

**OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER : GST & CX : MUMBAI**  
**GST BHAVAN, 115, MAHARISHI KARVE ROAD, CHURCHGATE : MUMBAI - 400 020**

**ESTABLISHMENT ORDER NO. 35 / 2017**

A Screening Committee Meeting (SCM) was held on 07.10.2015 to consider the case of Direct Recruit Inspectors of Central Excise, who had completed 10 years of service or 10 years of service in the grade as on the date of the SCM for grant of First financial upgradation under the MACP Scheme in the grade pay Rs.4800/- in PB-2. However, due to pendency of a prosecution case against **S/Shri S.S. Deshmukh & G.M. Dighe, Inspectors (now ad-hoc Superintendents)**, the Screening Committee kept its findings in respect of the officers in 'Sealed Cover'.

2. The said prosecution case initiated vide complaint dated 09.02.2009 filed by Customs (Preventive), M&P Wing, Mumbai before the Hon'ble CMM Court, Mumbai has been withdrawn by the department which was allowed by the CMM Court vide their order dated 29.05.2017, taking into consideration the withdrawal of the Customs Appeal No.23/2007, 216/2007, 60/2009 & 17/2009 by the prosecution on 05.12.2016 from the Hon'ble Bombay High Court. At present there is no vigilance / non-vigilance case or action pending against the officers.

3. Earlier, Charge sheet dated 31.12.2001 was issued to both the officers. The Disciplinary Authority, i.e. Commissioner, Service Tax, Mumbai - II, vide order dated 17.09.2010 has imposed a penalty of reduction of pay by 3 stages for two years on both the officers. Penalty period expired on 30.09.2012.

4. In terms of para 17.6.1 of DOPT's O.M.No.22011/5/86-Estt(D) dt.10.04.89 read with O.M. No. 22011/4/91-Estt (A) dt.14.09.92, the findings of SCM held on 07.10.2015 for grant of first financial upgradation under the MACP Scheme, in so far as it pertains to S/Shri S.S. Deshmukh & G.M. Dighe, Inspectors (now Superintendents), is required to be given effect. Accordingly, S/Shri S.S. Deshmukh & G.M. Dighe, Inspectors (now ad-hoc Superintendents), are hereby granted First financial upgradation under the MACP Scheme **with effect from 01.10.2012** in the grade pay of Rs.4800/- in PB -2 (Level 8 of the pay matrix).

5. The First financial upgradation granted to the above officers is subject to, inter-alia, the following conditions:-

5.1 The financial upgradation will not result in change in the designation of the beneficiary i.e. the financial benefits are granted with the retention of his old designations and the said financial upgradation shall not confer any privilege related to higher status.

5.2 The financial upgradation under the MACP scheme shall be purely personal to the incumbent (officer) and shall not amount to actual functional promotion of the officer concerned. Further, it shall have no relevance to his inter-se seniority position, and as such, there shall be no additional financial upgradation for the senior officers on the ground that the junior officers have got higher pay scale(s) under MACP Scheme.

5.3 If a regular promotion is offered but was refused by the officer, before becoming entitled to a financial upgradation, no financial upgradation shall be allowed; as such an officer has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the officer subsequently refuses promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal.


5.4 Benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme. Therefore, the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available.

5.5 On their financial up-gradation under the MACP Scheme, which is in situ and which may not involve assumption of higher duties and responsibilities, as a special dispensation, the officers have an option under F.R. 22(I)(a)(1) to get his pay fixed in the higher post/grade pay either from the date of their promotion/upgradation or from the date of their next increment viz. 1st July of the year. The pay and the date of increment would be fixed in accordance with clarification No. 2 of Department of Expenditure's O.M. No. 1/1/2008-IC dated 13.09.2008.

5.6 No past cases would be re-opened. Further, while implementing the MACP Scheme, the differences in pay scales on account of grant of financial upgradation under the old ACP Scheme (of August 1999) and under the MACP Scheme within the same cadre shall not be construed as an anomaly.

5.7 Option (exercisable within one month from the date of receipt of this order) for fixation of pay in the higher grade scale(s) based on the date of increment (i.e. 1st July of the year) of the incumbents is also allowable. Such option once exercised shall be treated as final.

6. This issues with the approval of the Principal Commissioner, GST & CX, Mumbai.

  
( Pankaj Kumar ) 17/8/17  
Joint Commissioner (PCCO)  
CGST & CX : Mumbai

F.No. II/39(CON) MACPS-02/2015 / 232  
Mumbai, the 17<sup>th</sup> August, 2017.

Copy to :-

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- (2) The Commissioner, GST & CX, Palghar
- (3) The C.A.O., GST & CX, Mumbai East
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