

The information sought under RTI Act, 2005 pertains to P&E section, General Commissionerate, Mumbai Customs, Zone – I.

In this connection, kindly provide the following information in certified/attested form:

1. Copy of Self Contained Note (SCN) placed before the Departmental Promotion Committee (DPC) for the promotion in the grade of Superintendent (P) for vacancy year 2021 culminating into issuance of Estt. Office Order No. 185/2020 dt. 30.12.2020 vide F. No. II/(3)/APPT/27/2020P&E.
2. Copy of Minutes of Meeting in respect of Departmental Promotion Committee (DPC) convened 27.11.2020 for the promotion in the grade of Superintendent (P) for vacancy year 2021 culminating into issuance of Estt. Office Order No. 185/2020 dt. 30.12.2020 vide F. No. II/(3)/APPT/27/2020P&E.
3. Month-wise break-up of anticipated vacancies considered for the promotion in the grade of Superintendent (P) for vacancy year 2021.
4. Details of number of vacancies aroused after promotion to the post of Assistant Commissioner of Customs & Central Excise, and considered for promotion to the post of Superintendent of Customs (P) in vacancy year 2015, 2016, 2017 2018 & 2019.
5. Details of year wise vacancies arisen in Mumbai Customs for the post of Superintendent of Customs (P) from 2014 to 2020, please also provide break up of source of such vacancies.

It is relevant to mention that Hon'ble CIC in case of Mr. Gopal Kumar vs. Army Head-Quarters judgement vide F. No. CIC/AT/A/2006/00069 dt. 13.07.2006 has inter-alia held that

“The Departmental Promotion Committees prepare their minutes and make recommendations after examining ACRs of the employees due for promotion.

Disclosure of the complete proceedings of DPCs and the grades given by various officers to their subordinates may lead to disclosure of the ACRs. As ACRs are themselves, according to us barred from disclosure, we hold that by inference the DPC proceedings should be similarly barred. However, in all such cases the CPIO and appellate authorities should apply the doctrine of severability, and should provide him the information which can be provided under subsection (2) of Section 10 of the Right to Information Act 2005.”

It may please be noted that appellate authority in order no 46/2019-20 issued vide F. No. RTI/Gen/Appeal/46/AAK/2019-20 dt. 05.02.2020 has relied on the aforementioned CIC judgement and directed the CPIO to provide the information after applying the doctrine of severability, if applicable.

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	CCUM1/R/E/21/00014	Date of Receipt (प्राप्ति की तारीख) :	20/01/2021
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Prashant Kumar	Gender (लिंग) :	Male
Address (पता) :	C-901, White Woods by Shagun Realty, Sector-23, Ulwe, Navi Mumbai , Pin:410206		
State (राज्य) :	Maharashtra	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाइल नंबर) :	+91-9886067075
Email-ID (ईमेल-आईडी) : prashantmehta87@yahoo.co.in			
Status (स्थिति) (Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	Shri Rajesh Munde (General)
Information Sought (जानकारी मांगी) :	Please find attached herewith and provide the information sought under RTI Act, 2005 at the earliest.		

प्रधान आयुक्त सीमा शुल्क (सामान्य) का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)
सूचना का अधिकार कक्ष, नवीन सीमा शुल्क भवन, बेलार्ड स्टेट,
RIGHT TO INFORMATION CELL, NEW CUSTOM HOUSE,
BALLARD ESTATE, मुंबई/MUMBAI - 400 001
Email id: rtignch-mumbai@gov.in

दिनांक/Date: 22/02/2021

प्रति/To

Sh. Prashant Kumar,
C-901, White Woods by Shagun Realty,
Sector-23, Ulwe,
Navi Mumbai, Pin:410206

विषय: आर टी आई अधिनियम 2005 के अन्तर्गत सूचना प्राप्त करने हेतु आवेदन।

Please refer to your online RTI Registration No. CCUM1/R/E/21/00014 dated 20/01/2021 and CCUM1/R/E/21/00015 dated 20/01/2021, received in this office on 22/01/2021 and 27/01/2021 respectively. seeking information under Right to Information Act, 2005.

