

DRAFT

Revised Transfer/Placement Guidelines for Group 'B' Gazetted and Non-Gazetted Executive Officers (Inspectors and Superintendents) on the cadre strength of Cadre-controlling Authority (CCA), Central Excise, Chandigarh Zone.

(W.E.F. 1ST April 2015)

Executive Group-B officers in the rank of Superintendents and Inspectors constitute 54% of total sanctioned staff strength under the CCA Central Excise, Chandigarh Zone. They are required to serve anywhere in the territorial jurisdiction of this zone and as such are liable to be transferred from one Commissionerate/Division/Range/Branch/Section to another to meet the exigencies of work and in public interest.

2. It is, therefore, imperative that guidelines for transfer/placements of these officers, who are often the first to interact with assesseees / other stake holders of the department, are reviewed periodically to keep pace with the changing dynamics of the department, tax collection and the objectives sought to be achieved through these guidelines.

3. Existing guidelines for transfer and placement of Group-B Gazetted and Non-Gazetted executive officers in Chandigarh Zone were first issued on 10.02.2009. Implementation of these guidelines over the period provided useful insights into the constraints encountered in reconciling the objectives sought to be achieved by these guidelines and the aspirations of the staff, arising out of interpretation of these guidelines, particularly those relating to rotation of postings, in purely literal sense in isolation of the main objectives and impracticability of prescribed rotation (either inter-Commissionerate or intra-Commissionerate) in certain situations. Moreover, organisational restructuring introduced through Notifications No. 77-85/2014-Cus(NT) dated 16.09.2014, 27-29/2014-CE(NT) dated 16.09.2014 and 20-22/2014-Service Tax dated 16.09.2014 which became operational w.e.f. 15.10.2014 has led to creation of three new Commissionerates viz. Central Excise Commissionerate, Jalandhar, Central Excise Audit Commissionerate, Chandigarh and Customs Commissionerate, Ludhiana in so far as the cadre controlling work of CCA, Central Excise, Chandigarh Zone is concerned. Besides, the organisational structure, jurisdictions of Commissionerates existing prior to

15.10.2014 have also undergone change. All this has necessitated review of existing transfer/placement guidelines and framing of new guidelines which are more in sync with new organisational structure in this zone and the objectives sought to be achieved by these guidelines. Hence, the revised transfer/placement guidelines are proposed as under :-

4. OBJECTIVE OF THE GUIDELINES

Main/broad objectives sought to be achieved by these guidelines are as under :-

- (i) To prevent/avoid undesirable effects of prolonged stay at a particular station/post.
- (ii) To provide adequate and varied exposure to different areas of work to maximum number of officers for broadening and deepening their knowledge, experience and skills. However, this rotation will be subject to the capacity, competency, aptitude and potential for development of the officer. Further, it will not be carried out mechanically or claimed as a matter of right.
- (iii) To promote integrity, efficiency, improved performance and incentivise hard work and competency based on objective/verifiable analysis of the performance.
- (iv) To provide necessary flexibility to senior management to select right persons for the jobs requiring special aptitude, such as Chief Commissioner Unit, Office of the Commissioner (Appeals), Special Economic Zone, Adjudication, Review, Systems, Preventive and work related to Hqrs. Administration.
- (v) To accommodate requests for transfer on grounds of genuine and serious medical problems of self/dependents and on ground of children education (specifically for the children studying in class 12th).

5. PERIODICITY

5.1 Annual General Inter-Commissionerate Transfers within the zone in Group-B Gazetted and Non-Gazetted Executive grades and in particularly involving a change of station should be effected once in a year at the end of the academic

year. Efforts should be made to ensure issue of annual general inter-Commissionerate transfer orders by 15th April and in any case by 30th April. Similarly annual general intra-Commissionerate transfers should be completed by 15th May 2015 so that officers join their new place of posting latest by 1st June.

5.2 In general, the transfer during the remaining period of the year should be ordered only on compassionate grounds. Other than this, such transfers can be ordered only on administrative exigencies or in public interest and to the extent possible, should be restricted to shifting which does not involve change of station. Posting of the officers who have differently abled dependents would be governed by the DOPT OM dated 6.6.2014 issued from file No. 42011/3/2014-Estt.(Res.).

6. Inter-Commissionerate transfer, transfer/posting to Chief Commissioner Unit, Office of the Commissioner (Appeals), Special Economic Zone, rotational transfer to DRI/DGCEI/CESTAT and transfer on deputation.

6.1 The normal tenure for posting at a stretch in the jurisdiction of each Commissionerate in the zone would be 4 years.

6.2 Posting to Central Excise Commissionerate, Jammu & Kashmir

(i) Considering the revised jurisdiction of Central Excise Commissionerate, Jammu & Kashmir and return of normalcy in the state over time, the tenure in Central Excise Commissionerate, Jammu & Kashmir is proposed to be similar to other jurisdictional Commissionerates i.e. 4 years. However, in view of general reluctance of the staff outside Jammu & Kashmir for posting in Jammu & Kashmir and to promote a sense of fair play and objectivity, it is proposed to continue the existing policy of posting to Central Excise Commissionerate, Jammu & Kashmir based on roster system which will be prepared, updated and circulated each year by 15th February. Draft guidelines for preparing the rosters are as under :-

(A) Superintendents

(a) A list of officers who have never been posted to J&K Commissionerate (in the combined grades of Superintendents & Inspectors), other than those who are left with service of two years or less before superannuation as on 1st April of the AGT year shall be prepared. From this list, the officers will be selected for posting to J&K in order of their seniority in the grade, senior most going first;

(b) After (a) above, the officer who had remained posted in the J&K Commissionerate (in the combined grades of Superintendents & Inspectors) for a period of less than 9 months (i.e. in the order of one month, two months, three months and so on) shall be considered.

(c) in case, sufficient Superintendents in above manner (i) & (ii) are not available for transfer to J&K Commissionerate, the Superintendents who remained posted outside J&K for the longest interval after their last posting to that Commissionerate (in the combined grade of Inspectors & Superintendents) shall be considered, the officer with longest interval going first.

(B) Inspectors

(a) The Inspectors, who have never been posted to J&K Commissionerate, shall be considered for posting to the J&K Commissionerate. For this purpose, a roster shall be prepared with reference to equal number of the senior most Inspectors and the junior most Inspectors for posting to the J&K Commissionerate. In case sufficient number of Inspectors is not available for transfer to J&K Commissionerate in the manner, the Inspectors who remained posted outside J&K for the longest interval, after the last posting to that Commissionerate shall be considered, the officer with longest interval going first.

(ii) (a) In case, the officers are transferred to the J&K Commissionerate in the aforesaid manner without completing their tenure of 4 years in a Commissionerate, the officers shall normally be brought back to the same Commissionerate from where they were transferred to the J&K Commissionerate to enable them to complete tenure of 4 years in that Commissionerate. This will not apply to cases where officers are transferred to the J&K Commissionerate after completion of 4 years tenure in the Commissionerate.

(b) Posting of the officers who have differently abled dependents would be governed by the DOPT OM dated 6.6.2014 issued from file No. 42011/3/2014-Estt.(Res.).

(c) A willing officer may be allowed to continue in J&K Commissionerate for a period longer than 4 years subject to administrative exigency.

(d) Any other administrative requirements/exigencies.

6.3 An executive officer who is due for superannuation within 2 years shall be, as far as feasible, posted to the station of his/her choice or to the nearest station unless there are administrative exigencies or public interest to post him/her elsewhere or to continue him/her at the existing place of posting.

6.4 In case of an officer who is due for transfer on completion of his tenure in the Commissionerate but whose children have joined class 12th in that particular year, the tenure of the officer in that Commissionerate will be, if the officer so requests in writing before issue of AGT orders, extended by one year. However, the prescribed rotation of posting for intra-Commissionerate transfers in that Commissionerate would also apply in his case.

6.5 For calculation of tenure, posting as on 1st April of every year shall be considered and a stay of nine months or more as on the cut off date (1st April) shall be taken to be a complete year.

6.6 Postings to Chief Commissioners Unit and Special Economic Zone will be decided by Chief Commissioner. Similarly, postings to the office of Commissioner (Appeals) would also be decided by Chief Commissioner in consultation with concerned Commissioner (Appeals). Normal tenure for posting in Chief Commissioner Unit, Commissioner (Appeals) office and Special Economic Zone would be 2 years. This would be considered as a posting other than posting in Commissionerates and officer for these postings would be selected by Chief Commissioner based on aptitude, competency and experience of the officers.

6.7 Subject to administrative exigency/available working strength, the aggregate tenure at a stretch in Central Excise Commissionerates would be 12 years and in Customs Commissionerates 4 years.

6.8 Staff posted/transferred to Customs, would be placed at the disposal of the Committee of Commissioners consisting of Commissioner, Customs (Preventive) Commissionerate, Amritsar and Commissioner of Customs, Ludhiana. After consultation, the senior Commissioner would issue the orders allocating the staff to the two Customs Commissionerates.

6.9 The officers will be posted to DRI/DGCEI/CESTAT on rotational transfer basis initially for two years, which can be further extended in consultation

with these agencies up to total tenure of 5 years. They would be against the sanctioned strength of Chief Commissioner Unit. On completing their normal tenure/extended tenure in DRI/DGCEI/CESTAT, they shall normally be posted back to the same Commissionerate from where they had proceeded to these organisations to complete their remaining tenure in the Commissionerate. However, this shall be subject to :-

- (i) availability of vacancies in their grade in that Commissionerate;
- (ii) discretion of the administration to ensure equitable distribution of manpower in various Commissionerates.

Similarly, the officers who are posted to DRI/DGCEI/NCB or any other Directorate or Commissionerate on deputation basis without completing their normal tenure at a stretch in the particular Commissionerate/office shall normally be posted back to the same Commissionerate/office from where they had proceeded to these organisations to complete their remaining tenure.

6.10 The maximum tenure at a stretch at Chandigarh, Ludhiana, Jalandhar and Amritsar stations shall not normally exceed five years; at Patiala not more than 4 years; and at other stations not more than 3 years. This is the maximum tenure at a stretch and does not mean that the officer cannot be transferred out of this station before completing the maximum tenure. However, the tenure in CCU, office of the Commissioner (Appeals), Special Economic Zone and at Hqrs. Office of Central Excise Audit Commissionerate will not be counted for this purpose.

7. Intra-Commissionerate postings/transfers

7.1 The transfers and postings within a Commissionerate shall be decided by the Commissioner concerned. Considering the fact that different Commissionerates have different requirements/dynamics of the various postings in their jurisdictions, no uniform policy in the zone for intra-Commissionerate rotation appears desirable. It is, therefore, proposed that each Commissionerate will draft well defined rotation policy by 20th January which would be approved by Chief Commissioner and will be part of this policy. The policy should specifically mention the prescribed tenure for different postings within the Commissionerate and the list of sensitive and non-sensitive postings in that Commissionerate.

7.2 Any modification and revision of the approved policy of the Commissionerate shall be subject to prior approval of the Chief Commissioner.

8. Pre-mature transfers

Pre-mature transfer can be ordered by Chief Commissioner on compassionate grounds or on administrative exigency by recording specific reasons for the same, in the file.

9. For computation of tenures of sensitive and non-sensitive charges in a Commissionerate for deciding their postings, the tenure of sensitive and non-sensitive charges of the officer in the previous Commissionerate shall also be taken into consideration. For this purpose each Commissionerate should draft and circulate the list of sensitive and non-sensitive charges in that Commissionerate.

10. Period of absence/leave for more than two months when posted in non-sensitive charges will not count towards the tenure of non-sensitive charges. The officer will have to complete another one year to be eligible for transfer to sensitive charge.

11. While transfer on promotion is the desirable norm, the same shall not be mandatory but only indicative depending on administrative exigencies.

12. Any deviation from these guidelines by the Commissioners shall be subject to prior approval of the Chief Commissioner.

13. These guidelines shall not confer on any individual any right or claim with respect to transfer and posting.

14. Bringing any kind of external pressure directly/indirectly for making, modifying or cancelling of transfer order shall constitute a violation of Rule 20 of the CCS (Conduct) Rules, 1964.

15. The aforesaid guidelines supersede all the transfer guidelines issued earlier in this regard.