



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A constitutional body under Article 338A of the Constitution of India)

F.No. NCST/SER-1104/MFIN/17/2023-SSW

03.12.2024

To,

Shri Sanjay Kumar Agarwal
Chairman,
Central Board Of Indirect Taxes And Customs,
Department Of Revenue, North Block,
Delhi - 110001
Email Id: chmn-cbic@gov.in Tel. No: 01123092849

Sub: Denial of promotion to ST Employees by Central Board of Indirect Taxes and Customs - a representation dated 18/09/2023 received from Shri Prashant Kanwat, Tax Assistant & eight Others, D/o CBIC, New Delhi.

Sir,

I am directed to enclose herewith a copy of the minutes of the sitting held under the Chairmanship of Shri Jathothu Hussain, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 27.11.2024 at NCST, New Delhi on the above mentioned subject, for information.

Yours faithfully,

(एच.आर. मीना/H.R.Meena)
अनुसंधान अधिकारी/Research Officer
Telephone No. : 011-24641640

Copy for information:-

Shri Prashant Kanwat,
Flat No.104
Rps Colony,Khanpur,
New Delhi - 110062,
Mobile No:9999261126

Copy to :-

1. PS to Hon'ble Member (Shri Jathothu Hussain), NCST
2. ✓ NIC, NCST for uploading on the website of the Commission.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File: NCST/SER-1104/MFIN/17/2023-SSW

Minutes of the sitting held under the Chairmanship of Shri Jatothu Hussain, Hon'ble Member, National Commission for Scheduled Tribes at LokNayakBhawan, New Delhi, in the case of Shri Prashant Kanwat, Tax Assistant, and 10 others, Mumbai Customs Zone regarding denial of promotion to ST Employees by Central Board of Indirect Taxes and Customs.


File: NCST/SER-1104/MFIN/17/2023-SSW
Date of the sitting: 27.11.2024 at 12:00 PM
Participants in the Sitting - As per Annexure

Shri Prashant Kanwat, Tax Assistant and 10 others, Mumbai Customs Zone, vide their representation dated 18/09/2023 has stated that the RR rules for promotion to the post of Executive Assistant (EA) from the post of Tax Assistant was amended in 2015 and 2022 wherein the qualifying service for promotion to the post of EA (then STA) was changed from 3 years to 10 years. Due to this change in the qualifying service, number of promotion quota vacancies remained unfilled and piled on as no officer was eligible to be considered for promotion. Further, with the approval of DoPT and UPSC, one time relaxation was granted for promotion from Tax Assistant to Executive Assistant by relaxing the criteria from 10 years to 6 years and also for 4 years (in case a junior officer is considered for promotion then relaxation may be given to senior officer may be given to 4 years). But only Unreserved candidates were promoted under this while SC/STs were not given this benefit. This has caused irreparable loss to STs including himself and he has requested for justice.

2. The NCST made correspondence with the CBIC and petitioners to resolve the issue. Thereafter, a sitting was held on-2.09.2024 at NCST in which the following recommendations were made and the minutes was forwarded on 12.09.2024 to concerned authority with request to submit the action taken report within 30 days from receipt of the minutes.

- Petitioners were advised to provide a copy of the action taken by the other zones of the CBIC for granting the benefits of extended zone of consideration to ST employees, as shown in the Sitting.
- CBIC may re-examine the issue of promotion to the petitioners, as per law.
- Special Leave and Travelling Allowance may be provided to all the petitioners, who were present in the sitting.


3. The Action taken was not received, hence, NCST has decided to discuss the issue on 27.11.2024 at 12:00 (Noon) with the authority and petitioner. Accordingly, a sitting notice was issued to Chairman, CBIC and petitioners on 18.11.2024.


जातोतु हुसैन / Jatothu Hussain
सदस्य / Member
भारत सरकार / Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
नई दिल्ली / New Delhi

4. On the day of sitting i.e 27.11.2024 the officers of CBIC and petitioner were present in NCST. The officers of CBIC had submitted a copy of its letter no. A.320112/44/30-Ad.IIIA dated 26.11.2024 alongwith the copy of the order no. 333/2024 dated 26.11.2024 for promotion of officers to the grade of Executive Assistant. It was informed that the petitioners have been promoted.

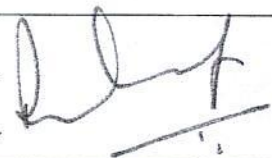
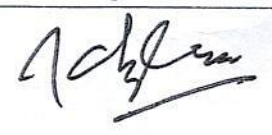




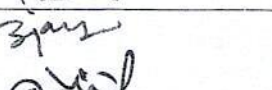
5. The petitioner has also confirmed that he has been promoted.

6. As per statement of the officers of CBIC and petitioner, it was observed that it is a successful case . Hence, no further action is requires to be taken by NCST in the matter.


(JATOTHU HUSSAIN)
MEMBER
Government of India
National Commission for Scheduled Tribes
New Delhi

जाटोतु हुस्सेन / Jatothu Hussain
सदस्य / Member
भारत सरकार / Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
नई दिल्ली / New Delhi

List of participants of the sitting held on 02.09.2024 at 3:00 PM under the Chairmanship of Shri J. Hussain, Hon'ble Member, NCST in the case of Shri Prashant Kanwat and 10 others, Tax Assistant, Mumbai Customs Zone regarding denial of promotion to ST Employees by Central Board of Indirect Taxes and Customs

Sr. No.	Name and Designation	Address & Phone No.	Signature
I	<u>National Commission for Scheduled Tribes</u>		
1.			
2.	Shri R. S Misra Research Officer		
3.	Shri Akash Tripathy Sr. Investigator		
4.	Shri Neelmani Thakur Consultant (Legal)		
5.			
6.			
II	<u>Central Board of Indirect Taxes & Customs</u>		
Sr. No.	Name and Designation	Address & Phone No.	Signature
1.	M. Himabindu	North Block. 99 208 32 302	Bindu
2.	Rajan Chaudhary Principal Commissioner Customs (General) Zone-I Mumbai	Ballard House Mumbai-1 952767585	
3.	Dr Kundan Yadav Addl Commissioner (PTE), Mumbai Customs	DU 8506 889 889	
4.	Ravish Kumar Under Secy. CBIC	9868041195, MB	
5.	Jay Mohan Sajan	9752058462	
III	<u>Petitioner</u>		
1. a	Vinod Kr. Meena	9509969475	
7.	Sameer Meena	9950314020	
e.	Prashant Kanwat	9087607137	
2.	Ajay Kumar Someendras Singh Meena	9999261126 8769313113	