

**OFFICE OF THE CHIEF COMMISSIONER
CENTRAL EXCISE (CZ)
PLOT No. 19, SECTOR 17-C,
CHANDIGARH.**

C. No. II/3(11)/ET-I/2014

Dated : 10.02.2015

To

The Commissioner,
Central Excise,
Chandigarh-I,

Sir,

Subject : **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.**

Please find enclosed herewith transfer/placement Guidelines to be made effective from 01.04.2015 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 for uploading on the official website of Central Excise Commissionerate, Chandigarh-I immediately.

Yours faithfully,


Asstt. Commissioner (CCU)

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 new transfer/placement guidelines are laid down 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


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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 towards 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 not later than 30th April. Similarly annual general intra-Commissionerate transfers should be completed by 15th May 2015 so that officers join their new places 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; 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.). Subject to other provisions of these guidelines, the officer, whose spouse is also working in Central/State Government Office, will be considered for posting, to the extent administratively possible, to the station where spouse is working or a nearby station.

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 viz Central Excise Commissionerate, Chandigarh-I, Chandigarh-II, Ludhiana, Jalandhar, Central Excise Audit, Customs (Preventive) Amritsar and Customs, Ludhiana will be 4 years. The tenure of four years, in case of Central Excise Commissionerates will be calculated from the date the officer is working at a stretch in the present jurisdiction of the Commissionerate where he is presently posted. However, as both the Customs Commissionerate in this zone have almost concurrent jurisdiction, the tenure of four years will be calculated with reference to the date the officer is working at a stretch in the functional jurisdiction of the Commissionerate where he is presently posted.

6.2 In the state of Jammu & Kashmir (J&K), the normal tenure at a stretch for the officers transferred, post 31.03.2015, would be 2 years. While the lady officers belonging to state of J & K would, as far as possible, not normally be shifted out of the State unless they opt for it, the male officers belonging to that state can opt to stay in the state of J & K for a maximum tenure of 6 years at a stretch. After completion of six years, these officers will be shifted out of J & K to another Commissionerate in the zone where they will have to complete the four year tenure of that Commissionerate before being considered for a fresh tenure in J & K. In case of their posting in Audit and Customs (Preventive) Commissionerate, Amritsar, they will not, as far as possible, be posted in the state of J & K.

6.3 In case the officers are transferred to the J&K in the aforesaid manner without completing their tenures of 4 years in a Commissionerate (other than J&K), the officers shall normally be brought back to the same Commissionerate from where they were transferred to J&K, to enable them to complete tenure of 4 years in that Commissionerate. For this purpose, stay in J&K will not be counted for computing 4 years stay in that Commissionerate (except for Customs (Prev) Commissionerate Amritsar and Central Excise Audit Commissionerate, Chandigarh .

6.4 In view of general reluctance of the staff from outside J & K for posting to that state and to promote a sense of fair play and objectivity, the posting in J & K will be done based on roster system which will be prepared, updated and circulated each year by 15th February in the manner prescribed in the Annexure A-1.

6.5 Given family obligations, a lady officer whose name appears in the roster for posting to J & K (and to whom requisite alert has been issued), may be exempted from posting in that state. However, to seek such exemption, she will have to make a request in writing immediately after issue of alert in this regard. Further, in such a case, she will not be eligible for any sensitive posting in the Commissionerate(s) she is deployed till the time she joins and completes her tenure in the state of J & K. In case of administrative exigency for her posting to a sensitive post, prior written approval of the Chief Commissioner will have to be obtained.

6.6 An executive officer who is due for superannuation within 2 years shall be, as far as feasible, posted to/retained at 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.

6.7 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 academic 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, he will be subject to the prescribed rotation of posting within the Commissionerate.

6.8 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.

