

F. No. C-18012/03/2015 Ad-IIB
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs
Room no. 243E, 2nd Floor, North Block
New Delhi, 24th March, 2022

To,

All Cadre Controlling Authority under CBIC

Subject: Extension of benefit of Hon'ble CAT Order dt. 12.05.2016 in OA No. 3405/2014 filed by Sh. Pankaj Nayan & Ors. to similarly situated persons - Reg

Sir/ Madam,

I am directed to refer to OA no. 3405/2014 filed by Sh. Pankaj Nayan & Ors before Hon'ble Tribunal, New Delhi, wherein the applicants were seeking the benefit of Sr. Jr. clause, even when such a clause did not exist in the statutory RRs. Hon'ble Tribunal vide Order dt. 12.05.2016 allowed the benefit of Sr. Jr. clause to applicants. The department's appeal against Order dt. 12.05.2016 before the Hon'ble High Court Delhi did not survive. After consultation with DoP&T & DoLA, the Order dt. 12.05.2016 was implemented in-personam. Accordingly, the DPC conducted by the CCA Delhi on 14.10.2014 was reviewed and the benefit of Sr. Jr. clause was extended to the applicants in OA no. 3405/2014.

2. Pursuant to extension of benefit of the judgment in OA no. 3405/2014, the Board has been in receipt of large number of court cases/ orders from Tribunals/High courts with directions to extend the benefit of Pankaj Nayan case to the applicants. In several cases, these judgments have been implemented and benefit of Sr./Jr. clause has been extended to the applicants.

3. In order to minimize these litigation, a decision has been taken to extend the benefit of Order dt. 12.05.2016 of Hon'ble CAT, New Delhi in OA no. 3405/2014 filed by Sh. Pankaj Nayan & Ors to all similarly situated persons (petitioners and non-petitioners) w.e.f. 14.10.2014 i.e. date of review DPC in view of the said judgment of Pankaj Nayan. The Sr./Jr. clause was inserted in Recruitment Rules of Superintendent (Central Excise) and Superintendent (Customs Preventive) on 13.12.2018 and 10.6.2019 respective.

4. Accordingly, all DPCs conducted on or after 14.10.2014, for the purpose of promotion from the post of Inspector to Superintendent (Central Excise Cadre & Customs Preventive Cadre), without allowing the benefit of Sr. Jr. clause prior to 13.12.2018 in Central Excise Cadre

and 10.06.2019 in Custom Preventive Cadre are required to be reviewed. While conducting said exercise, Board's instruction issued vide F.No. 10A60/2/2020-Ad.IIB dated 19.01.2022 in respect of guidelines for preparation of Zone of Consideration (ZOC) would need to be followed.

5. Keeping in view the above and as a first step towards such a review, zones are advised to carry out an impact analysis of in -rem extension of Pankaj Nayan judgment. Any issue arising thereof may be intimated to the Board for resolution. A report on the impact analysis may be sent to the Board within a month of issue of this letter. A one-day workshop will be held thereafter with all CCAs, to address their queries on the matter.

6. This issues with the approval of competent authority.

Yours faithfully



(S. K. Jain)

Under Secretary to the Govt. of India

Tel: 23095584

Copy to:

- i. Web Master, with a request to upload this letter on official website of CBIC.
- ii. The Director General, NACIN, for making necessary arrangement for online workshop scheduled on 22.04.2022 on abovementioned subject(s).

Signed by Sachin Kumar
Jain
Date: 24-03-2022 15:28:34
Reason: Approved