

### ANNEXURE III

Form to be filled by the Ministry/Department while forwarding proposals to the Department of Personnel and Training and the Union Public Service Commission for amendment of approved Recruitment Rules.

1. (a) Name of the Post: Indian Customs & Central Excise Service Group 'A'

(b) Name of the Ministry/Deptt.: Ministry of Finance, Department of Revenue

2. Reference No. in which Commission's advice on Recruitment Rules was conveyed. Number.

3. Date of notification of the original rules subsequent amendments (copy of the original rules & subsequent amendments should be enclosed, duly flagged and reference: G.S.R. (E) 794 dated 17.09.1987  
G.S.R. (E) 343 dated 03.07.1992  
G.S.R. 77 dated 23.03.1998

Col. No. of the Schedule	Provisions in the approved/ existing rules	Revised provisions proposed	Reasons for the revision proposed
2.	Rule -2 Definitions: - There is no definition of OBC in the earlier Rules.	Rule -2 Definitions: - In the revised rules, the following definition of OBC may be incorporated. "OBC means other backward classes having the same meaning and applicability as laid in Department of Personal & Training O.M. No. 36012/22/93-Estt (SCT) dated 8 <sup>th</sup> September, 1993 as amended from time to time.	As required for reservation of OBC in direct recruitment in pursuance of the DOPT Order no. O.M.No. 36012/22/93 dated 8.9.93(order no. 1)
3.	Rule-10:- Age and educational qualifications: The educational qualification and the age-limit for direct recruitment to posts in	Rule 10:- Age and educational qualification: As per the Rule 10, the age limit and educational qualification in the direct	As per . GOI., Dept of Per.& Trg, Ministry of Personnel, Public Grievances and Pensions Gazette of F.No.15012/6/98-

	<p>Grade VI of the Service on the results of the Examination shall be as specified in Schedule III.</p> <p>The age limit for the direct recruitment to the post in grade VI of the service on the results of the competitive examination is given at point no.2 of the Schedule III, wherein it has been mentioned that</p> <p>“the candidate must have obtained the age of 21 years but must not have attained the age of 26 years on the first day of August of the year in which the examination is held.”</p>	<p>recruitment in Grade VI of the service on the results of the examination were specified in schedule III.</p> <p>The age limit for the direct recruitment to the post in grade VI of the service on the results of the competitive examination is given at point no.2 of the Schedule III, wherein it has been mentioned that</p> <p>“the candidate must have obtained the age of 21 years but must not have attained the age of 30 years on the first day of August of the year in which the examination is held with applicable age relaxation to the SC, ST and OBC candidates”.</p>	<p>Estt(D)dated 21/12/1998.&amp; F.No.13018/3/2011-AIS(I) dated 19<sup>TH</sup> February 2011</p>
4.	<p>Rule-11</p> <p>Attempts at the Examination: -</p> <p>No candidate who does not belong to a Scheduled Caste or a Schedule Tribe or who is not covered by any of the specified exceptions notified by the Government of India in the Department of Personnel and Training, from time to time, shall be permitted to complete more than three times at the Examination.</p>	<p>Rule 11:-</p> <p>Attempts at the Examination: -</p> <p>No candidate who does not belong to a Scheduled Caste or a Schedule Tribe or a OBC or who is not covered by any of the specified exceptions notified by the Government of India in the Department of Personnel and Training, from time to time, shall be permitted to complete more than Four times at the Examination.</p>	<p>GOI., Dept of Per.&amp; Trg, Ministry of Personnel, Public Grievances and Pensions Gazette of F.No.13018/3/2011-AIS(I) dated 19<sup>TH</sup> February 2011 and O.M. No. 36012/22/93 dated 8.9.93</p>
5.	<p>Rule 15 (1):-After every Examination the names of candidates shall be arranged by the Commission in the order of merit as disclosed by the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by</p>	<p>Rule 15 (1):-After every Examination the names of candidates shall be arranged by the Commission in the order of merit as disclosed by the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by the commission to be qualified</p>	<p>As required in case of reservation of OBC in direct recruitment in pursuance of the DOPT Order no. O.M.No. 36012/22/93 dated 8.9.93(order no. 1) &amp; amended vide</p>

