THE COMMISSIONER OF CENTRAL TAX & CENTRAL EXCISE
31 AUG 2018
INWARD No.
COCHIN-18
कोचिन-18

भारत सरकार GOVERNMENT OF INDIA
वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE
केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS
आयुक्त का कार्यालय OFFICE OF THE COMMISSIONER
केन्द्रीय कर और केन्द्रीय उत्पाद शुल्क, कोच्चि,
CENTRAL TAX & CENTRAL EXCISE, KOCHI
केन्द्रीय राजस्व भवन, CENTRAL REVENUE BUILDING
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C.No. II/39/12/2014 Estt. Pt II Dated: 20.08.2018

To

The Under Secretary, Ad IV A, CBEC, New Delhi
The General Secretary,
All India Central Kerala Central Excise Inspectors Associations, Kerala Circle.

Sir/Madam,

Sub: Minutes of the Grievance Redressal Meeting held on 29.11.2017 – reg.

Copy of the minutes of the Grievance Redressal Meeting held on 29.11.2017 at Headquarters Office, Kochi Commissionerate, is forwarded herewith for information.

Encl: As above

[Suresh Babu P.G.]
Assistant Commissioner (P&V)

Copy submitted to:

1. The Chief Commissioner of Central Tax & Central Excise, Thiruvananthapuram Zone.
2. The Commissioner of Central Tax & Central Excise, Kochi/ Trivandrum/ Kozhikode/ (Audit), Kochi/ (Appeals), Kochi.
3. The Commissioner of Customs (Preventive), Kochi.

Copy to:

1. All Deputy/ Assistant Commissioner in charge of Divisions of Central Tax & Central Excise, Kochi Commissionerate.
2. The CAO (DDO)/ Asst. Commissioner (Trg.), Hqrs., Kochi.
3. The Superintendent (Confidential/EDP/PRO), Hqrs., Kochi, for necessary action.

MINUTES OF THE GRIEVANCE REDRESSAL MEETING HELD ON 29.11.2017 AT HEADQUARTERS OFFICE, KOCHI COMMISSIONERATE

A Grievance Redressal meeting for Central Excise staff was held on 29.11.2017 at 5.30 p.m. under the Chairmanship of Shri. Pullela Nageswara Rao, Principal Commissioner of Central Tax and Central Excise, Kochi Commissionerate in Headquarters Office, Cochin with the representatives of various Staff Associations. The following Officers were present during the meeting:-

Office Members:

S/Shri./Smt.

1. C.D. Jose, Assistant Commissioner (P&V)
2. Cilvi Johnson, Chief Accounts Officer
3. P.L. Sunitha, Administrative Officer (H)/(DDO), Headquarters Cochin

Staff Members:

S/Shri./Smt.

1. Antonio Netticadan, President, All India Association of Central Excise Gazetted Executive Officers, Kerala Unit.
2. Sreedhar E., Secretary, All India Association of Central Excise Gazetted Executive Officers, Kerala Unit
3. Prabodh S., President, All India Central Excise Inspectors' Association, Kerala Circle.
4. Bhaskarnath, General Secretary, All India Central Excise Inspectors' Association, Kerala Circle

The Chairperson welcomed the representatives to the meetings. The following points were discussed in the meeting:

A. Kerala Central Excise and Customs Gazetted Executive Officers Association

S. No.	Points sponsored for discussion	Decision/ Action taken
1.	In respect of some of the Superintendents, the 3rd MACP has not been granted even though they have completed 10 years in a grade pay.	Financial up-gradations under MACP Scheme are being granted on receipt of required pro-forma from concerned AO (DDO). Specific cases of omissions, if any, may be furnished to the respective AO (DDO). All the pending proposals will be considered in the next Screening Committee meeting. ACTION: Superintendent (Confdl.)

