

**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)73/RTI/HQ/CGST & CX/Kol-North/2021

To  
Shri Prafulla Kumar Mahapatra,  
C/101, Ratna Lifestyle Apartment,  
Prashanti Vihar Road, Sikharchandi Nagar,  
Bhubaneswar, Pin-751024

Dated: -



Sir/Madam,

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

Please refer to your RTI application dated-27.06.2021, which has been received in this Commissionerate on 01.07.2021 and received to this section on 01.07.2021. Subsequently the said RTI application was registered at this office vide Registration No.82 RTI Kol-North 2021 dated- 01.07.2021.

The desired informations as received from the CAO, Kolkata North CGST&CX Commissionerate on 03.08.2021 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 1<sup>st</sup> Appellate Authority namely Sri P. K. Bohra, Additional Commissioner & FAA, CGST & CX, Kolkata-North Commissionerate, O/o The Principal Commissioner of CGST & CX, 2<sup>nd</sup> Floor, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107.

**Encls:** 04 (Four) Sheets

Yours faithfully,

(DIBYENDU CHATTERJEE)

CPIO & Deputy Commissioner  
HQ RTI, CGST: Kol-North Comm'te.

Dated: -

C. No. As above/

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-28.05.2021, submitted by Shri Prafulla Kumar Mahapatra, C/101, Ratna Lifestyle Apartment, Prashanti Vihar Road, Sikharchandi Nagar, Bhubaneswar, Pin-751024 (enclosed **Six** sheets).
2. The CPIO & Assistant Commissioner, CCO, O/o the Pr. Chief Commissioner CGST & CX, Kolkata Zone.

(DIBYENDU CHATTERJEE)  
CPIO & Deputy Commissioner  
HQ RTI, CGST: Kol-North Comm'te.

1/2021

To,  
The CPIO & Deputy Commissioner,  
HQ RTI Cell,  
CGST & CX Kolkata North Commissionerate.

Sir,

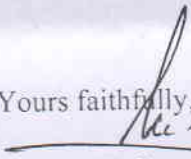
Subject- RTI application dtd. 27.06.2021 filed by Shri Prafulla Kumar Mahapatra, Bhubaneswar -regarding.

Please refer to your office letter C.No. V(30)73/RTI/HQ/CGST&CX/Kol North/2021/10049 dated 14.07.2021 on the captioned subject.

As per the information provided by the applicant, he joined service at Central Excise & Customs Bhubaneswar Zone and also retired from that Zone. He requires information regarding Superintendents of CGST & CX Kolkata Zone who were granted MACP during the year 2016 or 2017 and were junior to him, for the purpose of his application for stepping of the pay. But, according to Stepping Up of Pay rules, seniority of a person, for the purpose of stepping up, cannot be compared to another person in the seniority List maintained by the other State/Zone in lower grade ( i.e. Inspector). Comparison can only be made with reference to persons within the concerned State/Zone having a common Seniority List in lower grade (i.e. Inspector). Copy of Chapter 19 of Swamy's Master Manual for DDOs and Heads of Offices is enclosed for reference.

Enclosed: As above (03 Sheets)

Yours faithfully,

  
Kaushik Chowdhury for Approver Name  
03/09/21  
Chief Accounts Officer for Approver Designation

## CHAPTER 19

### STEPPING UP OF PAY

It may happen that a senior official promoted to a post earlier may happen to draw less pay than his junior who is promoted subsequently. In order to remove such anomaly, provision exists in Government's orders for stepping up of the pay of the senior official at par with his junior, as explained below—

#### (1) Anomaly due to CCS (RP) Rules in the fixation of pay.

(a) *Fixation on 1-1-2016.*— Where in the fixation of pay under sub-rule (1), the pay of a Government servant, who, in the existing scale was drawing immediately before the 1st day of January, 2016 more pay than another Government servant junior to him in the same cadre, gets fixed in the revised pay band at a stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised pay band as that of the junior.