	the commission to be qualified on the basis of examination and interview shall be recommended for appointments up to the number of unreserved vacancies decided to be filled on the results of Examination	on the basis of examination and interview shall be recommended for appointments up to the number of unreserved vacancies decided to be filled on the results of Examination, the candidates of OBC category recruited on the basis of merit on the same standard as for general candidates will not be adjusted against the reservation.	O.M.No.36011/6/2010-Estt (Res)dated 25 <sup>th</sup> June 2010
6.	Rule 15(2):- Candidates belonging to the Scheduled Castes or the Scheduled Tribes may, to the extent the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard, to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the Service.	Rule 15(2):- Candidates belonging to the Scheduled Castes or the Scheduled Tribes or OBC may, to the extent the number of vacancies reserved for the Scheduled Castes , Scheduled Tribes or the OBCs cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard, to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the Service.	O.M.No.36011/6/2010-Estt (Res)dated 25 <sup>th</sup> June 2010 .
7.	(1) Rule 15 (3),15 (4), 15 (5):-  (3)If a sufficient number of candidates who are members of the Scheduled Castes or the Scheduled Tribes, are not available for filling all the vacancies so reserved, the vacancies not so filled shall be filled by appointing candidates not belonging to the Scheduled Castes or the Scheduled Tribes qualified by the standard specified by the Commission for service and an equivalent number of additional vacancies shall be reserved for candidates belonging to the S C or the	Rule 15(3),15(4),15(5):-  (3).“ (i) Where sufficient number of candidates belonging to SC/ST/OBC are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies shall not be filled by candidates not belonging to these communities. In other words, there is a ban on dereservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.	The office memorandum issued vide F. No. 36011/6/2010-Estt (Res) dated 25 <sup>h</sup> JUNE 2010 of ministry of Personnel, P.G.& Pensions, D.O.P.T., after the introduction of the post based reservation the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category.

<p>Scheduled Tribes to be filled on the results of the next Exam.</p> <p>(4) If at the Examination, sufficient number or candidates belonging to the Scheduled Castes or the Scheduled Tribes is not available for filling all the vacancies reserved for them including those carried forward under sub-rule (3) above, the vacancies so remaining unfilled shall be filled by appointing candidates not belonging to the Scheduled Castes or the Scheduled Tribes qualified by the standard prescribed by the Commission for the Service, an equivalent number of vacancies shall be carried forward to the next Exam.</p> <p>(5) Notwithstanding anything contained in sub-rules (3) and (4) above no vacancies reserved for the Scheduled Castes or the S T shall be carried forward to any year of the Exam.</p> <p>a) to such an extent that the total number of vacancies so carried forward together with the vacancies reserved for candidates who are members of the Scheduled Castes and the Scheduled Tribes for that year exceeds 50% of the total vacancies in that year; or</p> <p>b) If such vacancies, which are to be carried forward continuously remained unfilled for a period of three recruitment</p>	<p>(4) If sufficient numbers of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies. If the required number of SC/ST/OBC candidates are not even then available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as "backlog vacancies."</p> <p>(5) In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs, STs and OBCs will also be announced for recruitment. While doing so it may be kept in view that the vacancies of the particular recruitment year i.e. the current vacancies and the backlog vacancies of OBCs will be treated as one group and backlog vacancies of SCs and STs as a separate and distinct group. Thus, there will be two distinct groups of vacancies. One group will contain the current vacancies and the backlog vacancies of OBCs, and the another group will contain backlog vacancies of SCs and STs. While in</p>	
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	years;	<p>respect of vacancies in the first group instructions that not more than 50% of the vacancies can be reserved in a year will apply, all the backlog vacancies reserved for SCs and STs will be filled up by the candidates belonging to concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs and STs.</p> <p>(i) If vacancies reserved for SCs /STs/ OBCs cannot be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, they will be carried forward as backlog vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved.</p> <p>(ii) There may be rare and exceptional cases in Group 'A' services, where posts cannot be allowed to remain vacant in public interest. In such situations, the administrative Ministry/Department under which the recruitment is being made shall make a proposal for dereservation giving full justification for such action, and consult the National Commission for Scheduled Castes and Scheduled Tribes in case of posts reserved for SCs/STs and the National Commission for Backward Classes in case of posts reserved for OBCs and obtain the comments of concerned Commission on each proposal. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal for dereservation along with</p>	
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		the Commission's comments before a Committee comprising the Secretaries in the Department of Personnel and Training, in the Ministry of Social Justice and Empowerment and in the Ministry/Department under which the recruitment is being made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for a final decision. If dereservation of the vacancies is approved, these can be filled by the candidate of other communities.	
8.	Rule 18(1) :- Appointment by promotion to Grade VI of Service: “(1) Appointment to the vacancies in Grade VI of the Service required to be filled by promotion under sub-rule 2 (ii) of rule 5 shall be by promotion of the following categories of Group `B` officer in the Central Excise, Customs and Narcotics Departments who have completed three years regular service in the Group `B` posts”	Rule 18(1):- Appointment by promotion to Grade VI of Service: “(1) Appointment to the vacancies in Grade VI of the Service required to be filled by promotion under sub-rule 2 (ii) of rule 5 shall be by promotion of the following categories of Group `B` officer in the Central Excise, Customs and Narcotics Departments who have completed Two years of service in the Group `B` posts”	As per the letter dated 25.5.1998 issued from the Ministry of Personnel, Public Grievances and Pensions (DOPT) vide file no. AB-14017/2/97-Estt(RR) of subject –Fifth Central Pay commission's Recommendations-Revision of pay scale-Amendment of Service Rules/Recruitment Rules (Copy placed opposite) the fixed qualifying service for the pay scale i.e. Rs.7500-12000 to Rs.8000-13500 has been fixed as 2 Years.
9.	RuleE 18(2)(a):- In the amended RRs , amended vide Notification Number –A 32012/2/91-AD.II( G.S.R. Number 343	Rule 18 (2) (a) :- In the amended RRs , amended vide Notification Number –A 32012/2/91-AD.II( G.S.R. Number 343 of 1992	Vide F.No.296/03/2011-CX9 dated 19.9.2011, communicating the minutes of