With regard to the information sought by the above referred RTI, reply been received from P&E (Prev) Section, Mumbai Customs Zone-I, NCH vide letter F.NO. S/5-21/2016 P&E(PREV)Pt VII and is as under:

Point No. 1: Certified copy of Self Contained Note for the DPC meeting to be held for promotion of Preventive Officers to the grade of Superintendent(P) for the vacancy year 2021 is attached herewith.

Point No. 2: Copy of Minutes of Meeting asked by the applicant contains personal information of other officials and are confidential in nature. The disclosure of the same bears no relationship with any public activity or interest. In this regard decision of Hon'ble Supreme Court of India dated 13.11.2019 in the Civil Appeal No. 10044 of 2010 (Para 59) titled as Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal may be referred. In view of abovementioned decision of Hon'ble Supreme Court of India and section 8(1)(j) of RTI Act 2005, the information cannot be provided.

Point No. 3: Information asked by the applicant is not available, since there was no such vacancy considered.

Point No. 4: Year wise details of number of vacancy aroused after promotion of Superintendent (Preventive) to the post of Assistant Commissioner is as follows:

Year	Number of vacancy aroused
2015	14
2016	0
2017	33
2018	36
2019	0

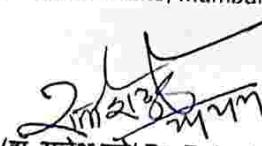
Point No. 5: Details of year wise Vacancy aroused in Mumbai Customs for the post of Superintendent of Customs (P) from 2014 to 2020 with breakup of source of such vacancy is as follows:

Vacancy occurred due to	Number of vacancy aroused in the year						
	2014	2015	2016	2017	2018	2019	2020
Promotion	196	14	0	33	36	0	0
Suporannuation	49	27	26	19	25	28	33
VRS	16	3	14	14	9	9	10
Death	1	2	2	3	0	2	1
Resignation	0	0	0	0	0	0	0
Termination	0	0	0	0	0	1	0

यदि आप प्रदान की गई जानकारी से संतुष्ट नहीं हैं, तो आप इस पत्र की प्राप्ति की तिथि से 30 दिनों के भीतर सूचना अधिकार अधिनियम, 2005 की धारा 19 में दिए गए अधीन प्राधिकारी के रामका अधीन कर सकते हैं। अपीलीय प्राधिकारी का विवरण निम्नानुसार है:

If you are not satisfied with the information provided, you can prefer an appeal before the Appellate Authority as provided in Section 19 of the Right to Information Act, 2005 within 30 days from the date of receipt of this letter. The details of the Appellate Authority are as under:

नाम /Name : विजय जा. मानवटकर/Vijay J. Manvatkar
 पदनाम /Designation : अपर आयुक्त/Addl. Commissioner of Customs
 अपीलीय प्राधिकारी (सामान्य) /Appellate Authority (General)
 डाक का पता /Postal Address : तीसरी मंजिल, नवीन सीमा शुल्क भवन/3rd Floor, New Custom House,
 बैलाई एस्टेट, मुंबई/ Ballard Estate, Mumbai - 400 001


 (डा. राजेश मुंडे/ Dr. Rajesh Munde)

केंद्रीय जन सूचना अधिकारी/CPIO,
 उप आयुक्त सीमा शुल्क/Deputy Commissioner of Customs
 सू. का अधि. कक्षा (सामान्य)/RTI Cell (General)

संलग्न : यथोपरि /Encl: As above.

प्रतिलिपि/Copy to:

अपर आयुक्त/ Addl. Commissioner of Customs,
 अपीलीय प्राधिकारी (सामान्य). Appellate Authority (General),
 तीसरी मंजिल, नवीन सीमा शुल्क भवन, बैलाई एस्टेट, मुंबई-400 001
 3rd Floor, New Custom House, Ballard Estate, Mumbai-400001

SELF CONTAINED NOTE FOR THE DEPARTMENTAL PROMOTION COMMITTEE MEETING TO BE HELD FOR PROMOTION OF PREVENTIVE OFFICERS TO THE GRADE OF SUPERINTENDENT OF CUSTOMS (PREVENTIVE) FOR THE VACANCY YEAR 2021.

