

20144
19/2/2020

Supdt (System)
19/2



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)23/RTI/HQ/CGST & CX/Kol-North/2020/

Dated: -

To

Shri Mritunjay Kumar Singh,
Advocate, High Court of Delhi,
A-47, F-2, Chander Nagar,
Ghaziabad,
Uttar Pradesh-201011.



Sir/Madam,

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

Please refer to your RTI application dt. 21.01.2020 received by this Commissionerate on 23.01.2020 which was transferred by the CPIO & Assistant Commissioner, CCO, Kolkata vide their letter under F.No. V(30)250/ CGST & CX/Pr. CCO / RTI/ Jan-20/Kol/2020/1083 dt. 22.01.2020. Subsequently the said RTI application was registered at this office vide Registration No. 20/RTI/Kol-North/20 dt. 27.01.2020.

The desired information as received from the Assistant Commissioner (P&V), CGST & CX, Kolkata North Commissionerate on 06.02.2020 under C.No. II(39)21-ET/CON / RTI / CGST & C.Ex/Kol North/2017/4997 dt. 06.02.2020 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.

Encl- 03 (three) Sheets.

Yours faithfully,

sdr

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

C. No. As above/ JR m 6227
Copy forwarded for information to: -

Dated: 19 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 Mritunjay Kumar Singh dt. 21.01.2020, along with the desired information as mentioned above (enclosed six sheets).
2. The CPIO & Assistant Commissioner, CCO, O/o the Pr. Chief Commissioner CGST & CX, Kolkata Zone.

Samiran Roy
(Samiran Roy) 19/2/20
CPIO & Assistant Commissioner
CGST: Kol-North Comm'te.

19019
28/1/2020

Suplt (RTI)
Dinner 28/1/20



**NATION
TAX
MARKET**

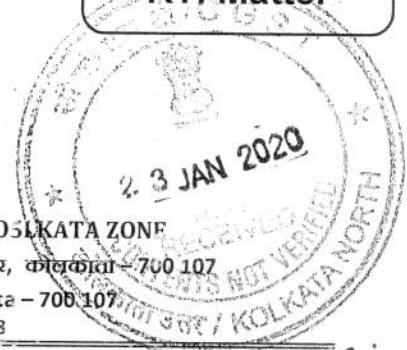
भारत सरकार

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, शांतिपल्ली, आर. बी. कनेक्टर, 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

**Most Urgent
RTI Matter**



F. No. V(30)250/CGST&CX/Pr.CCO/RTI/Jan-20/Ko/2020/ 1083

Date: 22.01.2020

To

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

Sir,

S. S. Narayan, Imp.
22/01/20

Sub: RTI Application filed by Shri Mritunjay Kumar Singh under Right to Information Act 2005
--reg.

Please find enclosed herewith an online RTI application having Registration No. GSTKT/R/T/20/00003 dtd. 21.01.2020, transferred from CBEC-Central Excise with reference No. CBECE/R/2019/51516 dated 21.01.2020, received in this office on 21.01.2020, filed by Shri Mritunjay Kumar Singh, Advocate, High Court of Delhi, A-47, F-2, Chander Nagar, Ghaziabad- 201011, Uttar Pradesh. Since, the promotion and seniority related matters of Inspectors and Superintendents under this zone are 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.

Encl: As Above.

Yours faithfully,

B. Showmick
22/01/2020
(B. Showmick)
**CPIO & Assistant Commissioner,
CGST, Kolkata Zone**

20/RTI/KO1-NORTH/20
dt. 27.01.2020

RTI REQUEST DETAILS

Registration No. : GSTKT/R/T/20/00003

Date of Receipt : 21/01/2020

Transferred From : Central Board of Excise and Customs - Central Excise on 21/01/2020 With Reference Number : CBECE/R/2019/51516

Remarks : please provide information

Type of Receipt : Electronically Transferred from Other Public Authority

Language of Request : English

Name : Mritunjay Kumar Singh

Gender : Male

Address : Advocate, High Court of Delhi, A-47, F-2, Chander Nagar, Ghaziabad, Pin:201011

State : Uttar Pradesh

Country : India

Phone No. : +91-9953241942

Mobile No. : +91-9953241942

Email : mritunjaylaw@gmail.com

Status(Rural/Urban) : Urban

Education Status : Above Graduate

Letter No. : Details not provided

Letter Date : Details not provided

Is Requester Below Poverty Line ? : No

Citizenship Status : Indian

Amount Paid : 10)

Mode of Payment : Payment Gateway

Request Pertains to :

Information Sought :

1)Please provide information in respect of current seniority list of inspectors in circulation in Kolkata Zone from which latest promotion orders to the grade of Superintendents has been issued. In this respect, please provide related OM/order/etc No of that seniority list. Please provide information in respect of related OMs/circulars Nos issued by DOPT/CBEC based on which the current seniority list of inspectors has been issued. Please provide the copies of note sheets related to preparation & publication of the current seniority list of inspectors. 2)As it is known fact that after publication of a new seniority list. i.e, Final seniority list of inspectors dated 30.11.2015 in the present case, any earlier seniority list get superseded and there is scope remains only for preparation of a new amended seniority list but not to revert back to earlier seniority lists at the comfort of authorities. In this regard, please provide information if two or more different seniority lists of inspectors are co-currently maintained by the Kolkata zone without the older getting superseded by newer one and are used or going to be used at the luxury/will of the authorities at their whim for giving promotions from one seniority list or other. You are also requested to provide the related OM/Circular etc. issued by DOPT/Board allowing the authorities for giving promotions from any older superseded list of seniority. 3)Please provide the OM/Circular Nos, based on which the seniority list of inspectors dated 30.11.2015 in Kolkata Zone has been issued and inform whether they are still in force. 4)Please provide information if the superseded draft seniority lists of inspectors of Kolkata zone published in 2008 & 2010 were in accordance of the OMs 20011/1/2008-Estt(D) dated 11.11.2010 & 20011/1/2012-Estt(D) dated 04.03.2014 which are still in force. 5)Please provide information in respect of any proposal/step by the department for conducting DPC of inspectors in the Kolkata zone for the promotion to the grade of Superintendent on the basis of already superseded draft seniority lists of the year 2008 or 2010 which by virtue of publication of Final seniority list dated 30.11.2015 have been ceased to exist. 6)The regular promotion to Superintendent was accorded to Nitesh Kumar & Gyanendra Kr Singh, Sl. No. 35 & 36 of the seniority list of inspectors dated 30.11.2015, vide Estt order no. 21/2016 dt 26.02.16 placing them above Harihar Ghosh, promoted vide Estt order no. 19/2015 dt 01.04.15. Please provide the grounds on which the officers promoted on 26.02.16 were placed above officer promoted on 01.04.15. Please provide information of any proposal/step regarding reverting back of such regularly promoted officers as per the position accorded to them in the seniority list of inspectors of the year 2008 or 2010. 7)Please provide information in respect of the

RTI Details

been issued. In this respect, please provide related OM/order/etc No. of that seniority list. Please provide information in respect of related OMs/circulars Nos issued by DOPT/CBEC based on which the current seniority list of inspectors has been issued. Please provide the copies of note sheets related to preparation & publication of the current seniority list of inspectors. 2)As it is known fact that after publication of a new seniority list, i.e, Final seniority list of inspectors dated 30.11.2015 in the present case, any earlier seniority list get superseded and there is scope remains only for preparation of a new amended seniority list but not to revert back to earlier seniority lists at the comfort of authorities. In this regard, please provide information if two or more different seniority lists of inspectors are co-currently maintained by the Kolkata zone without the older getting superseded by newer one and are used or going to be used at the luxury/will of the authorities at their whim for giving promotions from one seniority list or other. You are also requested to provide the related OM/Circular etc. issued by DOPT/Board allowing the authorities for giving promotions from any older superseded list of seniority. 3)Please provide the OM/Circular Nos, based on which the seniority list of inspectors dated 30.11.2015 in Kolkata Zone has been issued and inform whether they are still in force. 4)Please provide information if the superseded draft seniority lists of inspectors of Kolkata zone published in 2008 & 2010 were in accordance of the OMs 20011/1/2008-Estt(E) dated 11.11.2010 & 20011/1/2012-Estt(D) dated 04.03.2014 which are still in force. 5)Please provide information in respect of any proposal/step by the department for conducting DPC of inspectors in the Kolkata zone for the promotion to the grade of Superintendent on the basis of already superseded draft seniority lists of the year 2008 or 2010 which by virtue of publication of Final seniority list dated 30.11.2015 have been ceased to exist. 6)The regular promotion to Superintendent was accorded to Nitesh Kumar & Gyanendra Kr Singh. Sl. No. 35 & 36 of the seniority list of inspectors dated 30.11.2015, vide Estt order no. 21/2016 dt 26.02.16 placing them above Harihar Ghosh, promoted vide Estt order no. 19/2015 dt 01.04.15. Please provide the grounds on which the officers promoted on 26.02.16 were placed above officer promoted on 01.04.15. Please provide information of any proposal/step regarding reverting back of such regularly promoted officers as per the position accorded to them in the seniority list of inspectors of the year 2008 or 2010. 7)Please provide information in steps taken by the deptt for early disposal of the WP No. 81/2014 at the Calcutta High Court filed by deptt since last 5 years.

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13-2248
06/02/20

Supdt (RTI)
Dammun 6/2/20



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.

Sm. S. N. Kumar
6/2/20

C. No. II(39)21-ET/CON/RTI/CGST & C.Ex/Kol North/2017/4997 Dated:

06 FEB 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 Mritunjay Kumar Singh, Uttar Pradesh - 201011 - Corres / reg.

Please refer to your office letter under C.No. V(30)23/RTI/HQ/CGST&CX/Kol North/2020/3631 dated 28.01.2020 on the above mentioned subject. As on date, 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 vides his RTI application dated 21.01.2020 is as under-:

Point-wise Reply as on date -:

Reply of Point No. 1 -

The last Annual DPC for the period of 2017-18 for promotion to the grade of Superintendent was held on 30.03.2017, by considering the Seniority list of Inspectors published on 30.11.2015 issued by the erstwhile Central Excise Kolkata-II Commissionerate.

The said Draft Seniority list of Inspector as on 01.04.2015 in the Central Excise Kolkata Zone was issued on 30.11.2015 vide Office Memorandum under C.No.II(34)1-DPC/Kol-II/2012/12335-55B dated 30.11.2015.

Remaining portions of Point No. 1 does not relate with this Unit.

(2)

Reply of Point No. 2 to 4 –

Not relates to this Unit.

Reply of Point No. 5 –

No such information are available in this Unit.

Reply of Point No. 6 –

The Annual DPC Meeting for the year 2015-16 for promotion to the grade of Superintendent was held on 01.04.2015. In the said Annual DPC meeting, the Departmental Promotion Committee (DPC) had followed the Seniority List of Inspectors as on 01.01.2010. However, the Committee had taken note of the fact that a revised Seniority List has been published by Kol-II Comm'te as on 28.03.2015 taking into account the Hon'ble Supreme Court judgment in the case of N.R. Parmar vs. UOI & Ors. Representations had been called for to ascertain errors or omissions if any but the list was yet to be finalized. Therefore the said DPC had decided to follow the earlier Seniority List dated 01.01.2010.

The Review of Annual DPC Meeting for the year 2015-16 for promotion to the grade of Superintendent was held on 25.02.2016. At that time, the revised final Seniority List of Inspector has been published on 30.11.2015 by Kolkata – II Commissionerate (the Cadre Controlling Commissionerate). On scrutiny of the Seniority List, it is found that two direct recruit Inspectors namely Shri Nitesh Kumar (D.O.B. - 16.03.1974) and Shri Gyanendra Kumar Singh (D.O.B. - 10.12.1975) have been placed above Shri Harihar Ghosh (D.O.B. – 10.10.1969) who has already been promoted to the grade of Superintendent w.e.f. 01.04.2015 based on the earlier Seniority List dated 01.01.2010.

Therefore a review of the earlier selection for promotion to the grade of Superintendent decided by the Review DPC on 01.04.2015 is imperative to consider Shri Nitesh Kumar and Shri Gyanendra Kumar Singh for promotion to the grade of Superintendent since their junior has been promoted before them.

The relevant parts of the two Seniority Lists showing the above details are found to be as under.

Seniority position in the Seniority List as on 01.01.2010		Seniority position in the Seniority List published on 30.11.2015	
Sl. No.	Name of the officer (Shri)	Sl. No.	Name of the officer (Shri)
778.	Harihar Ghosh	35.	Nitesh Kumar
1090.	Nitesh Kumar	36.	Gyanendra Kr. Singh
1091.	Gyanendra Kr. Singh	37.	Harihar Ghosh

(3)

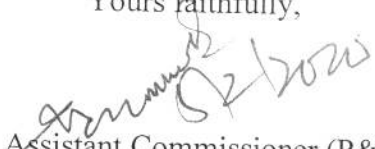
It is worthwhile to mention that no proposal / step has been taken regarding reverting back of such regularly promoted officers as per the position accorded to them in the Seniority list of Inspectors of the year 2008 or 2010.

It is also important to mention that the Seniority List of Inspector which was published on 30.11.2015 is under sub-judice before the Court of Law at this juncture.

Reply of Point No. 7 –

Not relates to this Unit.

Yours faithfully,


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