	<p>of 1992 ) Dated 8<sup>th</sup> June 1993.</p> <p>Rule 18 (2)(a) "The vacancies to be filled by promotion shall be filled from out of the three Group 'B' officers mentioned at categories (a), (c) and (b) to sub rule -1 in the ratio of 6:1:2 respectively for each bunch of nine vacancies. Out of these 9 vacancies the first six vacancies would go to officers at category (a) the 7<sup>th</sup> vacancy to the officer at category (c) and 8<sup>th</sup> and 9<sup>th</sup> vacancies to the officer at category (b) of the sub Rule 1 above and seniority of these officers shall also be fixed in this order.</p>	<p>) Dated 8<sup>th</sup> June 1993 of Department of Revenue,</p> <p>Rule 18 (2)(a) "The vacancies to be filled by promotion shall be filled from out of the three Group 'B' officers mentioned at categories (a), (c) and (b) to sub rule -1 in the ratio of 13:2:1 respectively for each bunch of nine vacancies. Out of these 16 vacancies the first thirteen vacancies would go to officers at category (a) the fourteen and fifteen vacancy to the officer at category (c) and Sixteen vacancies to the officer at category (b) of the sub Rule 1 above and seniority of these officers shall also be fixed in this order</p>	<p>the meeting of the Board's meeting of date 16.9.2011 in respect of BMB No. 46/2011</p>
10.	<p>Rule 18 (3) (a) "The promotion shall be made on the principle of selection on merit basis."</p>	<p>Rule 18 (3) (a) "The promotion shall be made on the principle of selection basis."</p>	<p>The change is required to be made as per the provisions of O.M.F. No. 35034/7/97-Estt. (D) dated 08.02.2002.</p>
11.	<p>Rule 19 (2) Officers, both promotees and direct recruits, appointed to the Grade VI of the Service in accordance with the provision of these rules shall be considered for regular promotions to Grade V of the Service in running order of their seniority and after completing four years regular service in Grade VI.</p>	<p>Rule 19(2):-"Officers, both promotes and direct recruits, appointed to the grade VI of the service in accordance with the provisions of these rules shall be considered for regular promotions to Grade V of the service in running order of their seniority and after completing 'Four (4)' years of service in Grade VI.</p>	<p>As per the CAT Order ,Madras Bench vide OA No. 873/2007 ,the change is required for unnecessary litigation in future.</p>
12.	<p>Rule 20(1) "Appointment to Grade IV of the Service shall be made by promotion on the principle of selection on merit of officers in Grade V of the Service."</p>	<p>Rule 20(1) "Appointment to Grade IV of the Service shall be made by promotion on the principle of selection of officers in Grade V of the Service."</p>	<p>The change is required to be made as per the provisions of O.M.F. No. 35034/7/97-Estt. (D) dated 08.02.2002.</p>