1) Details of The Original DPC Held On 27/28.12.2019 and Supplementary DPC held on 18.09.2020 & 01.10.2020:

The original DPC for promotion to the post of Superintendent of Customs (Preventive) on regular basis for the vacancy year 2020 was held on 27/28.12.2019 against 621 vacancies was on 15.11.2019, wherein, on recommendation of the said DPC, vacancy position at the conclusion of DPC for the vacancy year 2020 is as below: -

SR. NO.	CATEGORY	GEN	SC	ST	TOTAL
1.	Unfilled Vacancy position at the time of DPC held on 27/28.12.2019.	435	117	69	621
2.	Vacancies filled up	406+1*	58	45+1*	511
3.	Vacancies reserved for want of APARs	11	42	16	69
4.	Vacancies reserved for want mandatory training	3	2	2	7
5.	Vacancies reserved for sealed cover	8	5	2	15
6.	Vacancies reserved for want of clarification from Board	6	7	3	16
7.	No. of vacancies remained unfilled	0	3	0	3

*02 candidates were recommended to be continued as ad-hoc basis. They shall not occupy any place in seniority list of Superintendent.

On recommendation of the Supplementary DPC held on 18.09.2020 & 01.10.2020, vacancy position at the conclusion of DPC for the vacancy year 2020 is as below:

Table-A

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MUMBAI CUSTOMS ZONE

SR. NO.	CATEGORY	GEN	SC	ST	TOTAL
1.	Unfilled Vacancy position at the time of DPC held on 27/28.12.2019.	442	119	69	630
2.	Vacancies filled up	421+1*	95	62+1*	580
3.	Vacancies reserved for want of APARs	6	4	1	11
4.	Vacancies reserved for sealed cover	5	3	0	8

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Subdtt.)*
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6.	Vacancies reserved for want of clarification from Board	6	8	3	17
7.	No. of vacancies remained unfilled	0	7	0	7

2) REASONS FOR HOLDING THE PRESENT DPC:

As per the roster point received from the Deputy Commissioner/SC & ST Cell vide F. No. S/S-391/2002 Estt.SC/ST Cell (Part-I) dated 16.11.2020, there are tentative based 107 vacancies as on 31.12.2020, the details are as below

Table-B

Vacancy position as on 31.12.2020			
Category	Sanctioned strength	Working Strength	Vacancy
General	1051	995	56
SC	203	163	40
ST	102	91	11
Total	1356	1249	107*

* Out of 107 vacancies as on 31.12.2020, 36 vacancies are reserved for below mentioned reasons:

Table-C

Reason/Category	Sealed cover	For want of APAR	For Board clarification	Total
General	6	6	6	18
SC	2	4	8	14
ST	0	1	3	4
TOTAL	8	11	17	36

These vacancies are to be filled by way of promotion from the feeder cadre of Preventive Officer as per prescribed Recruitment Rules.

3) RECRUITMENT RULES / ELIGIBILITY CRITERIA:

As per the Recruitment Rules for Superintendent of Customs (Preventive) Group B notified vide G.S.R. No. 340 dated 13.11.2019, the qualifying service for Preventive Officer to be eligible for the promotion of Superintendent of Customs

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is 02 years of regular service in the grade of Preventive Officer, successful completion of 2-4 weeks training as prescribed by department and completion of probation period. Further, in terms of the "Superintendent of Customs (Preventive), Group 'B' Recruitment Rules, 2019" all the vacancies in the grade of Superintendents are to be filled by promotion.

4) CONSTITUTION OF THE DPC:

As per Superintendent of Customs (Preventive) Recruitment Rules, 2019, the Departmental Promotion Committee should consist of the following:

SR NO	Rank of the Officer	Designation in the DPC
1	Jurisdictional Chief Commissioner of Customs or Central Goods and Service Tax	Chairman
2	Commissioner concerned	Member
3	Addl. Commissioner of Customs (Personnel & Vigilance) of the cadre controlling Commissioner	Member
4	Liaison Officer for SC/ST	Member

5) VACANCY POSITION: The sanctioned strength, working strength and / vacancy position in the Grade of Superintendent of Customs (Preventive) of Mumbai & Goa Customs (Combined) as on 31.12.2020 is as below:

Sanctioned strength	Working strength	Vacancy
1356	1249	107*

* Note: - These vacancies include the carry forward and reserved vacancies for various reason as mentioned in table C of para no 2.