2.	LEGACY REPORTS/ISSUES:- The officers in Ernakulam and Kakkanad Divisions are facing difficulty in attending legacy works due to a. Alphabetical division of ranges instead of jurisdictional b. Many of the files are misplaced or sent to other formation due to alphabetical Division of ranges. c. ROs are finding it difficult to obtain data to prepare SCN, reply to audit since they are given direction not contact assesses. d. There are 44 and 81 periodic SCNs pending in Ernakulam Range-5 and Range-6. Smt. Ancy Joychan is due for retirement in March 2018 and the Inspector posted to the Range is suffering from Cancer. It is therefore suggested that a new and separate legacy cell may be created with additional Superintendents and Inspectors in every division, to solely look after legacy issues. The officers shall be given permission by jurisdictional AC/JC to call for records.	Additional posting of Superintendents to the Ranges where there is backlog is under consideration. AC/DCs will be directed to issue permission to Superintendents to contact Assessees to call for records for issuance of periodical SCN. ACTION : AC (P&V) and Divisional Officers.

3.	STAFF STRENGTH:- The existing staff strength of ranges is inadequate to prepare the various reports, prepare SCNs, GST work, exports and other miscellaneous work. Additional Inspector may be posted to all ranges. It is also brought to attention that Kakkanad Division has only three Inspectors and four Superintendents. Kakkanad Division may be provided with more staff.	As and when new batch of Inspectors join, more staff will be provided to these formations. ACTION: Superintendent (Admn.)
4.	LACK OF INFRASTRUCTURE:- a. Most of the Ranges and Sections do not have a functional land phone which may be supplied at the earliest. Or else officers may be supplied with mobile phones with free recharge facility. b. Computers, printers and AEBAS system is permanently non functional. c. Conditions of Washrooms are pathetic. d. ICE Bhavan, Kathrikadavu has three divisions and a staff strength of 109. Therefore a large room in the ground floor (erstwhile 'E' and 'B' Range) may be provided as Club Hall.	As the implementation of GST and connected re-arrangement of formations have been done only in July 2017, the above will be looked on priority basis. Already financial sanction granted for repair/maintenance of EPABX system in Central Excise Bhavan, Kathrikadavu. This matter has been considered.
5.	a. TA of many officers who availed LTC were rejected on the grounds that the tickets were not of Air India/ or of Air India which were booked through non authorized agencies. Action may be	a. As per DOP&T O.M. No. 31011/2/2006-Estt.(A) dated 27.07.2009, in the case of LTC, it is specifically given that the officer should travel only by Air India by the tickets purchased directly from Air

	taken to seek condonation from the Ministry. b. A time frame to settle all allowances/claims may be made.	India or from their authorized agents. As per the guidelines issued vide Ministry of Finance OM No. 19024/1/2009-E.IV dated 07.06.2016, relaxation to travel by airlines other than Air India while availing LTC will be granted only in exceptional circumstances. Non availability of Air India flight /seats on a particular day/time would not be considered as a valid ground for seeking relaxation to travel by airlines other than Air India. Deviation from the instructions result in the rejection of the LTC. b. Allowances/claims are settled as per the availability of funds. We have sought for additional funds.

B. All India Central Excise Inspectors Association, Kerala Circle

S. No.	Points sponsored for discussion	Discussion/Decision/ Action taken
1.	Issuance of seniority list Representation on implementation of judgment of Supreme Court is kept pending. Necessary steps may be taken to implement the decision as per the Supreme Court judgment. A Committee may be created for issuance of the same at the earliest taking into consideration the staff concerns.	The staff informed that in various Zones like Delhi, Ahmedabad, Shillong etc. seniority list has been published. DOPT has subsequently issued directions vide OM dated 04.03.2014 and CBEC vide F.No.A.32022/18/2017 Ad IIIA dated 23.02.2018 has also directed to implement the seniority list as per the OM. Further, there are also other Supreme Court judgments in the issue, all the same should be considered before issuance of seniority list and as the Supreme Court judgments are final and self explanatory, the