[ Sub-rule 8, Rule 7 ]

(b) *Fixation on promotion.*— In cases where a senior Government servant promoted to a higher post before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1st day of January, 2016, the pay in the pay band of the senior Government servant should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfilment of the following conditions, namely:—

- (a) both the junior and senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre;
- (b) the existing pay structure and the revised pay structure of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) the senior Government servants at the time of promotion should have been drawing equal or more pay than the junior.
- (d) the anomaly should be directly as a result of application of the provisions of Fundamental Rule 22 or any other rule or order regulating pay fixation on such promotion in the revised pay structure. Provided that if, the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, provision of this sub-rule need not be invoked to step up the pay of the senior officer.

[ Sub-rule 10, Rule 7 ]

## STEPPING UP OF PAY

The orders refixing the pay of the senior official shall be issued under FR 27. The next increment of the senior will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay.

[ GIO (23), FR 22 ]

**(2) Seniority to be decided with reference to the relevant Seniority List.**— For the purpose of stepping up of pay of the senior, the position of his seniority and comparison with his junior should be with reference to the seniority list maintained in the lower grade. For example, Seniority List is maintained State-wise or Zonal-wise for the grade of Accountant / Head Clerk, while the promotion to the next grade of Administrative Officer or Accounts Officer is made on All-India basis. The relative seniority for stepping up of pay on in the concerned State or Zone for the lower grade of Accountant / Head Clerk. In other words, a person cannot claim for stepping up of his pay to that of another person in the Seniority List maintained by the other State / Zone. Comparison can only be made with reference to persons within the concerned State / Zone having a common Seniority List.

[ D.G., P. & T's Instruction (2) below FR 22 ]

**(3) Stepping up of pay of senior for a second time in order to remove an anomaly in pay vis-a-vis same junior admissible.**— It has been clarified by the Comptroller and Auditor-General [ C & AG Decision (2) below FR 22 ] that stepping up of pay of the senior is allowed only once with reference to the pay of the first junior (not necessarily immediate junior), even if he is entitled to the benefit with reference to second junior also promoted subsequently. However, Government have issued orders that after the senior's pay has been stepped up with reference to his junior, if the pay of that junior is stepped up with reference to another junior, the pay of the senior can be stepped up for a second time with reference to the first junior.

[ GIO (20), FR 22 ]

**(4) Instances which do not constitute an anomaly.**— In the following instances, a junior drawing more pay than the senior will not be an anomaly and in such cases the stepping up of the pay of the senior will not be admissible:—

- (a) Where a senior proceeds on Extraordinary Leave which results in postponement of date of next increment in the lower post, consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade.
- (b) If a senior forgoes / refuses promotion leading to his junior being promoted / appointed to the higher post earlier, junior draws higher pay than the senior. The senior may be on deputation while junior avails of the *ad hoc* promotion in the cadre. The increased pay

drawn by a junior either due to *ad hoc* officiating / regular service rendered in the higher posts for periods earlier than the senior, cannot, therefore, be an anomaly in strict sense of the term.

- (c) If a senior joins the higher post later than the junior, for whatsoever reasons, whereby he draws less pay than the junior, in such cases senior cannot claim stepping up of pay at par with the junior.
- (d) If a senior is appointed later than the junior in the lower post itself whereby he is in receipt of lesser pay than the junior, in such cases also the senior cannot claim pay parity in the higher post, though he may have been promoted earlier to the higher post.
- (e) Where a person is promoted from a lower to a higher post, his pay is fixed with reference to the pay drawn by him in the lower post under FR 22 (I) (a) (1) and he is likely to get more pay than a direct appointee whose pay is fixed under different set of rules. In such cases, the senior direct recruit cannot claim pay parity with the junior promoted from a lower post to higher post as seniority alone is not a criterion for allowing stepping up.
- (f) Where a junior gets more pay due to additional increments earned on acquiring higher qualifications.

