To,

Sri Pranab Mukherjee,
The Hon’ble Finance Minister,
Govt. of India,
New Delhi.

Subject: Acute stagnation in promotions & discrimination in the pay matters of the Superintendents of Central Excise.

Sir,

With due regards, it is brought to your kind notice that the officers belonging to the cadre of the Central Excise Superintendent are facing acute stagnation as the most of them are retiring after getting merely a single promotion in a total service span of 35-40 years after joining the department as an Inspector. As far as the pay matters are concerned, they have been put far behind the many equivalent cadres. Your goodself is very much requested to look into the following submissions to give justice to these officers who are earning the major portion of the government revenues in the form of Central Excise duty, Service Tax, Customs duty, Inland Air Travel Tax and Foreign Travel Tax for many decades: -

1. Acute stagnation:

The officers are facing the acute stagnation due to the faulty and discriminatory recruitment rules favouring only the group ‘A’ officers. These recruitment rules and the policy for promotional matters require an immediate change to create a separate service for the cadre of the Superintendent of Central Excise to boost the morale of the officers making them job-satisfied which will result into more work efficiency and increase the revenue collection multifold. The creation of a separate service for this acutely stagnated cadre has already been recommended by the Chitra Gouri Lal Committee on the lines of CSS, DANICS, DANIPS etc. admitting the stagnation but this committee has decided the final modalities merely to create an intermediary post below the level of the post of the Asstt. Commissioner. The following submissions may kindly be considered to remove the stagnation-

1) In our own department of Revenue, the Income Tax Inspectors are reaching the level of the Commissioner after getting 6 promotions while the most of the Inspectors of Central Excise are retiring merely as the Superintendent after getting only 1 promotion.
despite of being recruited through **one and the same competitive examination in one and the same department**. This results into the huge difference even in pensionary as well as other retirement benefits what to say about the salary. As per sources, 3 officers recruited as direct Inspector have become Commissioner in Income Tax this year and 18 or so are expected for next year. Even Examiners of Customs in our own organization are far better placed than Inspectors. The junior Examiners have reached the senior levels while the senior Inspectors to them are still working as Inspector. These disparities can be removed only by giving parity in promotional matters placing all the officers belonging to the same batch/year at the same level of promotion **without loss of seniority** in r/o initial joining at the level of the Inspector. Even in para-military forces like ITBP & CRPF etc., the Sub-Inspectors are reaching the level of IG. In our own CBEC, even ministerial officers are getting 5 promotions and direct recruit group ‘A’ officers are reaching 7 levels higher and becoming member or chairman of any Authority, Tribunal or Commission etc. after that. The Assistants in the Ministries are also able to reach the level of Director and Joint Secretary. The ACP as well as MACP scheme meant to compensate at least the financial loss due to the lack of promotions is also unable to undo this discrimination.

2) The most of the Group B Gazetted officers (Forest, Engineering, Telecom, Police, CSS, CSSS, CPWD, MES, AFHQ, administration etc. etc. departments and streams) in **Central as well as State Governments** are promoted to a Senior Group ‘A’ post while the Superintendent of Central Excise is being promoted (**if any**) merely to a Junior Group ‘A’ post. In southern states, the provincial services officers get IAS within 8 years of service with 4 years of seniority benefit in IAS in lieu of the service rendered by them in group ‘B’ post. Such type of seniority benefit is also being given in Central Government like Postal etc. departments. It is requested that such type of measures may also kindly be taken for us instead of creating an intermediary post.

3) The most of the promotional vacancies were given to IRS authorities in the last cadre restructuring in our organization giving **parity to them with CBDT** and ignoring the Superintendent cadre totally giving no parity to them with Income Tax. The promotional posts for group ‘A’ officers were increased upto the level of 290% promoting a direct recruit Asstt. Commissioner/Deputy Commissioner to the post of Addl. Commissioner within night. This type of benefit may also kindly be given to our cadre this time.

