

By Speed Post
RTI MATTER
MOST IMMEDIATE

F.No.C.50/RTI/07/2018-Ad.II
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise & Customs)

New Delhi, 2nd April 2018

To

Dr. Anup K Srivastav,
President,
IRS(C&CE) Association.

Subject: Information sought under the Right to Information Act, 2005.

Sir,


Please refer to your RTI application F.No.IRS Association /RTI/AKS/pers./18/1 dated 18.01.2018. Point-wise information is furnished below:-

1. (a) The DPC held on 09.03.2015 recommended a regular panel of 79 officers and an extended panel of 7 officers for the vacancy year 2014-15. At the time of forwarding the proposal to DoP&T for obtaining the approval of ACC, the vigilance status of all the 86 officers, who were recommended by the DPC, were provided to the DoP&T.
(b) There is no correspondence indicating the reasons for not approving promotion of some Commissioners. However, subsequently, the ACC directed the Department to furnish the latest vigilance status in respect of 3 officers which included your name.
(c) You are requested to inspect the file.
(d) You are requested to inspect the file.
(e) Yes.
(f) Due to pending vigilance cases in the intervening period, the ACC approved to treat your case as in "Deemed Sealed Cover".
2. Yes.
3. No. Complete vigilance status as provided by vigilance wing is sent to ACC and it is also mentioned in the personal particulars.
4. There is no question of change of procedure. The practice is continuing as on date.
5. Yes.
6. The criteria^{is} as per DoP&T guidelines.
7. (i) The criteria^{is} of Vigilance clearance as per DoP&T guidelines.
(ii) Yes. However factual position in respect of individual officers including pending cases/complaints are intimated to ACC.
8. Yes for the purpose of DPC. As per format prescribed by DoP&T.

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9. Yes. The ACC deferred the case seeking certain clarification.
10. 2014-15, 2015-16.
11. The case of Shri Srivastava was not approved by the ACC for vacancy year 2014-15 and kept the recommendation of DPC in deemed sealed cover. Accordingly all the Sealed Cover cases have been considered in the subsequent DPCs. Shri A.K.Srivastava was also, therefore, considered in the subsequent DPC for 2015-16. The name of Shri Srivastava was recommended "Fit" for promotion by the DPC for vacancy year 2015-16. His name was not considered for vacancy year 2016-17.
12. There is no question of deliberate or inadvertent.
13. This issue is under examination.
14. Copy of correspondence of ACC dated 04.07.2017 is enclosed.
15. You are requested to inspect the file.
16. You may inspect the file.
17. Updated status of pending cases/complaints have been sought from vigilance division of CBEC.
- 18,19 & 20. The matter does not pertain to Ad.II. Accordingly a copy of your application has been forwarded to Headquarters(Admn.), DOR for furnishing the requisite information directly to you under Section 6(3) of the RTI Act, 2005.
21. You are requested to inspect the file.
22. There is no discrimination.
23. Yes.
24. No.
25. Regularization of ad-hoc promotion and regular promotions have been fast tracked.
- II. In case you are not satisfied with the above reply, you may prefer an appeal within 30 days from the date of receipt of this letter before Shri M.L.Meena, Deputy Secretary(Ad.II) & Appellate Authority, Department of Revenue, Room No.52, North Block, New Delhi-110001.
- III. The delay in furnishing the reply is deeply regretted.

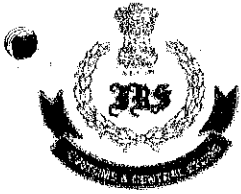
Yours faithfully,


(S.A. Ansari)

Under Secretary to the Govt. of India & CPIO
Tel: 23095529.

Encl.: As above..

✓ Copy to: CPIO, Ad.I, Department of Revenue, North Block, New Delhi with request to furnish directly to the applicant the requisite information on point Nos. 18,19 and 20 in the application dated 18.01.2018 of Dr. Anup K. Srivastav, President, IRS(C&CE) Association (Copy enclosed).



देशसेवार्थं करसंग्रह

INDIAN REVENUE SERVICE ASSOCIATION

(All India Association of IRS Customs & Central Excise Officers)

Email: association.irsece@gmail.com

Website: www.irsonline.in

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F.No.IRS Association/RTI/AKS/pers./18/1

Dated: 18-01-2018

To

The CPIO
Central Board of Excise & Customs
North Block
New Delhi.

Sir,

Sub:- Providing information under RTI Act.

You are requested to kindly provide the following informations under the RTI Act to the undersigned:

1 (a) At the time of DPC for Commissioner(1982 to 1986 batches) to Principal Commissioner in March/April 2015 how many officers were recommended for promotion by DPC and how many were given vigilance clearance and sent to ACC?

(b) Why did ACC not approve the promotion of some Commissioners in the first list? How many Commissioners were left and what is the ground for not promoting them?

(c) Please provide the copy of the note sheet of all the officers whose names were recommended for promotion.

