

F.No. R.20011/148/2018-Ad.I
 Government of India
 Ministry of Finance
 Department of Revenue

Shri Sudhakar Mishra
 V/s

CPIO(Ad.I), Department of Revenue,
 Ministry of Finance

Subject:- Appeal under Section 19(1) of the RTI Act, 2005

Whereas, Shri Sudhakar Mishra, the appellant vide his RTI application dated 11.06.2018 had requested for the following information/document:

1. (a) *The Department of Revenue has notified Rules for Recruitment of Chairman and Members of the Central board of Direct Taxes and the Central Board of Customs and Excise in the year 2006. Were there any such Rules during the period from the year 1990 till the year 2006 when the Rules were promulgated?*
 (b) *If there was, please furnish a copy of such Rule(s). If there was none, please furnish copies of the relevant administrative instructions/circulars/guidelines/office memorandum etc. regarding the appointment of the Members of the Central Board of Direct Taxes and Central Board of Excise and Customs during the period from 1990 to 2006.*
2. *Please inform the procedure which was followed for selection and appointment of Members, Central Board of Direct Taxes and Members, Central Board of Excise and Customs during the period from 1990 to 2006?*
3. *What was mode of appointment to the posts of Member, Central Board of Direct Taxes and Member, Central Board of Excise and Customs during the period from 1990 to 2006? Were there posts selection posts or promotional posts?*
4. *Have the posts of Member, Central Board of Direct Taxes and Member, Central Board of Excise and Customs ever been posts to which persons were selected by promotion and not selection.*
5. *Are the Members and Chairman's post now or ever before were cadre posts of the Income Tax Department/Central Customs and Excise department, or they were and continue to be ex cadre posts with ex officio secretarial designation?*

2. Whereas, the CPIO(Ad.I) vide letter dated 03.07.2018 furnished the following information to the applicant:-

Sr.No.	Reply
1 & 2	Between 1990 and 2006, there were no Recruitment Rules for the posts of Chairman and Members of the CBDT and CBEC. As per the consistent practice, selection was made amongst the senior most IRS/IC&CES officers.
2.	The posts of Chairman and Members of the CBDT and CBEC were 'Selection' post.
4.	No.
5.	The post of Members and Chairmen of CBDT and CBEC were ex-cadre post.

3. Whereas, the appellant has preferred an Appeal dated 28.07.2018 against the CPIO(Ad.I) for providing a vague reply in respect of question no 2 of the application and sought the following clarification:-


(a) The name of the Committee and prescribed details of complete composition of the Committee, which made the selection from among senior IRS and IC&CES officers for appointment to the posts of Chairman and/Members of the CBDT and CBEC.

(b) Confirm that the "consistent practice" means that there is no change in the selection procedure between, say 24th December 2008 and onwards and the practice which was followed during the period 1990-2006.

4. I have gone through the RTI application dated 11.06.2018 and the reply of CPIO(Ad.I) dated 03.07.2018.

ORDER

The CPIO(Ad.I) has received the RTI application on 19.06.2018 and furnished the available information to applicant in respect of RTI application dated 12.06.2018 on 03.07.2018. After going through the RTI application and appeal filed, the CPIO/US(Ad.I) is directed to furnish the specific composition of the Selection Committee from the available records within 07 days of this order.

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(B.V.R.C. Purushottam)

Deputy Secretary(Hqrs.) & 1st Appellate Authority
2.08.2018

To

Shri Sudhakar Mishra
Flat No. B-71, Utkal Royal Residency
Gautam Nagar, Bhubnaeswar-751014

Copy To:-

CPIO/US(Ad.I), Department of Revenue for necessary action.

Issued
9/8/18

RTI Matter/Immediate

F.No. R-20011/147/2018-Ad.I
Government of India
Ministry of Finance
Department of Revenue

New Delhi, dated the 10th August, 2018.

To

Shri Sudhakar Mishra
Flat No. B-71, Utkal Royal Residency
Gautam Nagar, Bhubnaeswar-751014

Subject: **Appeal under Section 19(1) of the RTI Act, 2005 - Furnishing of information-**
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Sir,

I am to refer to Order of even no dated 07.08.2018 passed by the 1st Appellate Authority on the subject cited above and to convey that sincere efforts have been again made to trace the relevant files. However, no formal order for composition of the selection committee is traceable. Moreover, as per records available (i.e. a meeting notice dated 27.05.2004), selection committee under the Chairmanship of Cabinet Secretariat, Secretary(Personnel), Secretary(Revenue) and Home Secretary made the selection for the posts of Members and Chairman of the CBDT/CBEC. Further, at present in terms of CBDT/CBEC (Chairman and Members), Recruitment Rules, 2017, a Selection Committee with the following composition recommends selection of eligible officers to be appointed to this post by the Central Government:—

- | | |
|--|------------|
| (i) Cabinet Secretary | —Chairman; |
| (ii) Principal Secretary/ Additional Principal Secretary to PM | —Member; |
| (iii) Home Secretary | —Member; |
| (iv) Secretary (Personnel), DoPT | —Member; |
| (v) Secretary, Department of Revenue | —Member; |

Note: The Selection Committee may devise ways to assess candidates

Yours faithfully,

o/k

(Signature)
10/8/18

(Rajinder Kumar)

Under Secretary(Ad.I)/CPIO

Copy to:-

Deputy Secretary(Hqrs.) and 1st Appellate Authority, Department of Revenue

Issued
10/8/18