

8/1905

(2)

1054496 12.01.2010
06/02/2019

TY,
N,

Vadodara, Dt.01.02.2019.

TO,
THE CPIO,
CENTRAL BOARD OF EXCISE & CUSTOMS,
MINISTRY OF FINANCE,
NORTH BLOCK,
NEW DELHI-110001.

राजस्व विभाग
प्राप्त डा स
★ 01 DEC 2019 ★
Receipt No. 122
Dept. of Revenue

Sir,

SUBJECT:- RTI application for information under **Section 6 OF RTI ACT, 2005.**

Under the perview of Section 3 & 6 OF RTI ACT, 2005, I may be provided the information on the following points:

1. The information requested in respect of "DR Assistant/DR Grade 'C' Stenographers" who are retired as well as presently working in CBEC(now CBIC), who had been given the 3rd MACP benefit by virtue of OM No.: 22/22/2009-CS-I(CR), Dt.10.11.2009 & 12.01.2010 issued by the U.S.CS-I(CR) of DOP&T. The list of such "DR Assistant/DR Grade 'C' Stenographers" presently working as well as retired officers be provided. The information requested, for the period from 01.09.2008 to till Dec./2018 be provided.

2. The DOPT vide **OM NO:35034/3/2008-ESTT(D), Dt.19.05.2009** introduced the "**Modified Assured Career Progression Scheme**". Vide the Para-4 of the OM dated 19.05.2008 a Screening Committee is to be constituted in each "DEPARTMENT". According to Para-5 of the said OM the recommendations of the Screening Committee are required to be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

2.a Vide the OM No: 22/22/2009-CS-I(CR), Dt.10.11.2009 & 12.01.2010 issued by the U.S.CS-I(CR) of DOP&T the benefit of 3rd MACP after 30 years of continuous service was granted/extended to DR Assistant/DR Grade 'C' Stenographers who have got non-functional grade pay of Rs.5400/-.

2.b Vide the letters referred at Sr.(1) & (2) the office has called for the CR Dossiers of the officers listed therein for granting of the benefit of 3rd MACP under the perview of OMs referred in para 2.a above.

3. The person (the officers " DR Assistant/DR Grade 'C' Stenographers") who are in the service and drawing the pay of the Government are the **Public Servant under the Sec.21 of Indian Penal Code Act.**

Section 21 in The Indian Penal Code

21. "Public servant".—The words "public servant" denote a person falling under any of the descriptions hereinafter following; namely:—
[(Twelfth)] —Every person—
(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

US(A4-IB)
A
SP/19

Therefore, the information requested is covered neither under Section-8 nor under Section-11 of the RTI Act, 2005.

3

4. In view of the above facts the information may kindly be provided under **Section 3 & 6 OF RTI ACT, 2005**, for the period from the **01.09.2008 to till Dec./2018** in respect of "DR Assistant/DR Grade 'C' Stenographers" who were given the benefit of 3rd MACP by virtue of Office Memorandum No.: 22/22/2009-CS-I(CR), Dt.10.11.2009 & 12.01.2010, on the following points :

- (a) Please provide the proper designation of the authority who acted as the "Head of the organisation/competent authority" as per the para -5 of the OM dt.19.05.2009 in cases for approval of the recommendations of the Screening Committee constituted as per para-4 of the OM for granting of MACP in the "CBEC now CBIC" under the pervue of OM NO:35034/3/2008-ESTT(D), Dt.19.05.2009. The names and designation of such officers be provided.
- (b) Please provide the information/copies of orders constituting the Screening Committee as per the para-4 of the OM dated 19.05.2008 in your in the "CBEC now CBIC" for granting of the 3rd MACP to "DR Assistant/DR Grade 'C' Stenographers" for the period from the 01.09.2008 to till Dec./2018.
- (c) I may be provided the copies of the Screening Committee's minutes/notes and recommendations duly approved by the "Head of the organisation/competent authority" for the period under reference under para(a) above.
- (d) The list of the "DR Assistant/DR Grade 'C' Stenographers" for the period from 01.09.2008 to till Dec./2018, who were awarded the 3rd MACP benefit by virtue of Office Memorandum No.:22/22/2009-CS-I(CR), Dt.10.11.2009 & 12.01.2010. I may also be provided the copies of all such orders issued granting the 3rd MACP to the eligible "DR Assistant/DR Grade 'C' Stenographers". The information be provided in respect of present working and in respect of retired officers also.
- (e) I may be provided relevant information and the all copies of documents such orders/OMs/Estt. orders along with pay fixation order of the officers mentioned in the para(d) above who have been granted Rs.5400/- by virtue of Para-x(b) of the RESOLUTION No:1/1/2008-IC, Dated:29.08.2008.
- (f) Copies of the pay fixation orders and date of payment of arrears, on account of grant of 3rd MACP by the 'Screening Committee' be provided.
- (f) In respect of all the officers/employee i.e. "DR Assistant/DR Grade 'C' Stenographers" who were granted the 3rd MACP benefit by virtue of Office Memorandum No.: 22/22/2009-CS-I(CR), Dt.10.11.2009 & 12.01.2010,
- (i) kindly provide the information regarding the regular promotions earned by the officers "DR Assistant/DR Grade 'C' Stenographers" in discussion

:3:

4

- (ii) also information be provided regarding the grant of the non-functional pay scale/grade pays/Financial-Upgradation benefit by virtue of order from file No; 5/4/2005-CS-I, Dt.25.01.2006 (copy attached for ready reference) to "DR Assistant/DR Grade 'C' Stenographers"
- (iii) the information be provided regarding the benefit earned by "DR Assistant/DR Grade 'C' Stenographers" by virtue of old ACP scheme. The copies of orders in the matter be provided.

In view of the points (i) to (iii) as discussed above, I may be provided the all relevant copies of documents such orders/OMs/Estt.orders etc. issued by competent authority granting them the above benefits.

The requested information be provided in the following format alongwith the relevant documents such as copies of relevant orders/OMs etc.

Name of officer	Present designation	Date of appointment	Date & designation of 1st promotion	Date & designation of 2 nd promotion	Date & designation of 3 rd promotion	Date of Grant of NFPS* by virtue of order from file No; 5/4/2005-CS-I Dt25.01.2006 & NFGP* on A/c. of 6 th CPC any orders NFPS	Date of grant of ACP/MACP
1	2	3	4	5	6	7	8

*(non Functional pay scale)

*(non functional grade pay) :

5. Kindly refer to the OM No:1/69/2007-IR, Dated 2.02.2008 issued by the DOPT in the matter. Instructions/provisions contained in the above referred OM are squarely applicable. The para-33 is squarely applicable for the time period in supply of information.

6. The action under the provision of Section 6(3) of the RTI Act, 2005 is applicable and anticipated.

It is once again pertinent to mention here that the information requested is covered neither under Section-8 nor under Section-11 of the RTI Act, 2005.

Enclosed herewith the Postal order No:39F _____ of Rs.10/- as statutory fees. ANY other fees required be informed at the earliest to adhered the time period.

Yours faithfully,

(R.M.MENGDE)