F.No A.22015/117/2014-Ad.III.A

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
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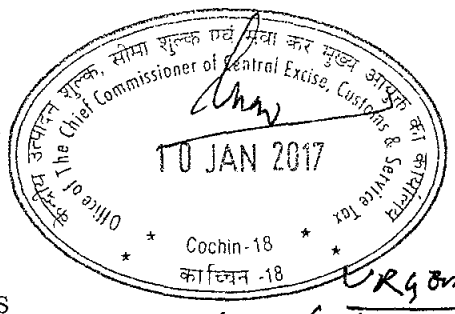

4th Floor, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi, Dated the 02 January, 2017.

To

The Chief Commissioner of Customs, Central Excise
& Service Tax, Cochin Zone,
C.R. Building, I.S. Press Road, Cochin-682 018.

Subject:- O.A. No.333/2016 – regarding framing of Inter Commissionerate Transfer (ICT) guidelines in pursuance of order of Hon'ble CAT, Ernakulam Bench order dated 15.07.2016 – reg.

Sir,

This is in continuation of your letter datd 10th August, 2016 on the subject with copy of Draft guidelines for granting ICT. (copy Annexure-I)

2. I am directed to state that the Board has approved the Draft guidelines which are placed at Annexure-II.

3. In view of orders of CAT, Ernakulam Bench, all applications should be considered only in line with the proposed system to be put into operation in the interest of equitable treatment. All applications already forwarded should be reviewed in line with these guidelines and in case of irregularities such forwarded Inter Commissionerate Transfer applications should be cancelled forthwith.

4. The Chief Commissioner is requested to kindly take necessary action as per the revised guidelines on ICT and file a reply in the CAT, Ernakulam Bench. A status report may be sent to the Board within one week.

Yours faithfully,

2.1.17

(Rajpal Singh)
Under Secretary to the Govt. of India
Tel: 26162780

Encl: As above

Annexure-I

Draft Policy for granting No Objection Certificate for Inter Commissionerate Transfers

The Inter Commissionerate Transfer (ICT) of Group 'B'& 'C' officers of C.B.E.C is governed by Ministry's letter F.No.22015/23/2011-Ad.III.A dated 27/10/2011. Accordingly, any willing Group 'B'& 'C; employee may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy and concurrence of the Cadre Controlling Authorities. Due to the difficulties faced at the time of granting concurrence for Inter Commissionerate Transfer; the following policy guidelines are formulated for consideration while granting Inter Commissionerate Transfers out of the Zone. These guidelines should be read in conjunction with the terms and conditions specified vide Ministry's Circular dated 27/10/2011.

a) All Officers desirous of applying for Inter Zonal Transfer shall submit their request to the respective Commissioners of Central Excise/Customs by 31st December of each calendar year. The request shall be brief and self contained. Documentary proof in support of the claims made and all other relevant material shall be enclosed along with the requests. Submission of fresh request will not be accepted after cutoff date.

b) To balance the needs of administrative efficiency and the interests of officers and staff, Inter Zonal Transfer in a particular cadre shall ordinarily be considered by the Chief Commissioner only if the cadre strength in a Zone is not less than 65% of the sanctioned posts after such transfer. Only such numbers that are in excess of 65% will be considered for Inter Zonal Transfer.

c) Period of service of officer concerned in the Zone will be the predominant criteria while considering request for Inter Zonal Transfer and not the

period in the cadre to which the applicant belongs at the time when the request is considered.

d) While considering requests, priority shall be given to officers who have rendered a minimum service of 3 years in the Zone, excluding leave for more than 45 days at a stretch except Child Care Leave or/and Maternity Leave. For computing the said period of three years, the total duration of service within the Zone in all cadres will be considered.

e) Subject to the conditions prescribed by the Ministry vide letter F.No.22015/23/2011-Ad.III.A dated 27/10/2011, the Chief Commissioner shall have discretion to extend due consideration in respect of the following categories of officers.

   i. Physically Challenged Officers
   ii. Officers suffering from terminal illness
   iii. Cases of widow/widowers/single parent

f) Inter Zonal Transfer request on spouse ground will be subject to the consolidated guidelines contained in DOPT OM F.No.28034/9/2009-Estt(A) dated 30/09/2009.

g) Bringing in political influences for securing Inter Zonal Transfer shall be disqualification for such transfer, apart from attracting disciplinary action under the relevant rules.

h) The requests for Inter Zonal Transfers shall be submitted by the officers/staff to their respective Commissioners who shall forward said requests received in the Calendar year to the Chief Commissioner, Cochin Zone on or before 15th day of January of the following year along with their observations/comments.