		Zone should take a view in the matter. Committee of all the stake holders involved may be formed so that a proper view on the matter could be taken and seniority list implemented. Chairman informed that the seniority list is delayed pending implementation of N.R. Parmar case. As the term 'availability' as contained in DOP&T's OM dated 07.02.1986/03.07.1986 may lead to different interpretations, a letter was sent to CCO on 19.05.2017 for issue an advisory from the Board on the matter so that the decision of the Hon'ble Supreme Court in the case of N.R. Parmar can be implemented uniformly to fix inter-se seniority of Direct Recruits and Promotees.
2.	Re-organization of Customs Commissionerates Lack clarity in respect of re-organization of Customs Commissionerates has already been highlighted. This affects the staff adversely and need immediate attention.	Awaiting for the outcome of the proposal submitted by Chief Commissioner's Office. The issue is being pursued with the Board. (Customs formations have already been reorganized.)
3.	Due to additional charge, the same officer is forced to work under two or three Superintendents. The practice of giving additional charge may be done away with by filling the vacancies at the Division level. If additional charges given to Inspectors in unavoidable circumstances, the administrative supervision of the officer shall be specified and vested on a particular officer only instead of parallel supervision. Unit of command may be ensured in any	Suitable instructions will be issued to the Divisional heads to ensure them only one Superintendent is assigned the supervisory role.

	situation, however grave the exigency be. The vacancy in the cadre of Inspector has increased tremendously due to non filling of vacancies in the promotion quota. With the consideration of IZT requests the vacancies would increase in the cadre further. The situation of one Inspector reporting to many officers is not acceptable.	ACTION: All DCs/ACs (Divisions)
4.	Due to amendment in the RR of the Inspector cadre, necessary action may be taken to fill the vacancies that are lying in the promotion quota. The RR of the Inspector of Central Excise has been amended making 90% of the vacancies to be filled by Direct quota. Already large number of vacancy in Inspector cadre is existing due to non filling up of the promotional quota vacancies. In view of the new RR, the vacancies for DR quota has to be upward revised and send to SSC for filling up the quota.	Staff argued the following that the methodology followed by the administration in reporting vacancies are such that, the ratio of RR is applied purely on the vacancies for a year. The DOPT has clearly outlined the methodology in calculating vacancies and informed that roster has to be followed in arriving at vacancies. Presently such a methodology is not followed. Hence the vacancy position of the earlier years should be reviewed against the DOPT OM and properly reported and rectify the mistakes. The following positions are informed regarding the points raised- (1) No eligible candidates available for considering promotion. (2) Latest vacancy position already reported as per

		the amended RR.
5.	Lack of adequate Inspectors in Airports Given the sensitive nature of the work undertaken in the Airports and availability of willingness of officers to be posted to the Airports, orders may be issued posting officers in the Airport as per the sanctioned strength there.	The staff explained that the issue is that the number of officers posted at Airports are grossly inadequate to the quantum of work there. The officers are facing multiple issues including health issues owing to the work timings. Given that there are ample willingness and an available panel, action should be initiated to post officers from the panel not merely against vacancies arising but against the present vacancy in relation to the sanctioned strength. Chairman informed that the Panel is already in existence. Posting done on arising of vacancies as there is acute shortage of Inspectors in the Zone. ACTION: Superintendent (Admn.)
6.	Annual General Transfer Modification of the transfer policy in view of the GST implementation and new formations such as Lakshwadeep. Postings should be based on station and to be done centrally by CCA so as to ensure uniformity in policy. Willingness for DRI and DGGSTI may be called at the time of AGT and a list of such officers forwarded to DRI and DGGSTI for selection and appointment.	Posting to DRI, DGGSTI, NACIN is done on local rotational transfer basis. Suggested procedure in respect of posting to DRI and DGGSTI is accepted. ACTION: Superintendent (Admn.)
7.	Posting of Inspectors in Ranges Post GST implementation, most ranges are working with only one Inspector. They are forced to deal with the legacy issues of these ranges along with GST	With the induction of new batch of Inspectors, ranges will be strengthened.

	work/awareness campaigns and reports which is humanly impossible in certain ranges. The officers are not even able to proceed on emergency/pre-planned leaves as they are not granted leaves citing that there is only one Inspector. This was an issue foreseen by this association and brought to the notice of the administration at the time of AGT.	ACTION: Superintendent (Admn.)
8.	Legacy work Given the quantum of legacy work pending in the Zone, adequate arrangements be done to ensure that a separate cell if needed is constituted to work on the same so as to relieve some of the work burden from the newly constituted ranges.	Legacy work to be looked after by the jurisdictional ranges.
9.	Alternative window for forwarding of IZT applications and relief of officers on receiving IZT. As there is a window of 31st December for considering applications for forwarding. Another window may be brought at 30th June for considering the applications not being considered at the December of the previous year. It is learned that the administration is allowing relief of officers even when they are issued transfer orders, citing that the IZT policy allows for relief of officers once the cadre strength is above 65%. The IZT policy is regarding forwarding of application alone. The High Court of Kerala in the appeal filed by the department in Omshanker Gupta & Ors had held that transfer should not be stopped once NOC has been granted for transfer. Similarly the IZT policy need not be brought into picture in the case of	During the meeting, it was suggested by the staff that the deputations should continue as the 65% working strength condition does not extend to the deputation. Chairman informed that the Zone is awaiting for the new set of guidelines on IZT from CBIC.

	deputation postings as well as IZT policy is for forwarding of application for transfer alone.	
10.	Time relaxation for those working in Audit/ Anti-Evasion in biometric attendance system. In respect of officers of Audit-Anti-evasion, they have the provision of adding 'on tour'. However, the average weekly hours of an officer rather than day in and out times should be considered.	There is an inbuilt system for recording tour, subject to approval by the supervisory officer.
11.	Urgent posting of MTS in field formations MTS are required for smooth functioning of offices and for rendering suitable assistance to Inspectors.	Vacancies are reported to the Board.
12.	Modular Office, Requirement of Generator, Government accommodation for Ranges/proper distribution of funds among the formations. Action for infrastructure. The infrastructure facilities available to officers in most offices in the Zone other than Headquarters Kochi are in dismal condition. The DGHRD has specified space requirement for officers. These norms are hardly followed. The modernization of the office space of Group B officers is not being done. The toilet facilities made available to the officers are worse than that of the public lavatories. Further, post GST, new formations are not ready in most locations leading to officers and assessee being highly displaced and forced to work without basic infrastructure.	New buildings are hired/being hired with modern amenities for the Division/Ranges in the Zone. Administrative/Expenditure sanction have been granted for renovation of toilets in Kochi Central Tax and Central Excise office of the owned building in the Zone. Further repair, renovation of toilets in all the owned building in Zone will be taken up. ACTION: SUPDT. (Infrastructure)

13.	Vacancies in the cadre of Superintendent be filled up by implementing the DoPT OM on de-reservation. The vacancies in the SC/ST category which are not filled are to be de-reserved and filled by eligible candidates. However presently these vacancies are filled up with officers from other Commissionerates on deputation, thereby giving promotion to officers in General quota in other Zone. The DoPT OM in this regard may be implemented to get the benefit of promotion to officers of our Zone.	Matter is under examination in view of the existing procedure and practice.
14.	Availability of Guest House at Cochin Presently there are no Guest Houses at Cochin for officers. Arrangements should explore to have a department guest house at Cochin.	One bungalow at Chilavanoor being converted into Guest House.
15.	Constitution of Internal complaints committee as per Section 4 of the Sexual harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.	Already issued.
16.	Short payment of Travelling allowance during the period from 01.07.2016 to 01.07.2017 due to wrong calculation. Travelling allowance was being paid at a rate of Rs.800/- for every Inspector and Dearness allowance @ 125% for the period from 01.07.2016 to 01.07.2017, though the DA rate had changed during the period to 136% for the 6th pay commission allowances. For the period till 01.07.2017, TA was being given on 6th CPC rates and every officer has during this period lost an amount of Rs.864/- due to this wrong calculation. This may be recalculated and paid	Rectification being done.

	to the officers.	
17.	Non availability of Association room. The requirement of Association room is as per the DGHRD guidelines on infrastructure. The administration should follow the DGHRD guidelines on this regard.	As and when space is available, the same will be provided. ACTION: Superintendent (PRO)
18.	Regular conduction of JCM/GRM in all Commissionerates JCM/GRM including at Zonal levels should be held regularly	JCM/GRM will be conducted regularly.

The Grievances Redressal Measures (GRM) meeting concluded at 7.00 p.m.

(C.D. JOSE)
ASSISTANT COMMISSIONER (P&V)