6) RESERVATION ROSTER POINTS:

The tentative category wise break up as per post based roster furnished by Deputy Commissioner/P&E (G) issued vide F. No. S/S-391/2002 Estt.SC/ST Cell (Part-I) dated 16.11.2020 is as follows: -

CPIO RTI CELL (GENERAL)
MUMBAI CUSTOMS ZONE

CATEGORY	GEN	SC	ST	TOTAL
Tentative vacancy position as on 31.12.2020	56	40	11	107*

*Mentioned at *Note in table C para no 2.

7) SENIORITY LIST OF MUMBAI & GOA CUSTOMS AND ELIGIBILITY OF THE OFFICERS FOR PROMOTION:

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J. M. D.
S. H. P.

The Final Combined Common Seniority list of Preventive Officers of Mumbai Custom House and Goa Custom House had been issued on 17.05.2017 and Draft Combined Common Seniority list of Preventive Officers of Mumbai and Custom House and Goa Custom House was issued on 20.12.2019.

8) CONSIDERATION ZONE DETAILS:

As per the DOPT OM No. 22011/2/2002-Estt(D) dated 06.01.2006, the normal size of the zone of consideration is $1\frac{1}{2}$ times the number of vacancies rounded off to next higher integer plus 3. However, in case of SC/ST candidates, the extended zone of consideration is 5 times the number of vacancies.

Total 114 candidates completing 2 years of qualifying service are available for consideration for promotion to the grade of Superintendent of Customs (P) for the total number of 107 vacancies for calendar year 2021.

Out of 114 eligible candidates, 87 candidates belong to General category and have been placed in the General zone of consideration, similarly, 11 candidates belonging to SC category have been placed in the SC zone of consideration and 16 candidates belonging to ST category have been placed in the ST zone of consideration.

9) GUIDELINES FOR DPC:

a) DOPT has issued OM No. 36012/11/2016-Estt. (Res) dated 30.09.2016 wherein it has been decided that no further promotion of reserved category persons to unreserved post will be made based on the DOPT OM dated 10.08.2010 and Railway board circular dated 14.09.2010 till such time the SLPs are decided by the Hon'ble Supreme Court.

Further DOPT issued the OM No. 36012/11/2016-Estt. (Res) dated 15.06.2018 wherein para no. 2 stated as "it is directed that the pendency of the SLP (C) No. 36021/2011 shall not stand in the way of UOI taking steps for the purpose of promotion from 'reserved to reserved' and 'unreserved to unreserved' and also of promotion on merits.....".

And para no. 3 stated as "Heard learned counsel for the parties. Learned ASG has referred to order dated 17.05.2018 in SLP (C) no. 30621/2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP(C) No. 30621 of 2011."

As per the OM dated 15.06.2018 referred above, the promotion shall be subject to further orders which may be passed by the Hon'ble Supreme Court in the aforesaid SLPs.

b) DOPT'S O.M. No 22011/4/2013-ESTT (D) dated 08.05.2017 REGARDING FIXING OF CRUCIAL DATE TO BE OBSERVED BY THE DPC FOR THE VACANCY YEAR 2021.

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As per the said OM dated 08.05.2017, the crucial date for determining eligibility shall be 1st January from 2021 (calendar based).

c) **PARA 6.2.1 OF DOPT's OM No 22011/5/86-ESTT (D) dated 10.04.1989 (AS AMENDED VIDE O.M. No. 22011/7/98-ESTT (D) DATED 06.10.2000 REG CRs:**

(i) The DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (iii) below.

(ii) The DPC should assess the suitability of the employees for promotion on the basis of their service record and with particular reference to the CRs for five preceding years irrespective of the qualifying service prescribed in the Service / Recruitment Rules. The 'preceding five years' for the aforesaid purpose shall be decided as per the guidelines contained in the DOPT OM No. 22011/9/98-Estt (D), dated 08.09.1998 which prescribe the Model Calendar for DPC read with OM of even No. dated 16.06.2000. (If more than one CR have been written for a particular year, all the CRs for the relevant years shall be considered together as the CR for one year).

(iii) Where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question and if in any case even these are not available, the DPC should take CRs of the lower grade into account to complete the number of CRs required to be considered as per (ii) above. If this is also not possible, all the available CRs should be taken into account.

