F. No. C-11016/05/2018 -Ad.V 12747

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
(Ad. V Section)

6th Floor, C-Wing, Hudco Vishala Bldg,
Bhikaji Cama Place, New Delhi.
Date the 4th April, 2018.

To

All Director Generals
All Principal Chief Commissioner/Chief Commissioners of Customs, Central Goods & Service Tax Zones
All Principal Commissioner/ Commissioner of Customs, Central Goods & Service Tax Zones
The Narcotics Commissioner
Directorate of Publicity & Public Relations

Subject: Timely implementation of penalty order passed on conclusion of the disciplinary proceedings -regarding.

Sir/Madam,

I am directed to say that recently a case has come to the notice of the Board where a penalty imposed by the Disciplinary Authority (Hon’ble Finance Minister) was not implemented even after a lapse of over 4 years from the date of order. As per Article 77 of the Constitution of India all the powers of the Union are vested in the President of India. In terms of Rule 3 of Transaction of Business Rules, 1961, the power to impose penalty on a IRS(C&CE) Group A officer is exercised by Hon’ble Finance Minister as the Minister In-Charge. Therefore, non-implementation of the order passed by Hon’ble Finance Minister as disciplinary authority is a serious matter, which tantamount to undermining the authority of the President of India.

2. In order to rule out that penalty orders issued by the Board in respect of IRS(C&CE) Group A Officers and retired Group B & C officers/staff, including erstwhile Group D, are not pending for implementation, all the Directorates/Zones shall furnish a one time report addressed to CVO, CBEC on implementation of all the penalty orders issued by the Board during 01.01.2017 to 31.03.2018, in the format given in Annexure-A & B, so as to reach this office latest by 30.04.2018. Separate reports shall be furnished in the prescribed format (Annexure-A & B) with regard to implementation of penalty orders issued by the Board during the aforesaid period in respect of (a) Group A officers, including retired officers, and (b) retired Group B & C, including erstwhile Group D officers/staff. ADG(Vig)/Pr ADG(Vig) in Zonal units of DGOV will pursue the matter with the respective Directorates/Zones to ensure that the requisite reports are sent to the Board positively by 30.04.2018.
3. In order to ensure that similar lapses are not repeated in future, henceforth a compliance report shall also be furnished by the concerned Directorates/Zones regarding implementation of penalty orders issued by the Board after 01.04.2018 in the format given at Annexure-A & B. All the Directorates/Zones are requested to furnish a compliance report with regard to implementation of such orders within a period of 15 days of receipt of the penalty order in the Directorate/Zone. CBEC/Ad.V shall maintain a register with regard to implementation of penalty orders issued by the Board in the format given in Annexure-A-1 & B-1. The register will be submitted to CVO, CBEC, every month.

4. Similar procedure be adopted in each Directorate/Zone with regard to implementation of orders of disciplinary/appellate/revisionary authority in respect of Group B & C, including erstwhile Group D staff.

Yours faithfully,

(Kabindra Joshi)
Deputy Secretary to the Government of India

Copy to:

1. The Addl. Director General, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.

2. ADG(Vig)/Pr ADG(Vig) in all Zonal Units of DGOV – for follow up action and instituting a similar mechanism for implementation of disciplinary order of all serving Group B & C staff in their respective Zones.

3. Jt. Secretary (Admn.), CBEC, North Block, New Delhi.

4. The Web Manager, Dte General of Systems, Customs & Central Excise, New Delhi.

5. Guard File.
**Annexure ‘A’**

**Format for reporting implementation of penalty orders issued by CBEC/Ad.V in respect of Group ‘A’ (serving & retired) Officers during 01.01.2017 to 31.03.2018**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name &amp; Designation of the Officer</th>
<th>No. &amp; Date of the penalty order</th>
<th>Nature of the penalty, in brief</th>
<th>Date on which order received in the concerned Commissionerate</th>
<th>Date on which the order was served on the CO</th>
<th>Date from which the order was given effect</th>
<th>Date on which implementation of penalty will be over</th>
<th>Date on which entry made in Confidential Roll/APAR of the officer</th>
<th>Date on which entry made in the service book</th>
<th>Whether recoveries, if any, to be affected were reflected in the LPC of the officer at the time of his transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</tbody>
</table>

**Annexure ‘B’**

**Format for reporting implementation of penalty orders issued by CBEC/Ad.V in respect of Retired Group ‘B’, ‘C’ & ‘D’ (Rule 9 cases) during 01.01.2017 to 31.03.2018**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name &amp; Designation of the Officer</th>
<th>No. &amp; Date of the penalty order</th>
<th>Nature of the penalty, in brief</th>
<th>Date on which order received in the concerned Commissionerate</th>
<th>Date on which the order was served on the CO</th>
<th>Date from which the order was given effect</th>
<th>Date on which implementation of penalty will be over</th>
<th>Date on which entry made in Confidential Roll/APAR of the officer</th>
<th>Date on which entry made in the service book</th>
<th>Whether recoveries, if any, to be affected were reflected in the LPC of the officer at the time of his transfer</th>
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</tr>
</tbody>
</table>

Note: The same formats will be used for reporting implementation of orders issued after 01.04.2018
### Annexure 'A-1'

**Format of Register to be maintained in CBEC/Ad.V for implementation of penalty orders issued after 01.04.2018 in respect of Group ‘A’ Officers**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name &amp; Designation of the Officer</th>
<th>No. &amp; Date of the penalty order</th>
<th>Nature of the penalty, in brief</th>
<th>Date on which the order was served on the CO</th>
<th>Date from which the order was given effect by the concerned Commissionerate</th>
<th>Date on which implementation of penalty will be over</th>
<th>Whether entry made in Confidential Roll/APAR of the officer</th>
<th>Whether entry made in the service book</th>
<th>Whether recoveries, if any, to be affected were reflected in the LPC of the officer at the time of his transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

### Annexure 'B-1'

**Format of Register to be maintained in CBEC/Ad.V for implementation of penalty orders issued after 01.04.2018 in respect of Group ‘B’, ‘C’ & ‘D’ Officers/Staff**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name &amp; Designation of the Officer</th>
<th>No. &amp; Date of the penalty order</th>
<th>Nature of the penalty, in brief</th>
<th>Date on which the order was served on the CO</th>
<th>Date from which the order was given effect by the concerned Commissionerate</th>
<th>Date on which implementation of penalty will be over</th>
<th>Whether entry made in Confidential Roll/APAR of the officer</th>
<th>Whether entry made in the service book</th>
<th>Whether recoveries, if any, to be affected were reflected in the LPC of the officer at the time of his transfer</th>
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<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Note: Separate register to be maintained for implementation of orders in respect of:

(i) Group A Officers, including retired officers, and
(ii) Retired Group B & C, including erstwhile Group D, officers/staff