

Most Immediate
Contempt Matter
By FAX/Speed Post

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F. No. A-23011/ 23 /2011-Ad.IIA
Government of India
Ministry of Finance
Department of Revenue
C.B.E.C.

New Delhi, the 5th July, 2012.

The Narcotics Commissioner ,
Central Bureau of Narcotics,
19, the Mall Road,
Morar, Gwalior,
M.P.- 474006

Sub: : CP Civil/Criminal No. 27/2012 filed by Shri J.C.Panwar in
OA No. 746/2010 filed before Hon'ble CAT, Jaipur Bench, Jaipur.

Sir,

I am directed to enclose a copy of the contempt letter filed by Shri J.C. Panwar in OA No. 746/2010 filed before Hon'ble CAT, Jaipur Bench, Jaipur for non-compliance of Hon'ble CAT Jaipur Bench's order dated 6/9/2011. The C.P. is posted for hearing on 6/8/2012.

2. The Hon'ble Tribunal's order has been examined in consultation with DoP&T on the basis of the facts and circumstances of the case as provided by your office. DoP&T has advised as under :-

" In the matter of disciplinary/penalty proceedings, grant of benefit under the Scheme, will be regulated under the provisions of CCS(CCA) Rules, 1965. However, financial upgradation under the Scheme are granted w.e.f. the due date, i.e. the crucial date, unlike promotions which are always given to any employee from a prospective date.

Therefore,if the official is free from the following three situations as on crucial date for grant of MACP benefit, in terms of DoP&T's O.M.No. 22011/4/91-Estt.(A) dated 14/09/92, the official would be considered for grant of financial upgradation under the ACP Scheme :

- (i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending."

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3. You are, therefore, requested to re-examine the whole issue in the light of the advice tendered by DoP&T (a photocopy enclosed for ready reference) and take appropriate action immediately as the petitioner has filed a contempt petition against non-implementation of Hon'ble CAT's order dated 6/9/2011.
4. You are also requested to kindly expedite this case on the basis of DoP&T's advice and take all necessary steps to defend this contempt petition before the Hon'ble CAT on behalf of all the respondents.
5. Board may kindly be apprised of the action taken in the matter on priority.

Yours faithfully,



(Sarvjit Singh)

Under Secretary to the Govt. of India

Tel. No. 23095528

Encl : As above.

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PMo A-23011/23/2011-Ad/IA

Government of India
Department of Personnel & Training
Establishment (D)

Dy.No. 50222/12/Estt D

Reference preceding notes.

2. The referring department has sought clarification on whether the vigilance clearance is to be taken on the date of grant of financial benefit i.e. the due date for grant of benefits under MACPS or on the date of meeting of the Screening Committee.

3. In terms of DOPT's O.M. dated 19.05.2009 introducing MACPS, the cadre controlling authorities were supposed to constitute first Screening Committee to consider the cases maturing upto 30.03.2009 for grant of benefits under the Scheme within one month from the issue of the said O.M. In the instant case of Shri J.C. Panwar, Suptdt., who was eligible for grant of 3rd MACP w.e.f. 01.09.2008, concerned department has not given any solid grounds for not convening the Screening Committee meeting within the timeframe.

4. In the matter of disciplinary/penalty proceedings, grant of benefit under the Scheme, will be regulated under the provisions of the CCS(CCA)Rules, 1955. However, financial upgradations under the Scheme are granted w.e.f. the due date i.e. the crucial date, unlike promotions which are always given to an employee from a prospective date.

5. Therefore, if the official is free from the following three situations as on crucial date for grant of MACP benefit, in terms of DOPT's O.M.No.22011/4/81-Estt.(A) dated 14.09.1992, the official would be considered for grant of financial upgradation under the ACP Scheme:

- (i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

6. In view of the above, we may advise the referring department to regulate the instant case accordingly.

Director (E-I)

(M)
5/6/12

Amr Vergha
01/06/12
SO (Estt D)

SO (Estt D) 05/06/12

D/o Revenue, M/o Finance.

DOPT ID No. 50222/12/Estt D dt. 05/06/12.