(d) **DOPT'S O.M. No 22011/4/2013-ESTT(D) dated 08.05.2017 REGARDING RELEVANT YEAR UPTO WHICH ACRs ARE TO BE CONSIDERED:**

As per para no. 5(iii) the APAR for five years preceding T-2nd year may be taken as reckoning

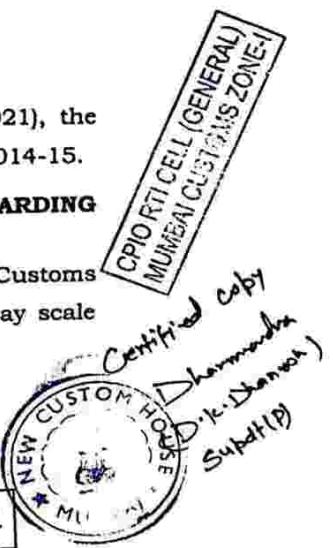
APAR i.e. for the vacancy year 2021(January 2021 to December 2021), the reckoning APARs shall be 2018-19, 2017-18, 2016-17, 2015-16, and 2014-15.

(e) **DOPT's OM No 35034/7/97-ESTT (D) dated 08.02.2002 REGARDING MODE AND BENCHMARK FOR PROMOTION:**

In the case of promotion to the grade of Superintendent of Customs (Preventive) which is a Group 'B' Executive Gazetted post carrying pay scale below the pay scale of Rs. 12,000-16,500,

1. the mode of promotion shall be selection;
2. the bench mark for the promotion shall be 'Good';

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Suptt (P)

3. the DPC shall for the promotion to the posts in the aforesaid category, Grade officers as 'FIT' or 'UNFIT' only with reference to the benchmark of 'Good'.

(f) **DOPT's OM No. 22011/4/91-ESTT AD dated 14.09.1992 REGARDING PROCEDURES AND GUIDELINES TO BE FOLLOWED IN CASE OF PROMOTION OF GOVERNMENT SERVANT AGAINST WHOM DISCIPLINARY/COURT PROCEEDING ARE PENDING OR WHOSE CONDUCT IS UNDER INVESTIGATION:**

At Para (II) of the said OM, it is mentioned that at the time of consideration of the cases of the Government Servants Promotion, details of the Government Servant in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee: -

- i) Government Servant under suspension
- ii) Government Servant in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending and
- iii) Government Servant in respect of whom prosecution for criminal charges are pending.

(g) **DOPT's OM No 22011/4/2007 ESTT Dated 28.04.2014 REGARDING GUIDELINES ON TREATMENT OF EFFECT OF PENALTIES ON PROMOTIONS-ROLL OF DEPARTMENTAL PROMOTION COMMITTEE.**

In terms of para 7 (K) of the said OM, it is mentioned that in case where the disciplinary case /criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC which kept its findings in respect of the Government servant in a sealed cover than subject to condition mentioned in para 5 of this Department's O.M. dated 14.09.1992, the appointing authority may consider desirability of giving him ad-hoc promotion (para 5 of this Department's O.M. dated 14.09.1992).

CPIO RTI CELL (GENERAL)
MUMBAI CUSTOMS ZONE

10) DOCUMENTS REQUIRED FOR THE DPC:

The following list of the documents are placed in the folder: -

- a) Zones of consideration have been prepared for General, Scheduled Caste and Scheduled Tribe candidates.
- b) The ACR grading and Integrity Certificate in respect of the Officers figuring in the zone of consideration are placed in the DPC folder.
- c) The Vigilance clearance in respect of the Officers figuring in the zone of consideration are placed in the DPC folder.
- d) Copy of Combined Seniority list of Inspector (PO) of Mumbai and Goa Customs dated 17.05.2017 and 20.12.2019.

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certified copy
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(D. D. Dhananjay
Subdt (P)

e) The list of candidates who had successfully completed 2-4 weeks training as prescribed by department for the promotion to the grade of Superintendent.

11) The DPC may like to conclude and prepare the panel for promotion of eligible candidates for promotion to the grade of Superintendent of Customs (Preventive) for 107 tentative vacancies as on 31.12.2020.

U/1/2020

CPIO RTI CELL (GENERAL)
MUMBAI CUSTOMS ZONE-I

ADDITIONAL COMMISSIONER OF CUSTOMS,
P&E, NCH, ZONE-I, MUMBAI.

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