Annexure-II

Revised Draft guidelines for granting No-Objection for Inter Zonal Transfers

The Inter-Zonal Transfer (ICT) of Group 'B'& 'C' officers of CBEC are governed by Ministry's letter F.No.22015/23/2011-Ad.III.A dated 27.10.2011. Accordingly, any willing Group 'B'& 'C; employee may apply for transfer from the jurisdiction of one Cadre Controlling Authority (CCA) to another CCA subject to availability of vacancy and concurrence of the Cadre Controlling Authorities. Due to the difficulties faced at the time of granting concurrence for Inter-Zonal Transfer, the following Policy Guidelines are formulated for consideration while granting Inter-Zonal Transfers out of the Zone. These guidelines should be read in conjunction with the terms and conditions specified vide Ministry's Circular dated 27.10.2011.

a) All Officers desirous of applying for Inter Zonal Transfer shall submit their request to the respective Commissioners of Central Excise/Customs by 31st December of each calendar year. The request shall be brief and self contained. Documentary proof in support of the claims made and all other relevant material shall be enclosed along with the requests. Submission of fresh request will not be accepted after cutoff date.

b) To balance the needs of administrative efficiency and the interest of officers and staff, Inter Zonal Transfer in a particular cadre shall ordinarily be considered by the Chief Commissioner only if the cadre strength in Cochin Zone is not less than 65% of the sanctioned posts after such transfer. Only such numbers that are in excess of 65% will be considered for Inter Zonal Transfer.

c) The period of service of officers in the Zone **as well as the period of service in a particular cadre** to which the applicant belongs will be the predominant criteria while considering requests for Inter-Zonal transfers.

d) While considering the requests, priority shall be given to officers who have rendered a minimum service of 3(three) years in the Zone as well as minimum service of 3(three) years in a particular cadre. This period will

be calculated excluding leave for more than 45 days at a stretch except Child Care Leave or/ and Maternity Leave.

e) Seniority alone would be the criteria for granting "NOC" for Inter Commissionerate Transfer and Chief Commissioner will not forward any application out of turn by violating the seniority list placed on the website.

f) Inter Zonal Transfer request on spouse ground will be subject to the consolidated guidelines contained in DoP&T O.M. F.No.28034/9/2009-Estt(A) dated 30.09.2009. Further, consideration should be given for Differently-Abled persons as per guidelines of DoPT O.M. No.A-B 14017/41/90-Estt.(RR) dated 10.05.1990.

g) Bringing in political influence for securing Inter Zonal Transfer shall be disqualification for such transfer, apart from attracting disciplinary action under the relevant rules.

h) The request for Inter Zonal Transfers shall be submitted by the officers/staff to their respective Commissioners who shall forward said request received in the Calendar year to the Chief Commissioner, Cochin Zone on or before 15th day of January of the following year along with their observations/comments.

i) The final seniority list of all applicants for Inter-Zonal Transfer will be placed on the Zonal website to point out discrepancies, if any, by 31st January of each year.

*Counting only the duration of service in the Zone for considering IZT is the reason for present Litigation. It has led to an aberration where an officer who was junior by 6 years becoming senior to the same officer (For example, by considering only Zonal seniority, on of the officers who got promoted as Inspectors in the year 2015 was transferred on IZT whereas Direct Recruit inspectors of 2009 batch could not be considered. This led to a situation resulting in an officer 6 years junior becoming senior to the officer who was earlier 6 years senior to him). Such aberration can be mitigated to a great extent by applying the ration of a minimum period of service in a particular cadre also as a precondition. This will also avoid unnecessary future litigation as the concerned Inspectors Association is agitating on this issue.