13.	<p>Rule 21. Appointment to the Grade III of Service (Non-functional Selection Grade of Service) : “15 percent of the Senior Duty Posts shall be operated in the non-functional selection grade of Rs. 14300-400-18300 and appointment to this grade shall be made according to seniority based on suitability taking into account the overall performance, experience and any other related matter:</p> <p>Provided that no Officer shall be appointed to the selection grade unless he has been appointed to Grade IV of Service to the post of Dy. Commissioner of Customs &amp; central Excise and has entered the 14<sup>th</sup> year in that Service on the 1<sup>st</sup> July of the year calculated from the year of examination on the basis of which he was recruited;</p> <p>Provided further that inter-se seniority of Officers in Grade IV shall not be changed as a result of their appointment to the Non-functional selection Grade.”</p>	<p>Rule 21. Appointment to the Grade III of Service: “30% of the Senior Duty Posts shall be operated in the Grade III of Service, which is Non-functional Selection Grade (Rs. 14300-400-18300) (now PB-4 Rs. 37400- 67000 + Grade pay Rs. 8700) of Junior Administrative Grade of the Service, and appointment to these posts shall be by promotion on the basis of seniority based on suitability taking into account the overall performance, experience and any other related matter;</p> <p>Provided that no officer shall be appointed to the selection grade unless he has been appointed to the Grade IV of service to the post of Joint Commissioner of Customs &amp; Central Excise and has entered the 14<sup>th</sup> year in that service on the 1<sup>st</sup> July of the year calculated from the year following the year of examination on the basis of which he was recruited.</p> <p>Provided further that inter-se seniority of Officers in Grade IV shall not be changed as a result of their appointment to the Non-functional selection Grade.”</p>	<p>These revisions have become necessary in view of the cadre restructuring of Indian Customs &amp; Central Excise Service during 2001 and changes in designation.</p>
14.	<p>Rule 22 (a) “Officers of Grade IV of the Service, holding the post of Dy. Commissioner of Customs &amp; central Excise with eight years regular service in the grade (including service, if any, rendered in non-functional selection grade of Rs. 14300-400-18300)”</p>	<p>Rule 22 (a) Officers of Grade IV of the Service holding the post of Joint Commissioner of Customs &amp; Central Excise with eight years of regular service in the grade (including service, if any, rendered in Non-functional Selection Grade of Rs. 14300-400-18300.</p>	<p>These revisions have become necessary in view of the cadre restructuring of Indian Customs &amp; Central Excise Service during 2001 and changes in designation</p>



15.	Rule 26 (3) “The Government may require a person appointed to the Grade VI of the service to undergo during the period of probation such Courses of training and to pass such examination and tests as it may think fit to specify as a condition for satisfactory completion of probation.”	Rule 26 (3) “The Government may require a person appointed to the Grade VI of the service to undergo during the period of probation such Courses of training conducted by Lal Bahadur Shastri National Academy of Administration and National Academy of Customs, Excise and Narcotics and to pass such examination and tests as it may think fit. The candidates so appointed to the Grade VI of the service would be granted their first increment only after passing such examination and tests.”	Office Memorandum No. 18011/1/86- Estt. (D) dated 28.03.1988
16.	Rule 26 (5) “On completion of the period of probation to the satisfaction of the Government, the person shall, if considered fit for permanent appointment to the service, be so appointed subject to the availability of permanent vacancies in the grade.”	Rule 26 (5) “On completion of the period of probation to the satisfaction of the Government , the person shall, if considered fit for permanent appointment to the service, be so appointed.”	These revisions have become necessary in view of the Office Memorandum No. 18011/1/86- Estt. (D) dated 28.03.1988 of Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training).

**SCHEDULE-1**  
**of Rule 4 sub rule 1**

**Grades, Numbers and Scales of Pay of Posts included in the service**

Sr. No.	Grades of the post	No. of Post	Previous Scale of pay	<i>Revised Scale</i>
1.	Grade I- <b>Chief Commissioner</b>	<b>47</b>	Rs. 22,400-525-24,500/-	<b>HAG</b> 67,000-79,000/-(with annual increment @3%)
2.	Grade II- Senior Administrative Grade <b>Commissioner.</b>	<b>293</b>	Rs. 18,400-500-22,400/-	<b>PB-4</b> Rs. 37,400-67,000+G.P. Rs.10,000/-
3.	Grade III- Non Functional Selection Grade of Junior Administrative Grade <b>Additional Commissioner.</b>	<b>593</b>	Rs. 14,300-400-18,300/-	<b>PB-4</b> Rs. 37,400-67,000+G.P. Rs.8,700/-
4.	Grade IV (Junior Administrative Grade <b>Joint Commissioner.</b>		Rs. 12,000-375-16,500/-	<b>PB-3</b> Rs. 15,600-39,100+G.P. Rs.7,600/-
5.	Grade V- (Senior Time scale) <b>Deputy Commissioner.</b>	<b>601</b>	Rs. 10,000-325-15,200/-	<b>PB-3</b> Rs. 15,600-39,100+G.P. Rs.6,600/-
6.	Grade VI- (Junior Time Scale) <b>Assistant Commissioner.</b>	<b>949</b>	Rs. 8,000-275-13,500/-	<b>PB-3</b> Rs. 15,600-39,100+G.P. Rs.5400/-
7.	(i) Deputation Reserve (ii) Leave Reserve (iii) Training Reserve (iv) Probationary Reserve	NIL	Rs. 8,000-275-13,500/-	<b>PB-3</b> Rs. 15,600-39,100+G.P. Rs.5400/-

5. Name, addresses and telephone numbers of the Ministry's representatives with whom these proposals may be discussed, if necessary, for clarification/early decision.

Signature of the Officer sending the proposals

Telephone No.-----

Place:

Date: