To,
The Chairman,
Central Board of Excise & Customs,
North Block,
New Delhi-110001

Subject: Acceptance of Assured Career Progression Scheme (ACPS) for the post of Superintendent of Central Excise-regarding.

Sir,

Kindly refer to the O.M. F. No A-32011/8/98-Ad III (A) dt. 23.08.99 of the Central Board of Excise and Customs on the above subject.

It is submitted with due regards that the Board allowed the following financial upgradations to the cadre of the Inspector of Central Excise vide the above said letter:-

1. Initial recruitment: Inspector of Central Excise in the pay scale of Rs. 5,500-9,000/-. 
2. First financial upgradation under ACP after 12 years of service: The pay scale of the Superintendent, i.e., Rs. 6,500-10,500/-. 
3. Second financial upgradation under ACP: The pay scale of the Asst. Commissioner after 24 years of service, i.e., Rs. 8,000-13,500/-. 

Further, the pay scales of the Inspector and Superintendent were revised to Rs. 6,500-10,500/- and Rs. 7,500-12,000/- respectively with effect from 21.04.2004. It is further submitted that the ACP scheme issued by the CBEC vide its O.M. dt. 23.08.99 for financial upgradations was operative for the period w.e.f. 08.09.99 to 31.08.08.

The pay scale of the Superintendent of Central Excise was revised by the Govt. of India (Department of Expenditure) w.e.f. 01.01.06 vide notification dt. 29.08.08 in the following manner:-

1. Rs. 7,500-12,000/-, i.e., the grade pay of Rs. 4,800/- in PB-2. 
2. Rs. 8,000-13,500/- after 4 years of continuous service, i.e., the grade pay of Rs. 5,400/- in PB-2.

It is also submitted that the above referred O.M. F. No A-32011/8/98-Ad III (A) dt. 23.08.99 of CBEC has never been amended/revised. The O.M. No.35034/1/97-EST(D) dt.08.09.99 of DOPT provides vide para-7 to Annexure-I thereof that the financial upgradation under the ACP Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre. Therefore, the Superintendents of Central Excise with IIInd financial upgradation under ACP were required to be placed in the pay scale of Rs. 10,000-15,200/- which has been revised to the grade pay of Rs. 6,600/- in PB-3 w.e.f. 01.01.06 since the Govt. of India considered the revision of the pre revised pay scale of Rs. 7,500-12,000/- and Rs. 8,000-13,500/- after 4 years of continuous service to the cadre of Superintendent of Central Excise with effect from 01.01.06. But the Board has directed to place such Superintendents having IIInd financial upgradation under ACP scheme in the grade pay of Rs. 5,400/- in PB-3 w.e.f. 01.01.06 vide O.M. F.No. A-26017/76/2009-Ad.IIA dt. 29.09.09.
Further, a non-functional scale in the grade pay of Rs 5,400/- in PB-2 has been allowed to the grade of Superintendent of Central Excise completing 4 years as on 01.01.06. As per the gazette notification dated 29.08.08, the Superintendents of Central Excise completing 4 years of service in the grade of the Superintendent of Central Excise as on 01.01.06 were required to be granted the pre-revised scale of Rs. 8,000-13,500/- which is replaced by the grade pay of Rs. 5,400/- in PB-2 w.e.f. 01.01.06. The said notification speaks about the completion of 4 years of service in the grade and not in any pay scale. The said notification inter-alia provides that the financial upgradation under the Modified ACP Scheme shall be given to the next higher grade pay in the hierarchy. It has been clarified by the Board that the benefit of one increment @ 3% is permissible at the time of fixation of the pay to the group ‘B’ officers in PB-2 on non-functional basis with the grade pay of Rs. 5,400/- vide the O.M. F.No. A.26017/98/2008.Ad.II (A) dt. 23.12.09. Since the grade pay of Rs. 5,400/- has been provided in both PB-2 and PB-3 bands, the stagnated Superintendents of Central Excise who have completed more than 4 years of service in Superintendent grade as on 01.01.06 as well as also have been awarded with the second financial upgradation under ACP Scheme could not get any financial relief in the true sense because the grade pay of Rs. 5,400/- in PB-3 is nowhere higher than the grade pay of Rs. 5,400/- in PB-2. Moreover, the officers completing 4 years of service have been awarded with a 3% increment while the officers completing 24 years of service have not been awarded with any financial benefit at all because they have neither been given the benefit of the time scale after 4 years of service nor have been compensated for it. In this context, it may be pertinent to mention that the Section Officers of the Central Secretariat Service were granted a non-functional scale of Rs.8,000-13,500/- after completion of 4 years of continuous service vide O.M. No. 21/36/03-CX.1 dt. 13.11.03 of DOPT and it was also clarified that the granting of such non-functional scale of Rs.8,000-13,500/- shall not be counted a promotion under ACP Scheme and the Assistants in the CSS shall be awarded a pay scale of Under Secretary, i.e., Rs. 10,000-15,000/- at the time of granting the second ACP benefit.

The DOP&T had clarified vide O.M. No. 35034/1/2000/Estt(d) dt. 12.09.03 that there must be a financial relief in true sense to the stagnating officers under the ACP scheme. Therefore, the Superintendents of Central Excise who have been awarded the second financial upgradation under the ACP Scheme are entitled to get the grade pay of Rs.6,600/- in PB-3 w.e.f. 01.01.06 in view of the said circular dated 12.09.03 of DOP&T.

It is further submitted that the Board directed all the cadre controlling authorities under CBEC to implement the Modified Assured Career Progression Scheme w.e.f. 01.09.08 in accordance with O. M. dt. 19.05.09 of DOPT circulating it vide F. No. A-26017/76/2009-AD II(A) dt. 17.06.09. Accordingly, the Superintendents of Central Excise completing 30 years of regular service are required to be placed in the grade pay of Rs.7,600/- in PB-3 under 3rd financial upgradation because the grade pay given at the time of financial upgradation is to be the next higher grade pay in the hierarchy of the revised pay band and grade pay under the said scheme. The grade pay of Rs. 7,600/- in PB-3 is the next higher grade pay to the grade pay of Rs. 6,600/-. Furthermore, the Govt. of India have accepted the recommendation of VI CPC to the effect that the grade pay at the time of financial upgradation under ACP will be the immediate next higher grade pay in the hierarchy of revised pay bands as per the notification dated 29.08.08. Para 8.1 of O.M. No. 35034/3/2008-Estt.(D) dt. 19.05.09 regarding MACPS provides that the grade pay of Rs. 5,400/- in PB-2 and grade pay of Rs. 5,400/- in PB-3 should be treated as separate grade pays for the purpose of the grant of upgradation under MACPS. However, this O.M. does not provide that the grade pay of Rs.5,400/- in PB-3 should be considered as higher than the grade pay of Rs. 5,400/- in PB-2. Therefore, the Superintendents of Central Excise on completion of 30 years of regular service are entitled for the grade pay of Rs 7,600/- in PB-3 in 3rd financial upgradation under MACP Scheme.

It is, therefore, requested that the immediate necessary steps may kindly be taken for issuance of the necessary
orders to award the grade pay of Rs.6,600/- in PB-3 for IInd financial upgradation & grade pay of Rs.7,600/- in PB-3 for third financial upgradation to all the eligible Superintendents of Central Excise under the Modified Assured Career Progression Scheme.

Thanking you,

Yours faithfully,

(RAVI MALIK),

Copy with the request of necessary action to:
1. The Member (P&V), CBEC, North Block, New Delhi.
2. The Joint Secretary (Admn), CBEC, North Block, New Delhi.
3. The Commissioner, HRM, CBEC, Rajendra Place, New Delhi.
4. The Director General, HRD, CBEC, New Delhi.

(RAVI MALIK)