(d) In what format the vigilance clearance was sent?

(e) Whether the name of Commissioner Dr.Anup Kumar Srivastav 1984 Batch was recommended for promotion to Pr.Commissioner to ACC from the department alongwith vigilance clearance in March/April 2015?

VS (A.d.II.)
19/1/18



INDIAN REVENUE SERVICE ASSOCIATION	
MINISTRY OF FINANCE / CUSTOMS	
DEPARTMENT OF CUSTOMS, EXCISE & CENTRAL TAXES	
1, FORT ROAD, NEW DELHI - 110002	
RTI No.	90116
Date of Receipt	22/01/2018

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(f) What was the reason for his non promotion?

2. During 2015 whether the list of past cases and pending enquiries/complaints/issues were also being informed to ACC alongwith the vigilance clearance?

3. Whether this practice was discontinued later and vigilance clearance for promotion was sent only considering three criterias:

- i) Whether the officer is under suspension
- ii) Whether there is any criminal prosecution
- iii) Whether any chargesheet is pending

4. Whether the practice of sending details of past cases and pending cases other than these three cases was discontinued? If yes since when?

5. Whether in the DPC of 1982 to 1986 batch from Pr.Commissioner to Chief Commissioner, the details of all past vigilance cases of officers or pending complaints were sent to ACC?

6. What was the criteria adopted for vigilance clearance for the Batches 1982-1986 for promotion from Pr.Commissioner to Chief Commissioner?

7. i) What was the criteria of vigilance clearance adopted for promotion of remnant 1986 batch officers and 1987 batch officers from Commissioner to Pr.Commissioner?

7. ii) Whether the details of past cases or pending complaints/cases/vigilance issues were informed to the ACC or the vigilance clearance was given as per the DOPT norms of three criterias based on Janki Raman Judgement?

8. Whether the vigilance clearance of Dr.Anup Kumar Srivastav was also given in Feb-May 2017 DPC alongwith remnant 1986 batch and 1987 batch officers for

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promotion from Commissioner to PC? What was the format of vigilance clearance?

9. Whether his name was recommended to ACC with vigilance clearance for promotion alongwith other officers of remnant 1986,1987 batch? If yes, then why was he not promoted?

10. For which panel year vacancies name of Dr.Anup Kumar Srivastav was recommended?

11. Dr.Anup kumar Srivastav was not superseded. Though his name was recommended for promotion to ACC but for the vacancy year of 2015-16 or any other vacancy year, instead of vacancy year 2014-15. Reasons for recommending the name for promotion to ACC in later panel year please be informed.

12. Was it deliberate or inadvertent? Was it done deliberately to harm to DR.Anup Kumar Srivastav? Who all officers are responsible for recommending the name of Dr.Anup Kumar Srivastav for promotion to ACC from Commissioner to Pr.Commissioner in a wrong panel year?

13. His name was recommended for promotion in 2017 and vigilance clearance given then why the deemed seal cover was not opened and acted upon?

14. What was the query from ACC regarding his promotion in 2017?

15. Please send the complete note sheet of promotions of all the officers whose names were recommended alongwith Dr.Anup Kumar Srivastav to ACC in 2017 and copy of the letter received from ACC.

16. The chargesheet was issued to Dr.Anup Kumar Srivastav in 2016 and his case was kept under deemed seal cover. CAT Guwahati High Court quashed the chargesheet on 31st August 2016. Several representations were given by Dr.Anup Kumar Srivastav for opening the seal cover and promoting him as per the

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recommendation of DPC. The action taken on his representations please be informed and copy of the note sheet please be furnished.

17. The reasons for not opening the seal cover of Dr. Anup Kumar Srivastav after quashing of chargesheet please be informed.

18. Whether in the cases of promotion from Chief Commissioner/Pr. Chief Commissioner to Member, the details of past cases and the penalties imposed and the pending complaints are being informed to the ACC?

19. Is there any Member in the Board who has been given administrative warning or caution or displeasure in the past and whether the same was informed to the ACC by the department? If yes, then please give details of cases with names of officers.

20. Amongst the present Board Members, Is there any Member against whom complaints were pending during consideration of his promotion to Member and whether the same was informed to ACC? What is the practice of giving vigilance clearance before sending to ACC and what is the criteria being adopted for giving the vigilance clearance? Whether the same criteria is adopted for all promotions ?

21. Vigilance clearance was given to Dr. Anup Kumar Srivastav and his name was recommended to ACC for promotion from Commissioner to Pr. Commissioner in 2017 then what was the need of fresh vigilance clearance when ACC asked to examine the same for the panel year 2014-15 as the vigilance clearance is valid for three months? The query regarding the promotion of Dr. Anup Kumar Srivastav from ACC was received in the department on 5th July. Since then what action has been taken and why he has not been promoted as yet inspite of the fact that he was duly recommended for promotion to ACC and only the panel year was to be rectified. The copy of the note sheet from the initiation of DPC till now please be provided regarding his promotion.