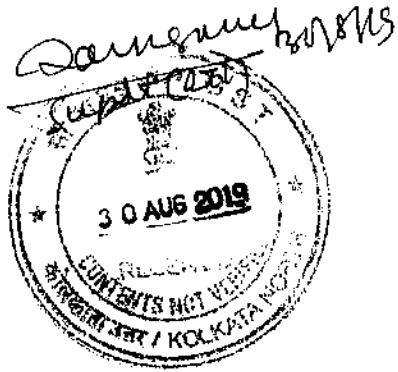
Dated: \_\_\_\_\_

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

1. The Assisnat Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application submitted by Shri Sanjeev Sinha dt. 21.08.2019 along with the desired information as mentioned above (enclosed seven sheets).
2. The CPIO & Assistant Commissioner, CCO, O/o the Pr. Chief Commissioner CGST & CX, Kolkata Zone.

*[Signature]*  
(Samiran Roy) 4/9/19  
CPIO & Assistant Commissioner  
CGST: Kol-North Comm'te.

10549  
3078719



भारत सरकार  
GOVERNMENT OF INDIA  
प्रधान मन्त्री 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/2017/15189

Dated:

29 AUG 2019

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 Sanjeev Sinha - ,  
Kolkata - 700107 - Corres / reg.**

Please refer to your office letter under C.No. V(30)144/RTI/HQ/CGST&CX/Kol North/2019/14858 dated 27.08.2019 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 21.08.2019 is as under:-

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

1. As desired, the promotion order from Inspector to the grade of Superintendent in respect of Shri Ramesh Ch. Roy (DOB - 04.01.1972) vide Establishment Order No. 63/2019 issued under C.No. II(39)2-DPC/Misc/CGST&CX/Kol North/2019/10199-10234 dated 12.07.2019 is **enclosed at Annexure-I**.
2. In the Annual DPC meeting for the year of 2014-15 held on 25.03.2014 for promotion to the grade of Superintendent.
3. The validity period of the said Annual DPC of 2014-15 was 01.04.2014 to 31.03.2015. However, the validity of the said Annual DPC has been extended in respect of Ramesh Ch. Roy (only in case of all Sealed Cover cases) 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 (**copy enclosed at Annexure-II**).
4. The consideration zone of the said Annual DPC of 2014-15 was prepared on the basis of the Seniority list of Inspectors as on 01.01.2010 which was published on 31.03.2010.
5. Not relates to this Unit.

(2)

6. The following five officers (Sealed cover cases) who are senior than Shri Ramesh Ch. Roy and due for promotion;

Sl. No.	Name (S / Shri / Smt.)	Date of Birth	Reasons for non-granting promotion
1.	Ajoy Nath	05.02.69	Sealed Cover
2.	Ashis Bala	04.01.67	Sealed Cover
3.	Anjan Chatterjee	30.08.69	Sealed Cover
4.	Suman Sarkar	13.01.71	Sealed Cover
5.	Pradip Kumar Bijoli	31.12.68	Sealed Cover

7. Yes (at this juncture).
8. No selective promotion has been given in the grade of Superintendent. At present, promotion is held up due to Court of Laws.

Yours faithfully,



(Tarun Majumder)

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

Enclo-: As above (Three sheets).



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)2-DPC/Misc/CGST & C.Ex./Kol North /2019/

Dated:

Establishment Order No.: 63 / 2019

Dated: 12.07.2019

"ORDER"

12/07/2019

On 25.03.2014, the Annual DPC for promotion to the grade of Superintendent was held.

In the said DPC, findings of DPC in respect of Shri Ramesh Chandra Roy, Inspector, (D.O. Birth - 04.01.1972) was placed under "Sealed Cover" as VC has not been granted at that time in favour of him due to pending of disciplinary proceedings. In the said Annual DPC held on 25.03.2014, his next junior officer namely Shri Mukesh Kumar (DOB- 23.04.1970), Inspector has been promoted to the grade of Superintendent on regular basis w.e.f. 01.11.2014.

Now, as per Order-in-Original issued under C.No. C.No. II(10)A-26/Vig/CGST&CX/Kol-North/2017/1052 dated 05.10.2018, the disciplinary Authority has dropped all the charges framed/made against him and accordingly, necessary vigilance clearance has been issued from the Vigilance Section of CGST & C.Ex., Kolkata North Commissionerate.

Hence, as per rule, "Sealed Cover" in respect of Shri Ramesh Chandra Roy, Inspector, has been opened by the Competent Authority and Shri Ramesh Chandra Roy has been found "FIT" for promotion to the grade of Superintendent as per adjudgement of the Annual DPC meeting of 2014-15 held on 25.03.2014.

So, Shri Ramesh Chandra Roy, Inspector is hereby notionally promoted on regular basis in the grade of Superintendent w.e.f. 01.11.2014 in the GP of Rs. 4800/- in PB-2 (now Pay Matrix Level 8) plus usual allowance in accordance with CCS (Revised Pay) Rule, as admissible and on promotion, his seniority will fixed in between of Shri Samir Seal (DOB - 05.06.1959), Superintendent (now retired) and Shri Mukesh Kumar (DOB- 23.04.1970), Superintendent [Shri Ramesh Chandra Roy will be placed just above to his immediate Junior officer i.e. Shri Mukesh Kumar and just below of his immediate Senior officer i.e. Shri Samir Seal, DOB - 05.06.1959].

This issues with the approval of the Competent Authority.

  
(Tarun Majumder)

(2)

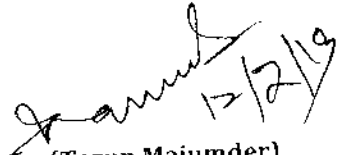
C.No. - II(39)2-DPC/Misc/CGST & C.Ex./Kol North /2019/

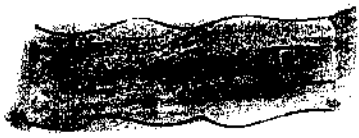
Dated :

12 JUL 2019

Copy forwarded for information and necessary action to-

1. Shri Ramesh Chandra Roy, Inspector, presently posted at Hdqr Audit( Except CERA) Kol-North CGST & CX Commissionerate , for compliance.
2. The Commissioner, Central Excise, Central GST & Central Excise, Kolkata North / South / Howrah / Haldia / Bolpur / Siliguri / Audit - I Kolkata / Audit - II Kolkata / Audit Durgapur / Appeal - I Kolkata / Appeal - II Kolkata / Appeal Siliguri / and CC(P), W.B.,
3. The Joint Commissioner (CCO), CGST & Central Excise, Kolkata Zone.
4. The Joint /Dy./Asst. Director, DGGSTI / DGDRI / DGNACIN / DGSDM / DGTPS/ DGVig. / DGPM / DGAudit / DGGST / DGValuation, Kolkata Zonal Unit, Kolkata.
5. The AO (HQ. ET), CGST & CX Kolkata North Commissionerate.
6. The Supdt (Systems), CGST & C. Ex. , Kolkata- North Commissionerate, with request to publish this order on the official website.
7. The Superintendent Vigilance / CCR/ M.I.S. CGST & Central Excise, Kolkata North Commissionerate.
8. The CAO/ACAO, CGST & Central Excise, Kolkata North Commissionerate.
9. The Secretary, Central Excise & Land Customs Co-opt. Credit Society Ltd. / All India C. Ex Inspector Association W.B Circle/All India Association of Central Excise Executive Gazetted Officer's, Kolkata Unit.
10. Guard File, CGST & Central Excise, ET Branch Kolkata North Commissionerate.

  
(Tarun Majumder)  
ASSISTANT COMMISSIONER (P&V)



Efficiency Bar cases

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Sealed cover cases — Action after completion of disciplinary case/criminal prosecution

17.6.1 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 juniormost 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 of the disciplinary proceedings or acquittal in the criminal proceedings is on a benefit of doubt or on account of non-availability of evidence due to the fault attributable to the employee, etc. These are only some of the circumstances where such denial can be justified.

17.6.2 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His cases for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

Instructions that recommendations in sealed cover need not be acted upon in respect of officials found guilty — upheld by the Supreme Court. — The undersigned is directed to refer to the Department of Personnel and Training's O.M. No. 22011/4/91-Estt (A), dated the 14th September 1992 on the subject mentioned above and to say that as stated in the Court's judgment of 27-8-1991 of the Supreme Court in the case of Union of India, etc. v. E. S. Janakiraman, etc. (AIR 1991 SC 2010).

2. It has come to notice of the Central Administrative Tribunal that the matter was not contested in appeal as it was because of lack of knowledge in handling the cases.

3. Attention in this connection is drawn to the order dated 14-9-1992 wherein it has been provided that

"If any penalty is imposed on a Government servant in disciplinary proceedings or in criminal prosecution against him, the case for promotion should be acted upon. His case for DPC in the normal course should be considered in favour of him."

In the case of Janakiraman, the provision (as quoted above) contained in the order dated 30-1-1982. A Full Bench of the Supreme Court set aside the finding that the Government servant was found guilty of misconduct and that treating his case differently is

4. All Ministries/Departments should issue necessary instructions without fail and conformity, before the Tribunal/High Court, if any, is rendered by a three-Judge Bench of the Supreme Court. The Supreme Court's decision is binding on all

[G.I., Dept of Per & Trg, O.M. No. 22011/4/91-Estt (A), dated 14.9.1992]

17.6.3 It is also clarified that the findings of the proceedings have been held under seal and should not be issued as a result of the proceedings, that some benefit should be given at least the penalty of "censure" should be given.