[ GIO (23), FR 22 ]

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Most Urgent  
RTI Matter

भारत सरकार

GOVERNMENT OF INDIA

प्रधान मन्त्री आर्थिक वित्त मन्त्रालय

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 मंज, 180, शान्ति पल्ली, 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

F. No. GCCO/RTI/APP/416/2021-TECH-Pr CC-CGST-ZONE-Kolkata/ 8278 Date: 28.06.2021

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

Sir,

**Sub: RTI Application filed by Shri Prafulla Kumar Mahapatra under Right to Information Act 2005 -req.**

Please find enclosed herewith RTI application having registration No. GSTKT/R/E/21/00070 dated 27.06.2021, received in this office on 28.06.2021, filed by Shri Prafulla Kumar Mahapatra, C/101 Ratna Lifestyle Apartment, Prashanti Vihar Road, Sikharchandi Nagar, Bhubaneswar, Pin: 751024. The information sought by the applicant is about MACP of Superintendent, hence, the instant RTI Application is transferred to you under section 6(3) of the RTI Act. 2005.

You are requested to supply the information directly to the applicant under RTI Act, 2005.

Encl: As Above.

Yours faithfully,

  
(Gopal Dutt) 28/6/21

CPIO & Assitant Commissioner,  
Pr. CCO, Kolkata Zone

## RTI REQUEST DETAILS

Registration No. : GSTKTR/E/21/00070

Date of Receipt : 27/06/2021

Type of Receipt : Online Receipt

Language of Request : English

Name : PRAFULLA KUMAR  
MAHAPATRA

Gender : Male

Address : C/101 RAJNA LIFESTYLE APARTMENT, PRASHANTI VIHAR ROAD,  
SIKHARCHANDI NAGAR., BHUBANESWAR, Pin:751024

State : Odisha

Country : India

Phone No. : Details not provided

Mobile No. : +91-9337107348

Email : prafulla1960@gmail.com

Status(Rural/Urban) : Urban

Education Status : Above Graduate

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 :

It is for your kind information that I was working in the Central Excise & Customs, Bhubaneswar Zone from dt. 14.10.1985 to dt. 31.03.2020. I joined as an Inspector of Central Excise & Customs and retired as Assistant Commissioner of GST & Central Excise. My Employee Code was No. 7753. Recently, I have gone through the provisions mentioned at Para-20 of OM No. 35034/3/2015-Estt. (D) dt. 22.10.2019 issued by the Department of Personnel and Training, New Delhi.

It may be noted from Para No. 20 of the OM that ~~However~~ in cases where a senior Government Servant granted MACP to a higher grade pay before the 1st January, 2016 draws less pay in the revised pay structure than his junior who is granted MACP to the higher level on or after 1st January, 2016, the pay of the senior Government servant in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of MACP of the junior Government servant subject to the fulfilment of the following conditions.

### Information Sought :

In my case, I was granted 3rd MACP w.e.f. 14.10.2015 and my pay was fixed at Rs. 26,830/- plus Grade Pay of Rs. 5,400/- in the pay scale of Rs. 15,600/- to Rs. 39,100/-PB-3. After 7th Pay commission, my pay was fixed at Rs. 84,900/- w.e.f. dt. 01.01.2016.

Hence, the following information may kindly be furnished to me in order to represent my case for stepping up of pay as per the provisions mentioned at Para-20 of the OM No. 35034/3/2015-Estt. (D) dt. 22.10.2019 issued by the Department of Personnel and Training, New Delhi.

Please furnish the name, date of joining in the Department, date of grant of MACP after dt. 01.01.2016 and pay fixed in respect of those Superintendents junior to me and who were granted MACP to the higher level during the year 2016 or 2017 under your Zone. Details of those officers are only required whose pay was fixed at an amount being more than Rs. 84,900/- in the following format.  
1. Sl. No. 2. Name of the Superintendent 3. Date of joining in Department 4. Date of grant of MACP on or after 01.01.2016 5. Pay fixed on grant of MACP

My RTI application filed vide Registration No. GSTKTR/E/21/00069 filed on dt. 26.06.2021 is hereby withdrawn as the same was incomplete.

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