



भारतसरकार
Govt. of India,
वित्तमंत्रालय, राजस्वविभाग
Ministry of Finance, Department of Revenue
मुख्यआयुक्तकाकार्यालय केन्द्रीय वस्तुएवंसेवाकर एवं सीमाशुल्क, गुवाहाटीज़ोन
Office of the Chief Commissioner, Goods and Services Tax & Customs, Guwahati Zone.
जीएसटीभवन 5th तल, केदाररोड, गुवाहाटी 781001-
GST Bhawan 5th floor, Kedar road, Guwahati - 781001
दूरभाष/Tel.Nos. 0361-2735999. फैक्स/Fax nos.0361-2735979, ईमेल/Email: ccshillo@nic.in

Speaking Order

C.No. II(3)5/ET/CCO/SH/2015

Dated, Guwahati, the 29th of July, 2022

***Arising out of OA No. 040/00131/2022 filed by Shri Nehkhohao Haokip & Ors
V/s UOI & Ors. filed in Hon'ble CAT, Guwahati Bench***

In pursuance of Hon'ble CAT, Guwahati Bench's directions, as mentioned in the decision dated 30-05-2022 passed in O.A. No. 040/00121/2022 in the matter of Sh. Nehkhohao Haokip & Ors. vs. UOI & Ors., i.e. to dispose of the pending representations submitted by the applicants on 25-05-2022 and 27-05-2022 by passing a reasoned and speaking order as per rules, within a period of four months from the date of receipt of a copy of this order (the date being 10-06-2022), this speaking order is hereby issued.

Brief Fact of the Case

This OA has been filed by the applicant Shri Nehkhohao Haokip, Executive Assistant along with two other Executive Assistants namely, Sh. Roger Ramneimawi & Haugomang Gangte seeking the following main reliefs:

To set aside and quash the impugned Estt. Order No. 35/2022 dated 25-05-2022 and Board's F.No.A.32012/18/2019-Ad.III-A dated 22-04-2022

&

To direct the respondent authorities to regularize their terms of service of the applicants in terms of their Inter Commissionerate Transfer orders dated 18-12-2017, 18-10-2018 and 16-08-2017 respectively with all consequential benefits of pay, seniority, etc.

The applicants, i.e. S/Sh. N Haokip, R. Ramneimawi & H. Gangte, all Executive Assistants joined this Zone on Inter Commissionerate Transfer in the grade of Executive Assistants vide office orders dated 18-12-2017, 18-10-2018 and 16-08-2017 respectively as issued by their parent Zones i.e. Mumbai Customs Zone - I and Vadodara CGST & CX Zone.

Discussion of Findings

The OA 040/00121/2022 was disposed by the Hon'ble CAT, Guwahati Bench with direction to dispose of the pending representations.

The ICT of the applicants were in the grade of Executive Assistants. Board vide F.No.A.32012/18/2019-Ad.III-A dated 22-04-2022 regarding ICT in the grade of EA in light of RRs of EA notified on 28-09-2015 has directed explicitly at para - 3 "*wherever ICTs were effected in EA cadre, the same is not being permissible, CCAs shall treat such ICTs as deemed loan cases*" and subsequently at para-4 has directed to take "*all necessary actions may be taken in line with the instructions*".

Thereby, the extended loan tenure in this Zone completes as under:

Sl. No.	Name of the Officers (S/Shri/Smti)	Date of Joining in this Zone (ICT in the grade of EA)	Parent Zone	Completion of 3 years in the Zone as "deemed loan" posting in the Zone
(1)	(2)	(3)	(4)	(5)
1.	Haugomang Gangte	06-09-2017	Vadodara GST Zone	06-09-2020
2.	Nehkhohao Haokip	20-12-2017	Mumbai Customs Zone	20-12-2020
3.	Roger Ramneimawi	22-10-2018	Mumbai Customs Zone	22-10-2021

Since, the above officers being on loan posting belong to their respective parent zones / cadre controlling authorities as mentioned at column (4), any representation made by the above officers relating to their service falls under the jurisdiction of their parent Zones.

On scrutiny of the representations it is found that their contentions are either rooted against the policy of the Board or regarding their imminent personal inconveniences, which are not properly addressed (i.e., either to Board, regarding grievances against policy or to their parent Zones for issues relating to personal inconvenience, for, them being in a loan posting).

It is also found in OA No. 040/00121/2022 that the applicants have admitted their acceptance of terms of ICT as directed by Board's Instruction 27-10-2011. However, policy of any ICT is subject to the concerned Recruitment Rules and all relevant instructions issued by the Board from time to time. Board's F.No.A.32012/18/2019-Ad.III-A dated 22-04-2022 is that such clarification, mandates proper reading of the RR of EA, 2015 and rectification of any earlier deviations in this regard.

Order

The applicants of O.A. No. 040/00121/2022 are to follow the direction of this office Estt. Order dated 35/2022 dated 25-05-2022 issued in terms of Board's F.No.A.32012/18/2019-Ad.III-A dated 22-04-2022. The applicants stood relieved by the aforementioned order by 31-05-2022 and are directed to report to their respective parent Zones. However, as per direction of the Hon'ble CAT, Guwahati Bench, their release is relaxed till the 7th day of receipt of this order. No further representations by the applicants shall be entertained by this office.

Sd./-
(V. Rama Mathew)
Pr. Chief Commissioner

To,
The Officers Concerned.

C.No. II(3)5/ET/CCO/SH/2015 /Adm/ 2711-29

Date: 01/08/2022

Copy forwarded for information and necessary action to:-

1. The Cadre Controlling Authority, Mumbai Customs Zone-I/ Vadodara GST Zone.
2. The Commissioner, Customs (Prev.) N.E.R./ CGST, Shillong/ Imphal.
3. The Under Secretary (Ad.III-A), Central Board of Indirect Taxes and Customs, New Delhi
4. The Assistant Commissioner (Law), CCO, Guwahati - *w.r.t. his office letter C.No.I(10)06/CCO/GHY /CAT/LAW/PC/2022/2759 dated 13-06-2022 - he is to take further necessary action in this regard.*
5. The Assistant Commissioner, Customs (Prev.) Division, Imphal.
6. The Pay and Accounts Officer, PAO, CGST & Customs, Shillong.
7. The Administrative Officer, CGST / CCP NER/ Cus(P) Divn., Imphal/Shillong - *they shall be responsible for causing communication of personal copies of the order to S/Sh. Nehkhohao Haokip, Roger Ramneimawi & Haugomang Gangte, Executive Assistants.*
8. The Assistant Chief Accounts Officer, CGST / CCP NER/ Cus(P) Divn., Imphal/Shillong.
9. The Superintendent, (CIU-Vig), CGST & Customs, Guwahati.

Kayio
01.08.2022
(Kayio Kayina Th.)
Joint Commissioner, CCO