6.9 Postings to Chief Commissioner's Unit (CCU) and Special Economic Zone (SEZ) will be decided by Chief Commissioner. Similarly, postings to the office of Commissioner (Appeals) would be decided by Chief Commissioner in consultation with concerned Commissioner (Appeals). Normal tenure for posting in CCU, Commissioner (Appeals) office and in SEZ would be two years. The tenure in CCU

and Commissioner (Appeals) office may, however, be extended by one year if the officer so wishes subject to approval by the Chief Commissioner and/or Commissioner (Appeals), as they case may be. This would be considered as a posting other than Commissionerate posting and officers for these postings would be selected by Chief Commissioner based on aptitude, competency and experience of the officers.

6.10 Posting of officers to DRI/DGCEI/CESTAT will be made 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. The officers posted therein would be against the sanctioned strength of CCU. 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.

6.11

(i) Considering the number of sensitive and non-sensitive postings in the Central Excise Commissionerates viz Chandigarh-I, Chandigarh-II, Ludhiana, Jalandhar and the Customs Commissionerate, Ludhiana, and in the interest of institutional memory, the officers in these Commissionerate shall normally be rotated between sensitive and non-sensitive charges after a gap of two years. However, in case sufficient number of officers are not available in the above manner for posting to a sensitive charge, the officers from a non-sensitive charge can be shifted to sensitive charge subject to the condition that the tenure does not exceed two and half years in the sensitive charge and is not less than one and a half year in the non-sensitive charge (out of tenure of 4 years in the Commissionerate). While shifting the officer from non-sensitive to sensitive charge in the above manner, the person who has completed longer tenure in non-sensitive charge will be, subject to administrative exigency, considered first for posting to sensitive charge.

(ii) For computing the tenure of sensitive and non-sensitive charge in a Commissionerate, the tenure (of sensitive and non-sensitive charges) of an officer in the previous Commissionerate shall be taken into consideration. A list of sensitive and non-sensitive charges in all the Commissionerates of the zone is attached as Annexure A-2.

(iii) The rotation of officers within the Central Excise Audit Commissionerate, Chandigarh, to the extent possible, will be as per the guidelines issued by Directorate of Audit, CBEC. In case of impracticability of rotation as per the said guidelines due to mismatch between the number of sensitive and non-sensitive

posts, the rotation will be decided by the Commissioner Central Excise Audit as per administrative convenience subject to other provisions of these guidelines.

(iv) Considering the number of sensitive and non-sensitive posts, the tenure at a stretch of charges in Customs (Preventive) Commissionerate, Amritsar shall normally be as under :-

Superintendent grade :

Sensitive charge :

TFC Chakkan da Bagh and TFC Slamabad : 6 months

Others : 1 year

Non-sensitive charge : 2 years,

(b) The officers can be posted to a sensitive charge before completion of two years in a non-sensitive charge subject to condition that total tenure in sensitive posting in the Commissionerate will not be over one and a half year out of total four years.

Inspector grade :

Sensitive charge :

TFC Chakkan da Bagh and TFC Slamabad : 6 months

Others : 1 year

Non-sensitive charge : 1 year,

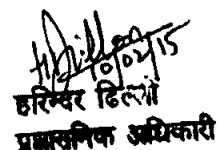
(c) Normal tenure in J&K shall not exceed one year (both sensitive and non-sensitive) with maximum tenure of six months at CPS Nyoma/Leh/Srinagar. The officers posted at CPS Nyoma/Leh/Srinagar, after completion of their six months tenure, shall be entitled to be deployed at station of their choice within that Commissionerate. A list of sensitive and non-sensitive charges in the Commissionerate is included in Annexure A-2.

(v) The officer posted at LCS Shipkila under Customs Commissionerate, Ludhiana will have a maximum tenure of six months at that LCS and after completion of 6 month tenure, they shall be posted to the station of their choice within the Commissionerate.

(vi) In Central Excise Commissionerate, J & K the rotation between sensitive and non-sensitive post will normally be made after one year. However, the tenure at a stretch in a sensitive post can be extended upto two years if sufficient number of officers are not available to fill up the sensitive posts in the above manner. Subject to above, the various postings in the Commissionerate will be decided by the Commissioner, Central Excise J & K considering the local factors and administrative exigencies. A list of sensitive and non-sensitive charges in the Commissionerate is included in Annexure A-2.

(vii) Period of absence/leave for more than two months per year when posted in a non-sensitive charges will not count towards the prescribed tenure of that charge / the Commissionerate/CCU/Commissioner (Appeals), as the case may be.

6.12 The maximum tenure at a stretch at Chandigarh (i.e. Chandigarh city, Mohali, Dera Bassi and Kharar), Ludhiana, and Amritsar stations for both Central Excise & Customs postings together shall not normally exceed six years; at Jalandhar not more than 4 years and at other stations not more than 3 years. This is the maximum


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tenure at a stretch and does not mean that the officer cannot be transferred out of this station before completing the maximum tenure. Tenure for distantly located ranges/stations in the Commissionerate, shall be decided by the concerned Commissioner based on local factors, overall revenue generating potential etc. subject to minimum tenure of one year and maximum tenure of two years.

6.13 The normal tenure in CCU, office of the Commissioner (Appeals) and Special Economic Zone (i.e. two years each) will not be counted for the purpose of stay at a station.

6.14 As far as possible an officer in the subsequent cycle of posting should not be posted back in the same sensitive charge.

6.15 On reversion from a sensitive Directorate, officers would be posted, as far as possible, to a non-sensitive charge for a minimum period of two years.

6.16 First posting of the officers coming on an Inter-Commissionerate Transfer, within a zone, should be, as far as administratively possible, to a non-sensitive charge. Officers posted out of the zone to any formation on loan basis shall, subject to provisions of para 6.9, ordinarily be called back to parent office after completion of one year.

7. Pre-mature transfers

Pre-mature inter-commissionerate transfer can be ordered by Chief Commissioner on compassionate grounds or on administrative exigency by recording specific reasons for the same, in the file. However, if such premature transfer is on request from the non-sensitive charge in the previous Commissionerate, the total tenure of non-sensitive charge at a stretch including the tenure in the previous Commissionerate will not be less than 3 years.

8. Subject to administrative exigencies or extremely compassionate considerations, upon his promotion an officer shall be moved out to a different Commissionerate.

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

10. These guidelines should be read with reference to objectives outlined in para 4 above and shall not confer on any individual any right or claim with respect to transfer and posting.

11. 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.

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

Annexures : As above

Guidelines for preparing roster system for posting to the state of J & K

1. With reference to para 6.2 of the Transfer/Placement Guidelines for Group 'B' Gazetted and Non-Gazetted Executive Officers (Inspectors and Superintendents), the roster for posting to the state of J & K will be prepared in the following manner and the officer will be placed in the roster in the following order :-

A. Superintendents

- i) The officers (in the combined grade of Inspectors & Superintendents) who have never worked in J & K.
- ii) The officers who had remained posted in J & K earlier for a period less than 9 months
- iii) In case sufficient officers in the manner at (a) and (b) above are not available, the officer (in the combined grade of Inspectors & Superintendents) who has the longest interval outside the state of J & K since his last posting in that state. However, weightage will be given in this process to the length of time spent in the last posting as under :-

'1 point for interval of each year outside J & K after the last posting minus 2 points for each completed year in the last posting, the officers having more points will be placed higher in the roster'.
- iv) For similarly placed officers, in the category (i) (ii) & (iii) above, seniority will be the criteria for their placement in the roster, the senior officer to be placed higher in the roster.

B. Inspectors

- i) A list of officers who have never worked in J & K will be prepared in order of their seniority. Out of this, an equal number of senior most and junior most Inspectors will be posted to J&K.
- ii) The officers who had remained posted in J & K earlier for a period less than 9 months
- iii) In case sufficient officers in the manner at (a) and (b) above are not available, the officer (in the grade of Inspector) who has the longest interval outside the state of J & K since his last posting in that state. However, weightage will be given in this process to the length of time spent in the last posting as under :-

'1 point for interval of each year outside J & K after the last posting minus 2 points for each completed year in the last posting, the officers having more points will be placed higher in the roster'.
- iv) For similarly placed officers, in the category (i) (ii) & (iii) above, seniority will be the criteria for their placement in the roster, the senior officer to be placed higher in the roster.

2. At the time of Annual General Transfers, the posting to the state of J&K will be decided as follows :-

i) Vacancies in the Superintendent and Inspector cadres in J&K state reported for Central Excise Commissionerate, Customs (Prev) and Audit Circle will be ascertained first and filled up from the roster, as far as possible, in the order their names appear in the roster.


ii) First, the officers on top of the roster will be adjusted against the vacancies in Central Excise Commissionerate. If, however, some of these officers are already posted in Audit Commissionerate or Customs (Prev) Commissionerate, they will not be deployed in the J&K Central Excise Commissionerate. Instead they will be sent to J&K State and deployed in Audit circle, or as the case may be, Customs (Prev) posts. (Their posting orders will be issued by the respective Commissionerate). The remaining vacancies will be filled up with officers figuring next in the roster, either by direct posting to Central Excise Commissionerate or via Audit/Customs (Prev) Commissionerate.

iii) An officer posted in a J&K charge of Customs (Prev) Commissionerate, Amritsar, after completion of his Customs tenure in J&K, will be posted to Central Excise Commissionerate, J&K for the period falling short of two years tenure in J&K before being brought back to Customs (Prev) Commissionerate, Amritsar to complete his remaining tenure, if any, in that Commissionerate or before transferring to other Commissionerate. For this purpose, while posting officers to J&K, the Commissioner Customs (Prev) Amritsar will specify the date, when their tenure in J&K Customs charges will be over and also forward a copy of the joining report in J&K Customs charge to CCU.

iv) If there is any difficulty in deciding the postings as above, the same will be resolved by the Chief Commissioner.

3. No officer will be posted to J & K unless there is a gap of five years since the date of his release from his last posting in the state.

4. Subject to serial number 3 above, the officer whose name appears lower down in the roster, may opt for pre-mature posting in J & K state. In such cases they will be considered first for posting in J & K followed by the normal order in the roster.


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A. Central Excise

Sensitive	Non-Sensitive
All Ranges and Sector offices in the Commissionerate	All the charges other than those mentioned in the list of sensitive charges
Anti-Evasion/Preventive wings both at Hqrs. and Division Of the Commissionerate	
Refund/Rebate/Bond/LUT/Registration Sections of divisional offices of the Commissionerate	
Work related to issuing of annexures, CT-3, Procurement certificate in Division office.	
Branch of the Commissionerate Hqrs dealing with pre-audit of refund/rebates	
All postings in Audit groups	
ACC Srinagar & FPO Srinagar (J&K)	

B. Customs

Sensitive	Non-Sensitive
All ICPs/LCSs (other than LCS Shipkila)/CFSs/ICDs/TFCs	LCS, Shipkila, PCA Cell, BRC Section of Drawback Cell, Legal Cell, Chd. and all other charges not mentioned in the list of sensitive charges.
Sri Guru Ram Dass Ji International Airport, Amritsar.	
Anti Smuggling Units	
Foreign Post Office	
Centralized Drawback Cell (Except BRC Section)	
Export and Import Appraisalment Groups	
SIIB	
Licensing/Bond Section	

C. There can be situation where the workload of particular charge (either sensitive or non-sensitive) does not warrant posting of an officer exclusively. However, due to administrative exigency (working strength of the officers etc.) the officer has to be allocated charge which includes work of both sensitive and non-sensitive nature. In such a situation, the sensitive or non-sensitive nature of the allocated charge would be specified at the time of allocation of such charge by the Commissioner with the approval of Chief Commissioner.