Six-monthly Review of sealed cover cases

17.7.1 It is necessary to ensure that the prosecution instituted against the Government servant is prolonged and all efforts to finalise the case are taken so that the need for keeping the sealed cover is limited to the bare minimum. It is the duty of the appointing authorities to ensure that the cases of a Government servant in which a sealed cover has been kept in a sealed cover should be the first DPC after the date of conveying the first DPC findings in the sealed cover

1. This has been abolished from the 1st January, 1996.

2. G.I., Dept of Per & Trg, O.M. No. 22011/4/91-Estt (A), dated the 14th September 1992. Para 3.1, 3.2 and 4.

10002  
22/8/19



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, KOLKATA ZONE  
केन्द्रीय वस्तु एवं सेवा कर भवन, दुसरा तल, 180, शान्तिपल्ली, आर. बी. कनेक्टर, कोलकाता - 700 107

GST Bhawan (2<sup>nd</sup> Floor), 180 Shanti Pally, R. B. Connector, Kolkata - 700 107  
Phone No. 033-2441-6797/6842; Fax No. 033- 2441-6834/6798

*Sanjeev* 22/8/19  
Superd (CGST)

**Most Urgent  
RTI Matter**

*b. S. N...*  
*22/8/19*



F. No. V (30)183/Pr. CCO/CGST&CX/RTI/Aug-19/Kol 14582

Date: 22.08.2019

To  
The CPIO,  
Office of the Commissioner,  
CGST & CX, Kolkata North Commissionerate,  
Kolkata Zone.

**Sub: RTI Application dated 21.08.2019 filed by Shri Sanjeev Sinha under Right to Information Act 2005 -reg.**

Please find enclosed herewith an RTI application having Registration No. GSTKT/R/2019/50045 dated 21.08.2019. The application has been received by the undersigned on 22.08.2019.

The Information sought by the applicant is regarding Promotion of Inspectors of CGST&CX to the post of Superintendent which falls under the jurisdiction of Kolkata North Commissionerate. Hence the RTI application is being transferred under section 6 (3) of the RTI Act, 2005 to your office, with request to furnish the information directly to the applicant.

Encl: As above.

*B. Bhowmick*  
(B. Bhowmick) 22/8/19  
**CPIO & Assitant Commissioner,  
CCO, Kolkata Zone**

122/RTI/Kol-North/17  
26.08.2019

## RTI REQUEST DETAILS

Registration No. : GSTKT/R/2019/50045

Date of Receipt : 21/08/2019

Type of Receipt : Online Receipt

Language of Request : English

Name : Sanjeev Sinha

Gender : Male

Address : 1692 Madurdaha, kolkata, Pin:700107

State : West Bengal

Country : India

Phone No. : Details not provided

Mobile No. : +91-9434874221

Email : sanjeev.74@rediffmail.com

Status(Rural/Urban) : Urban

Education Status : Graduate

Is Requester Below  
Poverty Line ? : No

Citizenship Status : Indian

Amount Paid : 10 )

Mode of Payment : Payment Gateway

Request Pertains to :

To  
The CPIO  
CGST & CX Kolkata North Commissionerate

Please provide the following information:

1. Please provide the copy of promotion order of Ramesh Chandra Roy (D.O.B.- 04/01/1972) posted at Kolkata North CGST & CX, HQ Pool by which he has been promoted in the grade of Superintendent.
2. Date of DPC conducted by which promotion has been given to Sri Ramesh Chandra Roy.
3. What is the Period of validity of DPC conducted for promotion in the grade of Superintendent and what is the validity of DPC by which promotion has been given to Sri Ramesh Chandra Roy.
4. Date of publishing of Seniority list of inspector which was considered in DPC for promotion of above person.
5. Whether above seniority list is challenged in any legal forum if yes please give case nos and present status of these cases.
6. Whether any officer(s), senior to the above person, is still due for promotion. Please give detailed reasons for non-promotion of each such officer(s) who is/are senior to the above person and due for promotion.
7. Whether any stay is in force for promotion in the grade of Superintendent from inspector in Kolkata CGST & CX Zone.
8. What is the Reason for selective promotion in the grade of Superintendent in Kolkata Zone after July 2017.

Information Sought :

Print

Save

Close

MOST URGENT  
RTI  
Suptd (RTI)  
Pl. hf the app.  
to West North.  
Bhattacharya  
22/8/19