4) All of the group ‘B’ Gazetted officers belonging to the CSS & CSSS cadres completing **one and half times of qualifying service** for promotion in the Ministries were given promotions. Such measures may also kindly be taken in our organization for our cadre.

5) The posts like Deputy Central Intelligence Officer (DCIO) in IB and Chief Enforcement Officer etc., group B Gazetted posts in the past equivalent to the Superintendent of Central Excise, have been given **group ‘A’ status as well as the scale** by the Govt. but we have been given such type of no benefit despite of the fact that the CBEC had recommended very strongly to the Vth Central Pay Commission that the duties of our officers are more hazardous and arduous than IB, CBI etc.
6) A time bound mechanism for promotion is also a good option for the removal of the stagnation making it effective in r/o the very initial joining at the level of the basic feeder cadre of the Inspector. The counting of qualifying service from very initial joining already exists in the recruitment rules for group ‘A’ officers. Such time bound mechanism has already been recommended by the CBEC to VIth Central Pay Commission amongst other options for our cadre.

7) The measures like decrease in the direct recruit quota at group ‘A’ entry level, promoting the group ‘B’ Gazetted officer directly to a senior group ‘A’ post and making 50% or more quota reserved for the promotee officers at every level may also be taken in true spirit of a welfare state.

8) In the meanwhile, as an interim measure, all the Superintendents getting a grade pay of Rs. 5400/- (equivalent to the Asstt. Commissioner) may be promoted to the post of Asstt. Commissioner as it will have no expenditure. However, they may be promoted finally to a Senior Group ‘A’ post like other departments where the Group ‘B’ Gazetted officers are being promoted directly to a Senior Group ‘A’ post. By this measure, the department will be able to get the benefit of the expertise of those experienced officers in an expenditure neutral manner who are already getting the grade pay of the promotional post.

2. Replacement scale of Rs. 8000-13,500/-: The Government has given replacement scale of Rs. 7500-12,000/- to the Group ‘B’ Gazzetted Executive Officers under the CBEC. In the memorandum submitted to the VI CPC, the Association demanded replacement pay scale of Rs. 8000-13,500/- at par with the Deputy Superintendent of C.B.I., Deputy Central Intelligence Officer of IB etc. The said demand was being persistently and continuously pursued since 1995 when the said scale was granted to CBI, IB etc. The High Power Committee formed after the Vth Central Pay Commission recommended the scale of Rs. 7500-12,000/- for our officers w.e.f. 21.04.04. It could not recommend the scale of Rs. 8000-13,500/- saying that the pay scale of Rs. 8000-13500/- is the entry pay scale for Group ‘A’ post of Assistant Commissioner which is a promotion post for Superintendents. The logic does not stand good since once upon a time the Assistants and the Section officers (promotional post for Assistants) were in the same pay scale. However, this problem can be solved by promoting the Superintendent to a senior group ‘A’ post like most of the other departments as already requested.

Moreover, the VI CPC in para 7.15.24 of its report clearly admitted the traditional parity of the Chief Enforcement Officer with the Superintendent of Central Excise, Superintendent of Customs (Preventive), Appraisers, Income Tax Officers & Superintendent of Narcotics and Assistant Enforcement Officer with the Inspector of Central Excise, Inspector of Income Tax, Inspector (Preventive Officer/ Examiner) and recommended for the maintenance of the same in future. The Chief Enforcement Officers were given the pay scale of Rs.7500-Rs.12,000/ w.e.f.1.01.1996 by the Government pursuant to the recommendation of the V CPC and subsequently revised to Rs.8000/ to Rs.13500/ w.e.f 04.10.2005 vide order issued under F. No.16/26/2004-Ad. 1C dated 4.10.2005.
3. Retrospective effect of revision of pay of Rs. 7500 -Rs.12,000/- w.e.f. 01.01.1996 and Rs. 8000-13,500/- from 04.10.2005:

In view of the continuous protest against the anomaly created by the V CPC by granting the scale of Rs.6500-10,500/-, the government granted pay scale of Rs.7500-12,000/- to the Superintendents of Central Excise & Customs, Appraisers of Customs and Income Tax Officers w.e.f 21.04.2004. The Association demanded retrospective effect of the said pay scale from 01.01.1996 at par with the Chief Enforcement Officers as well as other cadres who were given the same pay scale w.e.f. 01.01.1996.

The government has already given such benefit to the following cadres amongst others:-

(a). In case of Superintendent in Narcotics Control Bureau, the scale changed from Rs.6500-Rs.10,500/- to Rs.7500-13,500/- w.e.f. 01.01.1996 with all consequential benefits vide Office Order under F.No.15/2(38)/2004-Esst. Dated 20.04.2005 issued by NCB, Ministry of Finance & Company Affairs, G.O.I.

(b). In case of CAG, change of scale including Rs.6500-10,500/- to Rs.7500-Rs.13,500/ was given effect notionally w.e.f. 01.01.1996 vide O.M. under F.No.6/82/E.III(B)/91 Dated 28.02.2003 issued by Deptt. of Expenditure, Ministry of Finance & Company Affairs, G.O.I.

(c). In case of Ministry of Labour, the change of scale was given effect from 01.01.1996 with arrears from 11.02.2003 vide O.M. No.A-32022/1/2002-Adm.I dated 26.04.2004.

(d). In cases of the Accounts Employees in Railways, Postal, IA & AD, Civil Accounts, Ministry of Coal & Mines etc, the benefit of notional fixation of revised pay with effect from 01.01.1996 has been given with actual payment with effect from the date of the issue of order.

In case of improved pay scale after 01.01.1996, the Hon’ble CAT has also taken view that the effect of the said scale is to be given not from the date of such order but retrospectively from 01.01.1996. Such a decision was given by the Hon’ble CAT, Ernakulam against petition filed by a section of employees from Thiruvanthpuram from the Department of Railways in its order (O.A. No.671/2003) dated 30.06.2006 allowing the benefit of an order dated 19.02.2003 (improved pay scale) retrospectively w.e.f. 01.01.1996 with arrears.

The need for retrospective revision w.e.f.1.01.1996 is further established from the observation of the Commission in para 7.15.24 of the report wherein the traditional parity of the Chief Enforcement Officer with the Superintendent of Central Excise and Assistant Enforcement Officer with the Inspector of Central Excise has been admitted and recommended for the maintenance of the same in future.

It is also worth to submit here that other cadres like CSS, DANICS, DANIPS etc. in a pre-CPC scale of Rs. 6500-10500/- have been given this benefit while we are being deprived of the same despite of being in a higher pre-CPC scale of Rs. 7500-12000/-. Moreover, they are promoted to a senior group ‘A’ post while we are entitled to be promoted merely to a junior group ‘A’ post.
4. Discrimination in granting of Non Functional Scale: The VI CPC recommended the removal of discrimination between the Secretariat and Field level officers. As a result, the benefit granted earlier to the Section Officers placing them in the scale of Rs.8000/- 13,500/- after completion of four years of service has also been granted to other Group ‘B’ officers in PB3 while the Group B Officers of Revenue as well as Postal department have been granted this benefit in PB-2.

In addition to the above, the non granting a grade pay in PB-3 has taken a toll in the Modified Assured Progression Scheme granted under O.M. No.35034/3/2008-Estt. (D) Dt. 19.05.2009 wherein in para 8.1 of the Annexure-I of the said O.M., it has been provided that the grade pay of Rs.5400/ of PB-2 and PB-3 shall be treated as separate grade pays. Resultantly, all the Group ‘B’ Gazetted officers other than Revenue and Postal departments would get higher grade pays as ACP benefit. Therefore, we may also be given a grade pay of Rs.5400/- in PB-3 on completion of four years of service.

In view of the above, you are requested to kindly look into the matter and give justice to your own workforce earning the revenue for the government.

Thanking you,

Yours faithfully,

(RAVI MALIK),
Secretary General.